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# PENNSYLVANIA BULLETIN

Volume 42

Number 30

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Pages 4685—4836

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Department of Banking

Department of Conservation and Natural  
Resources

Department of Education

Department of Environmental Protection

Department of Health

Department of Transportation

Environmental Hearing Board

Housing Finance Agency

Independent Regulatory Review Commission

Insurance Department

Pennsylvania Gaming Control Board

Pennsylvania Public Utility Commission

Philadelphia Regional Port Authority

Public School Employees' Retirement Board

State Athletic Commission

State Board of Nursing

State Employees' Retirement Board

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(Master Transmittal Sheets):**

**No. 452, July 2012**

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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 [www.legis.state.pa.us](http://www.legis.state.pa.us).

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at [www.pabulletin.com](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 2012.

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# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 3 ]

#### Amendment of Rules 311 and 342 of the Rules of Appellate Procedure; No. 217 Appellate Procedural Rules Doc.

##### Amended Order

*Per Curiam*

*And Now*, this 29th day of December, 2011, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published before adoption at 40 Pa.B. 3659 (July 3, 2010):

*It Is Ordered*, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 311 and 342 of the Pennsylvania Rules of Appellate Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective and applicable to all Orphans' Court orders entered forty-five days after adoption.

##### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

#### INTERLOCUTORY APPEALS

#### Rule 311. Interlocutory Appeals as of Right.

(a) *General rule.* An appeal may be taken as of right and without reference to Pa.R.A.P. 341(c) from:

\* \* \* \* \*

(8) [ *Estate and trust matters. An order determining the validity of a will or trust.*

(9) ] *Other cases.* An order which is made appealable by statute or general rule.

\* \* \* \* \*

(g) *Waiver of objections.*

(1) Where an interlocutory order is immediately appealable under this rule, failure to appeal:

(i) Under Subdivisions [ (a)(1—(7), (a)(9) ] (a), (b)(2) or (f) of this rule shall not constitute a waiver of the objection to the order and the objection may be raised on any subsequent appeal in the matter from a determination on the merits.

(ii) Under Subdivisions (b)(1) or (c) of this rule shall constitute a waiver of all objections to jurisdiction over the person or over the property involved or to venue, etc. and the question of jurisdiction or venue shall not be considered on any subsequent appellate review of the matter.

(iii) Under [ Subdivisions (a)(8) or ] Subdivision (e) of this rule shall constitute a waiver of all objections to such orders and any objection may not be raised on any subsequent appeal in the matter from a determination on the merits.

\* \* \* \* \*

#### Official Note:

\* \* \* \* \*

The appeal rights under this rule, and under Rule 312 ([ *interlocutory appeals by permission* ] *Interlocutory Appeals by Permission*), Rule 313 ([ *collateral orders* ] *Collateral Orders*), Rule 341 ([ *final orders generally* ] *Final Orders; Generally*), and Rule 342 ([ *final distribution orders* ] *Appealable Orphans' Court Orders*), are cumulative; and no inference shall be drawn from the fact that two or more rules may be applicable to an appeal from a given order.

\* \* \* \* \*

**Following a 2005 amendment to Rule 311, orders determining the validity of a will or trust were appealable as of right under former subdivision (a)(8). Pursuant to the 2011 amendments to Rule 342 (Appealable Orphans' Court Orders), such orders are now immediately appealable under subdivision (a)(2) of Rule 342.**

Paragraph (a)(8) (Other cases)—Paragraph (a)(8) is directed primarily to statutes and general rules hereafter enacted or promulgated. The current text of the Pennsylvania Rules of Civil Procedure, the Pennsylvania Rules of Criminal Procedure, etc., should be consulted to identify any interlocutory appeal rights provided for therein. *See also, e.g.*, 42 Pa.C.S. § 7320 (appeals from court orders), concerning appeals from certain orders in nonjudicial arbitration proceedings, which section is not suspended by these rules. *See* Rule 5102(a) (Judicial Code unaffected).

\* \* \* \* \*

#### [ Explanatory Comment—2005

Orders determining the validity of a will or trust including, but not limited to, orders of the Orphans' Court following the grant or denial of probate by the Register of Wills are immediately appealable pursuant to the 2005 amendment of this rule. Prior to the 2005 amendment, the Superior Court often permitted an immediate appeal from such orders without determining the basis for an immediate appeal under the Rules of Appellate Procedure. *See Estate of Janosky*, 2003 Pa. Super. 230, 827 A.2d 512 (2003), and *Estate of Luongo*, 2003 Pa. Super. 171, 823 A.2d 942 (2003). However, in *Estate of Schmitt*, 2004 Pa. Super. 43, 846 A.2d 127 (2004), a panel of the Superior Court held that an order sustaining the Register's striking of a caveat was not immediately appealable as a final order under Pa.R.A.P. 341(b). In response to the *Schmitt* decision, the Appellate Court Procedural Rules Committee decided that while orders determining the validity of a will or trust are not strict final orders under Subdivision (b) of Rule 341, it is not practical to administer an estate or trust while there is a pending challenge to the validity of the instrument.

Accordingly, a party seeking to probate an instrument, or to challenge the validity of an instrument, will be allowed to take an immediate interlocutory appeal as of right under Rule 311, and shall be bound by the waiver doctrine if such party does not file an immediate appeal. See the 2005 amendment to Subdivision (g) of this rule. ]

### FINAL ORDERS

Rule 342. [ Orphans' Court Orders Appealable. Orders Determining Realty, Personalty and Status of Individuals or Entities. Orders Making Distribution ] (Rescinded).

[ An order of the Orphans' Court Division making a distribution, or determining an interest in realty or personalty or the status of individuals or entities shall be immediately appealable:

(1) upon a determination of finality by the Orphans' Court Division, or

(2) as otherwise provided by Chapter 3 of these rules.

**Official Note:** This rule was amended in 2001 to allow appeals from orders determining an interest in realty, personalty or status of individuals or entities, upon certification of the Orphans' Court judge. Prior to the 2001 amendment, this rule only permitted appeals from an order of distribution not final under Rule 341(b). The amendment to the rule was not intended to preclude immediate appeals in Orphans' Court matters as heretofore permitted under Rule 311 (Interlocutory Appeals as of Right) and Rule 313 (Collateral Orders).

However, Rule 342 may have been ambiguous in that regard because in *Estate of Sorber*, 2002 Pa. Super. 226, 803 A.2d 767 (2002), a panel of the Superior Court interpreted the 2001 amendment of Rule 342 to preclude immediate appeals from collateral orders unless determined to be final by the Orphans' Court judge. The holding in *Estate of Sorber*, to wit, that Rule 342 precludes collateral order appeals under Rule 313, is now superseded by the 2005 amendment to Rule 342.

The 2005 amendment provides that Rule 342 is not the exclusive means for appealing orders: (a) determining an interest in realty or personalty or the status of individuals or entities, or (b) making a distribution. An aggrieved party may appeal such orders under any other Rule in Chapter 3 of the Rules of Appellate Procedure to the extent that the order meets the requirements for appealability under any such rule. ]

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

#### Rule 342. Appealable Orphans' Court Orders.

(a) *General rule.* An appeal may be taken as of right from the following orders of the Orphans' Court Division:

(1) An order confirming an account, or authorizing or directing a distribution from an estate or trust;

(2) An order determining the validity of a will or trust;

(3) An order interpreting a will or a document that forms the basis of a claim against an estate or trust;

(4) An order interpreting, modifying, reforming or terminating a trust;

(5) An order determining the status of fiduciaries, beneficiaries, or creditors in an estate, trust, or guardianship;

(6) An order determining an interest in real or personal property;

(7) An order issued after an inheritance tax appeal has been taken to the Orphans' Court pursuant to either 72 Pa.C.S. § 9186(a)(3) or 72 Pa.C.S. § 9188, or after the Orphans' Court has made a determination of the issue protested after the record has been removed from the Department of Revenue pursuant to 72 Pa.C.S. § 9188(a); or

(8) An order otherwise appealable as provided by Chapter 3 of these rules.

(b) *Definitions.* As used in this rule:

(1) "estate" includes the estate of a decedent, minor, incapacitated person, or principal under Chapters 33, 35, 51, 55 and 56 of Title 20 of the Pennsylvania Consolidated Statutes ("Probate, Estates and Fiduciaries Code") ("PEF Code");

(2) "trust" includes inter vivos and testamentary trusts and the "custodial property" under Chapters 53 and 77 of the PEF Code; and

(3) "guardianship" includes guardians of the person for both minors and incapacitated persons under Chapters 51 and 55 of the PEF Code.

(c) *Waiver of objections.* Failure to appeal an order that is immediately appealable under paragraphs (a)(1)—(7) of this rule shall constitute a waiver of all objections to such order and such objections may not be raised in any subsequent appeal.

**Official Note:** In 1992, the Supreme Court amended Rule 341 to make clear that, as a general rule, a final order is an order that ends a case as to all claims and all parties. Because of this amendment, many Orphans' Court orders that may have been considered constructive final orders prior to 1992 became unappealable interlocutory orders. Although some Orphans' Court orders were construed by case law to be appealable as collateral orders, see *Estate of Petro*, 694 A.2d 627 (Pa. Super. 1997), the collateral order doctrine was neither consistently applied nor was it applicable to other Orphans' Court orders that previously had been considered final under the "final aspect" doctrine. See, e.g. *Estate of Habazin*, 679 A.2d 1293 (Pa. Super. 1996).

In response, the Supreme Court revised Rule 342 that initially permitted appeals from Orphans' Court orders concerning distribution even if the order was not considered final under the definition of Rule 341(b). In 2001, Rule 342 was amended to also allow appeals from orders determining an interest in realty or personalty or the status of individuals or entities, in addition to orders of distribution, if the Orphans' Court judge made a determination that the particular order should be treated as final. In 2005, the Supreme Court amended Rule 342 again, adding subdivision (2) to clarify that Rule 342 was not the exclusive method of appealing Orphans' Court orders.

Also, in 2005, the Supreme Court amended Rule 311 to provide for an interlocutory appeal as of right from an order determining the validity of a will or trust. See former Rule 311(a)(8). Such an order needed to be immediately appealable and given finality so that the orderly administration of the estate or trust could proceed appropriately.

Since 2005, it has become apparent that other adversarial disputes arise during the administration of an estate, trust or guardianship, and that orders adjudicating these disputes also must be resolved with finality so that the ordinary and routine administration of the estate, trust or guardianship can continue. See *Estate of Stricker*, 602 Pa. 54, 63-64, 977 A.2d 1115, 1120 (2009) (Saylor, J., concurring). Experience has proven that the determination of finality procedure in subdivision (1) of Rule 342 is not workable and has been applied inconsistently around the Commonwealth. See *id.* (citing *Commonwealth v. Castillo*, 585 Pa. 395, 401, 888 A.2d 775, 779 (2005) (rejecting the exercise of discretion in permitting appeals to proceed)).

Experience has also proven that it is difficult to analogize civil litigation to litigation arising in estate, trust and guardianship administration. The civil proceeding defines the scope of the dispute, but the administration of a trust or estate does not define the scope of the litigation in Orphans' Court. Administration of a trust or an estate continues over a period of time. Litigation in Orphans' Court may arise at some point during the administration, and when it does arise, the dispute needs to be determined promptly and with finality so that the guardianship or the estate or trust administration can then continue properly and orderly. Thus, the traditional notions of finality that are applicable in the context of ongoing civil adversarial proceedings do not correspond to litigation in Orphans' Court.

In order to facilitate orderly administration of estates, trusts and guardianships, the 2011 amendments list certain orders that will be immediately appealable without any requirement that the Orphans' Court make a determination of finality. Orders falling within subdivisions (a)(1)—(7) no longer require the lower court to make a determination of finality.

Subdivisions (a)(1)—(7) list orders that are unique to Orphans' Court practice, but closely resemble final orders as defined in Rule 341(b). Subdivision (a)(1) provides that the adjudication of any account, even an interim or partial account, is appealable. Previously, only the adjudication of the final account would have been appealable as a final order under Rule 341. The prior limitation has proven unworkable for estate administration taking years and trusts established for generations during which interim and partial accounts may be adjudicated and confirmed. The remainder of subdivision (a)(1) permits appeals from orders of distribution as Rule 342 always has permitted since its initial adoption. Subdivision (a)(2) is a new placement for orders determining the validity of a will or trust that previously were appealable as interlocutory appeals as of right following the 2005 amendment to Rule 311. See prior Rule 311(a)(8). Subdivision (a)(3) is a new provision that allows an immediate appeal from an order interpreting a will or other relevant document that forms the basis of a claim asserted against an estate or trust. Such orders can include, among other things, an order determining that a particular individual is or is not a beneficiary or determining if an underlying

agreement executed by the decedent during life creates rights against the estate. Subdivision (a)(4) addresses trusts and is similar to subdivision (a)(3), but also permits immediate appeals from orders modifying, reforming or terminating a trust since such judicial actions are now permitted under 20 Pa.C.S. § 7740 et seq. Subdivision (a)(5) is intended to clarify prior Rule 342 in several respects: First, an appealable Orphans' Court order concerning the status of individuals or entities means an order determining if an individual or entity is a fiduciary, beneficiary or creditor, such as an order determining if the alleged creditor has a valid claim against the estate. Second, such orders include orders pertaining to trusts and guardianships as well as estates. Finally, this subdivision resolves a conflict in prior appellate court decisions by stating definitively that an order removing or refusing to remove a fiduciary is an immediately appealable order. Subdivision (a)(6) retains the same language from prior Rule 342. Subdivision (a)(7) permits appeals of an Orphans' Court order concerning an inheritance tax appraisal, assessment, allowance or disallowance when such order is issued separately and not in conjunction with the adjudication of an account. Sections 9186 and 9188 of Chapter 72 provide three procedures, outside the context of an accounting, whereby either the personal representative or the Department of Revenue may bring before the Orphans' Court a dispute over inheritance taxes imposed. See also *Estate of Gail B. Jones*, 796 A.2d 1003 (Pa. Super. 2002) (analogizing a petition regarding the apportionment of inheritance taxes to a declaratory judgment petition given that an estate account had not yet been filed). A decision concerning inheritance taxes issued in conjunction with the adjudication of an account would be appealable under subdivision (a)(1).

In keeping with the 2005 amendment that added subdivision (2) to prior Rule 342, subdivision (a)(8) tracks subdivision (2) of former Rule 342. Subdivision (2) was adopted in response to *Estate of Sorber*, 2002 Pa. Super. 226, 803 A.2d 767 (2002), a panel decision holding that Rule 342 precluded immediate appeals from orders that would have otherwise been appealable as collateral orders under Rule 313 unless the Orphans' Court judge made a determination of finality under Rule 342. Subdivision (a)(8) makes clear that Rule 342, as amended, is still not the sole method of appealing an Orphans' Court order and an order not otherwise immediately appealable under Rule 342 may still be immediately appealable if it meets the criteria under another rule in Chapter 3 of these rules. Examples would include injunctions appealable under Rule 311(a)(4), Interlocutory Orders Appealable by Permission under Rules 312 and 1311, Collateral Orders appealable under Rule 313, and an order approving a final accounting which is a true final order under Rule 341. Whether or not such orders require certification or a further determination of finality by the trial court depends on the applicable rule in Chapter 3. Compare Rules 311(a)(4), 313 and 341(c) with Rules 312 and 1311.

Failure to appeal an order that is immediately appealable under subdivisions (a)(1)—(7) of this rule shall constitute a waiver of all objections to such order and may not be raised in any subsequent appeal. See Subdivision (c) of this Rule. The consequences of failing to appeal an Orphans' Court order under (a)(8) will depend on whether such order falls within Rules 311, 312, 313, 1311 or 341.

[Pa.B. Doc. No. 12-1407. Filed for public inspection July 27, 2012, 9:00 a.m.]

# DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Suspension

Notice is hereby given that Sharon S. Terrell having been temporarily suspended from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated September 27, 2010; the Supreme Court of Pennsylvania issued an Order dated July 12, 2012, suspending Sharon S. Terrell from the practice of law in this Commonwealth consistent with the Order of the Supreme Court of New Jersey. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 12-1408. Filed for public inspection July 27, 2012, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CH. 577 ]

#### Three Dice Football; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 13A03(b) (relating to temporary table game regulations) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), adds Chapter 577 (relating to Three Dice Football) to read as set forth in Annex A.

#### *Purpose of the Temporary Rulemaking*

This temporary rulemaking adds Three Dice Football to the complement of games that are authorized for play in this Commonwealth.

#### *Explanation of Chapter 577*

Section 577.1 (relating to definitions) contains the definitions for terms used in Three Dice Football. Section 577.2 (relating to Three Dice Football table; physical characteristics) contains the requirements for Three Dice Football tables and other equipment used in the play of the game.

Section 577.3 (relating to wagers) specifies which wagers are authorized for use at the game and when those wagers are to be placed. Sections 577.4 and 577.5 (relating to dice; physical characteristics, retention and selection; and throw of the dice; invalid roll of the dice) address the type of dice used in the game, the proper throwing of the dice and the instances in which a stickperson may declare a throw invalid.

Section 577.6 (relating to rules of the game; settlement of wagers) addresses how the game is to be played and the proper settling of winning and losing wagers. Section 577.7 (relating to continuation of Quarterback; selection of new shooter of the dice is to be selected or retained for the next round of play. Section 577.8 (relating to payout odds) addresses the payout odds for permissible wagers and § 577.9 (relating to minimum staffing and surveillance requirements) specifies the camera coverage and staffing levels required for certificate holders that elect to offer the new table game.

#### *Affected Parties*

This temporary rulemaking will allow certificate holders additional options on how to conduct table games at licensed facilities.

#### *Fiscal Impact*

*Commonwealth.* The Board does not expect that this temporary rulemaking will have fiscal impact on the Board or any other Commonwealth agency. Internal control procedures submitted by certificate holders regarding table games Rules Submissions will be reviewed by existing Board staff.

*Political subdivisions.* This temporary rulemaking will not have direct fiscal impact on political subdivisions in this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by the act of January 7, 2010 (P. L. 1, No. 1).

*Private sector.* This temporary rulemaking will give certificate holders some additional flexibility as to how

they conduct table games. It is anticipated that this temporary rulemaking will have an impact only on certificate holders, which are not small businesses.

*General public.* This temporary rulemaking will not have direct fiscal impact on the general public.

#### *Paperwork Requirements*

If a certificate holder elects to offer new games for play at a licensed facility, the certificate holder will be required to submit an updated Rules Submission reflecting the changes.

#### *Effective Date*

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

#### *Public Comments*

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-163.

#### *Contact Person*

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

#### *Regulatory Review*

Under 4 Pa.C.S. § 13A03(b), the Board's authority to adopt temporary regulations governing the rules of new table games does not expire. Additionally, temporary regulations adopted by the Board are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

#### *Findings*

The Board finds that:

(1) Under 4 Pa.C.S. § 13A03(b), the temporary regulations are exempt from the Regulatory Review Act, sections 201—205 of the CDL and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

#### *Order*

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code, are amended by adding §§ 577.1—577.9 to read as set forth in Annex A.

(2) The temporary regulations are effective July 28, 2012.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations are subject to amendment as deemed necessary by the Board.

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

WILLIAM H. RYAN, Jr.,  
Chairperson

**Fiscal Note:** 125-163. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 58. RECREATION

### PART VII. GAMING CONTROL BOARD

#### Subpart K. TABLE GAMES

#### CHAPTER 577. THREE DICE FOOTBALL

Sec.	
577.1.	Definitions.
577.2.	Three Dice Football table; physical characteristics.
577.3.	Wagers.
577.4.	Dice; physical characteristics, retention and selection.
577.5.	Throw of the dice; invalid roll of the dice.
577.6.	Rules of the game; settlement of wagers.
577.7.	Continuation of Quarterback; selection of new Quarterback.
577.8.	Payout odds.
577.9.	Minimum staffing and surveillance requirements.

#### § 577.1. Definitions.

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

*Defensive Die*—The red die thrown by the Quarterback.

*Down*—Each time the Quarterback throws the dice with a corresponding outcome occurring on the field.

*Extra point roll*—An additional throw that occurs after a touchdown or Trips TD is scored.

*Offensive Dice*—Two green dice thrown by the Quarterback.

*Penalty*—When the total of the Offensive Dice is less than the value of the Defensive Die. A turnover is not a penalty.

*Quarterback*—The player responsible for throwing the dice.

*Stickperson*—An employee of the certificate holder whose primary function is to control the selection and use of the dice at a Three Dice Football table.

*Touchdown*—When, through downs, the 0 yard line is passed by the Quarterback resulting in the end of the game.

*Triple*—On an extra point roll when all three dice show the same number.

*Trips TD*—When all three dice show the same number resulting in an instant end of the game.

*Turnover*—When the Defensive Die is a 6 and the Offensive Dice have a total of 2 or 3 resulting in an instant end of the game.

#### § 577.2. Three Dice Football table; physical characteristics.

(a) Three Dice Football shall be played on an oblong table with rounded corners, high walled sides and wagering locations for a maximum of 16 players.

(b) The layout for a Three Dice Football table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) Specific areas designated for the placement of wagers authorized under § 577.3(b) and (d) (relating to wagers).

(3) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for all permissible wagers shall be posted at each Three Dice Football table.

(4) A football field containing two end zones, two 10 yard lines and two 20 yard lines. Each yard, from 1 through 23, shall also be labeled in the center of the football field.

(5) An area designated for the following:

(i) 1st Down.

(ii) 2nd Down.

(iii) 3rd Down.

(iv) 1st & Goal.

(v) 2nd & Goal.

(vi) 3rd & Goal.

(vii) Extra Point.

(6) An area designated for the game length, labeled 1 through 6.

(c) Each Three Dice Football table must have a drop box and tip box attached to the table in locations approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).

#### § 577.3. Wagers.

(a) Wagers shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the layout. Verbal wagers accompanied by cash may not be accepted.

(b) The following full game wagers are authorized in Three Dice Football:

(1) A Touchdown Wager which shall win if a touchdown or Trips TD is scored.

(2) A Defense Wager which shall win if a touchdown or Trips TD is not scored.

(3) An Extra Point Wager which shall win if a touchdown or Trips TD is made and on the extra point roll either:

(i) One or more of the three dice shows a 1.

(ii) Any triple, other than three 1s, is rolled.

(4) A Quick Strike TD Wager which shall win if a touchdown or Trips TD is scored in 4 downs or fewer.

(5) A Game Changer Wager which shall win if a Trips TD or a turnover occurs.

(6) The following Game Length Wagers which shall win if the game lasts exactly:

- (i) One play.
- (ii) Two plays.
- (iii) Three plays.
- (iv) Four plays.
- (v) Five plays.
- (vi) Six plays.

(c) The full game wagers authorized in subsection (b) shall be placed prior to the start of each new game and may not be increased or withdrawn after the first throw of the dice.

(d) The following single play wagers are authorized in Three Dice Football:

- (1) A Trips TD Wager which shall win if a Trips TD is scored.
- (2) A Penalty Wager which shall win if a penalty or turnover occurs.
- (3) A Turnover Wager which shall win if a turnover occurs. A turnover on downs does not qualify.
- (4) A Cover Three Wager which shall win if a Trips TD is scored or a penalty or turnover occurs.
- (5) A No Gain Wager which shall win if zero yards are gained or if a penalty or turnover occurs.
- (6) A Big Play Wager which shall win if 7 yards or more are gained or if a Trips TD is scored.
- (7) An Over Four Yards Wager which shall win if 5 yards or more are gained or if a Trips TD is scored.
- (8) An Under Four Yards Wager which shall win if 3 yards or less are gained or if a penalty or turnover occurs. A Trips TD does not qualify.
- (e) The single play wagers authorized in subsection (d) may be placed at any time during the game prior to the Quarterback's throw of the dice. Single play wagers shall be settled after each throw of the dice.

**§ 577.4. Dice; physical characteristics, retention and selection.**

- (a) Dice used in Three Dice Football must comply with the requirements of § 603a.12 (relating to dice; physical characteristics) except a set of four green and two red dice must be present at the table during gaming. Control of the dice at the table is the responsibility of the stickperson. The stickperson shall retain all dice, except those in active play, in a dice cup at the table.
- (b) At the commencement of play, the stickperson shall offer the set of dice to the player immediately to the left of the stickperson. If that player rejects the dice, the stickperson shall offer the dice to each of the other players in turn clockwise around the table until one of the players accepts the dice.
- (c) The first player to accept the dice when offered shall become the Quarterback who selects and retains two of the green dice and one red die offered. The remaining dice of the set shall be returned to the dice cup which shall be placed immediately in front of the stickperson.
- (d) A set of dice used at a Three Dice Football table shall be changed at least once every 24 hours. A new set of dice shall be used when a Three Dice Football table is reopened for gaming, if a die goes off the table during play and is lost or if the dice show signs of tampering or alteration or are otherwise marked, chipped, scratched or no longer suitable for play.

**§ 577.5. Throw of the dice; invalid roll of the dice.**

- (a) After selecting the Offensive and Defensive Dice, the Quarterback shall throw the three selected dice so that they leave the Quarterback's hand simultaneously and in a manner which causes the dice to strike the end of the table farthest from the Quarterback.
- (b) A roll of the dice shall be invalid if any of the dice go off the table or if one die comes to rest on top of the other.
- (c) The stickperson shall have the authority to invalidate a roll of the dice by calling "no roll" for any of the following reasons:
  - (1) The dice do not leave the Quarterback's hand simultaneously.
  - (2) Any of the dice fail to strike the end of the table farthest from the Quarterback.
  - (3) Any of the dice come to rest on the chips constituting the bank of chips located in front of the stickperson.
  - (4) Any of the dice come to rest in the dice cup in front of the stickperson or on one of the rails surrounding the table.
  - (5) The use of a cheating, crooked or fixed device or technique in the roll of the dice.
  - (6) The stickperson considers the throw to be improper.
- (d) A throw of the dice which results in the dice coming into contact with any chips or plaques on the table, other than the bank of chips located in front of the stickperson, is not a cause for a call of "no roll."

(e) When the dice come to rest from a valid throw, the stickperson shall at once call out the numbers on the uppermost or skyward sides of the three dice. Only one face on each die shall be considered uppermost or skyward.

(f) In the event any of the dice do not land flat on the table (for example, one edge of the die is resting cocked on a stack of chips), the side directly opposite the side that is resting on the chips or other object shall be considered uppermost or skyward. If more than one side of a die is resting on a stack of chips or other object, the roll shall be void and the dice shall be rethrown.

(g) In the event of a dispute as to which face is uppermost, the stickperson has discretion to determine which face is uppermost or to order the throw be void and the dice be rethrown.

(h) After calling the throw, the stickperson shall collect the dice and bring them to the center of the table. All wagers decided by that throw shall then be settled. The stickperson shall then pass the dice to the Quarterback for the next throw. When collecting the dice and passing them to the Quarterback, the stickperson shall use a stick designed for that purpose.

**§ 577.6. Rules of the game; settlement of wagers.**

- (a) Immediately prior to the commencement of each round of play, the dealer shall place the Down Puck on the area of the table layout designated for the 1st Down. The Yard Marker shall be placed on the football field in the 20 yard line circle. The Game Length Puck shall be placed on the area of the table layout designated for Play 1.



(b) Prior to the first throw of the dice, each player shall place a wager authorized under § 577.3(b) or (d) (relating to wagers). Prior to each subsequent roll of the dice, a player may place any single play wager authorized under § 577.3(d).

(c) Each roll of the dice shall determine the result of each down as follows:

(1) If the total of the Offensive Dice is greater than the value of the Defensive Die, a gain of yards has occurred. The dealer shall subtract the value of the Defensive Die from the total of the Offensive Dice and move the Yard Marker down the field toward the end zone the total number of yards earned during that down. For example, if the total of the Offensive Dice is 10 and the value of the Defensive Die is 2, the dealer shall move the Yard Marker toward the end zone 8 yards from its previous position on the field. The dealer shall then place the Down Puck on the next down and the Game Length Puck to the next play.

(2) If the total of the Offensive Dice is less than the value of the Defensive Die, a penalty has occurred which shall result in the loss of only 1 yard and the loss of the current down. The dealer shall move the Yard Marker back 1 yard from its previous position on the field, place the Down Puck on the next down and the Game Length Puck to the next play.

(3) If the total of the Offensive Dice is equal to the value of the Defensive Die, a gain or penalty has not occurred. The dealer shall place the Down Puck on the next down and the Game Length Puck to the next play.

(4) If the Quarterback rolls a turnover, the dealer shall announce the turnover and end the game.

(5) If the Quarterback rolls a Trips TD, the dealer shall move the Yard Marker to the end zone and end the game.

(d) After each down, the dealer shall settle all single play wagers placed in accordance with § 577.3(d). The value of the dice determines the outcome of single play wagers, not the actual yards moved on the field. The dealer shall then announce the number of downs and the distance to the end zone.

(e) The Quarterback shall have three downs to either score a touchdown, Trips TD or earn a 1st & Goal. A 1st & Goal is earned by reaching the 10 yard line. If after three downs:

(1) The Quarterback has not scored a touchdown, Trips TD or earned a 1st & Goal, the game ends.

(2) The Quarterback has earned a 1st & Goal, the Quarterback has three more downs to score a touchdown or a Trips TD.

(f) If the Quarterback:

(1) Scores a touchdown or a Trips TD, the dealer shall first collect all Defense Wagers then settle all single play wagers, placed in accordance with § 577.3(d), and all full game wagers, placed in accordance with § 577.3(b), with the exception of the Touchdown and Extra Point Wagers. If any player at the table has placed an Extra Point Wager, the Quarterback shall then throw an extra point roll. The dealer shall then pay out winning Touchdown Wagers and settle the Extra Point Wagers.

(2) Does not score a touchdown or a Trips TD, the dealer shall first collect all Touchdown and Extra Point Wagers and pay out winning Defense Wagers. The dealer shall then settle all single play wagers, placed in accordance with § 577.3(d), and the remaining full game wagers placed in accordance with § 577.3(b).

(g) All winning wagers shall be paid in accordance with § 577.8 (relating to payout odds).

**§ 577.7. Continuation of Quarterback; selection of new Quarterback.**

(a) If a game ends in a touchdown or Trips TD, the Quarterback shall retain the dice. If the game ends with defense winning, the stickperson shall offer the dice to the player to the immediate left of the previous Quarterback. If the player does not accept the dice, the stickperson shall offer the dice to each of the other players in turn clockwise around the table.

(b) The first player to accept the dice when offered shall become the new Quarterback who shall select and retain two of the green dice and one of the red die offered. The remaining dice of the set shall be returned to the dice cup which shall be placed immediately in front of the stickperson.

**§ 577.8. Payout odds.**

(a) The certificate holder shall pay out winning full game wagers in accordance with the following odds:

<i>Wager</i>	<i>Paytable</i>
Touchdown Wager	1 to 1
Defense Wager	4 to 5
Extra Point Wager with:	
A 1 appearing on one of the dice	1 to 1
A 1 appearing on two of the dice	10 to 1
A triple of 1s	50 to 1
Any triple other than 1s	10 to 1
Quick Strike TD Wager on:	
Play One	8 to 1
Play Two	5 to 1
Play Three	3 to 1
Play Four	1 to 1
Game Change Wager	5 to 1
Game Length Wager lasting:	
One play	22 to 1
Two plays	22 to 1
Three plays	6 to 5
Four plays	5 to 1
Five plays	3 to 1
Six plays	6 to 1

(b) The certificate holder shall pay out winning single play wagers in accordance with the following odds:

<i>Wager</i>	<i>Paytable</i>
Trips TD Wager	30 to 1
Penalty Wager	9 to 1
Turnover Wager	60 to 1
Cover Three Wager	7 to 1
No Gain Wager	5 to 1
Big Play Wager	4 to 1
Over 4 Yards Wager	1 to 1
Over 4 Yards Wager with Trips TD	7 to 1
Under 4 Yards Wager	1 to 1

**§ 577.9. Minimum staffing and surveillance requirements.**

(a) The surveillance system must include at least two stationary cameras for each Three Dice Football table. One camera must cover each end of the table.

(b) Certificate holders shall maintain three dealers for each Three Dice Football table, one of whom shall act as the stickperson.

(c) A floorperson may not supervise more than two Three Dice Football tables or one Three Dice Football table and one table of any other banking table game excluding Baccarat, Midibaccarat, Craps, Mini-Craps and Pai Gow.

[Pa.B. Doc. No. 12-1409. Filed for public inspection July 27, 2012, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DEPARTMENT OF TRANSPORTATION

[ 67 PA. CODE CH. 443 ]

### Roadside Rest Areas

The Department of Transportation (Department), under the authority in section 8 of the act of June 7, 1961 (P. L. 257, No. 151) (36 P. S. § 478.18), proposes to amend Chapter 443 (relating to roadside rest areas) to read as set forth in Annex A.

#### *Purpose of Chapter*

The purpose of Chapter 443 is to set forth rules to ensure the comfort, convenience, cleanliness, health and safety of those members of the traveling public utilizing roadside rest areas and facilities.

#### *Purpose of the Proposed Rulemaking*

The purpose of the proposed amendments to Chapter 443 is to provide greater detail in the description of conditions and activities not permitted at roadside rest areas and facilities.

#### *Summary of Significant Amendments*

Proposed amendments to § 443.1 (relating to purpose and policy) add a subsection which clarifies that these regulations are applicable to roadside rest areas administered by the Department including Welcome Centers. Proposed amendments also include clarification that it is the intent of Chapter 443 to limit the use of roadside rest areas to those activities conducive to their purpose as a comfortable and convenient place for travelers to take a break from their driving journey to rest, stretch and take advantage of necessary facilities.

Proposed amendments to § 443.2 (relating to prohibited activities or actions) include more specific delineation of activities or actions which are inconsistent with the purpose of the roadside rest areas and are therefore prohibited. Among the newly delineated prohibited activities are making routine vehicle repairs or repairs to vehicles unless the vehicle has been placed out of service by law enforcement and the repair can be accomplished within 2 hours. The following are also prohibited: commercial activity unless permitted by the Department through written agreement; skateboarding and other similar activities; camping or setting up a tent; distribution of written materials except on terms as the Department may permit; and the use of a roadside rest area for special events unless permitted by the Department. Potentially disruptive activity that could interfere with the function and restful purpose of a rest area, such as solicitation, harassment, intimidation, picketing, demonstrating, oration and activity which impedes the movement of pedestrians or the flow of traffic, is expressly prohibited.

The prohibition against picketing, demonstrations and oration is not violative of the First Amendment guarantees of free speech. The courts have distinguished between forums that have been traditionally or historically open and available for public speech and expression, designated public forums specifically opened or designated by the government for speech or expressive activity and those not traditionally or explicitly designated as a

public forum. The courts have found roadside rest areas to fall within this last category and that public expression can be restricted.

Proposed § 443.4 (relating to limitation on parking or standing of vehicles) establishes a clear 2-hour limitation on the length of time vehicles may be parked or left standing at roadside rest areas. Vehicles left unattended for more than 24 hours will be considered abandoned and removed at the owner's expense. Vehicles placed out of service by law enforcement which cannot be repaired on site within 2 hours must be towed to an appropriate repair facility.

#### *Persons and Entities Affected*

This proposed rulemaking affects members of the general motoring public who stop at roadside rest areas and Welcome Centers.

#### *Fiscal Impact*

Implementation of this proposed rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 17, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

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

#### *Sunset Provisions*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* following appropriate evaluation of comments, suggestions or objections received during the public comment period. The Department is not establishing a sunset date for these regulations since these regulations are needed to administer provisions required under 75 Pa.C.S. (relating to Vehicle Code). The Department, however, will continue to closely monitor these regulations for effectiveness.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Diane M. Chamberlin, Director, Bureau of Office Services, Department of Transportation, 400 North Street, Harrisburg, PA 17105, (717) 783-8869, dchamberli@pa.gov within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

#### *Contact Person*

The contact person for technical questions about the proposed rulemaking is Terrence G. Pearsall, Jr., Acting Division Chief, Facility Management Division, Bureau of

Office Services, Department of Transportation, 400 North Street, Harrisburg, PA 17105-3451, (717) 787-0466, fax (717) 787-0462, tpearsall@pa.gov.

BARRY J. SCHOCH, P.E.,  
Secretary

**Fiscal Note:** 18-431. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 67. TRANSPORTATION

#### PART I. DEPARTMENT OF TRANSPORTATION

#### Subpart B. NONVEHICLE CODE PROVISIONS

#### ARTICLE III. HIGHWAYS

#### CHAPTER 443. ROADSIDE REST AREAS

##### § 443.1. Purpose and policy.

(a) This chapter is promulgated for the purpose of providing comfortable, [ **convenience** ] **convenient**, clean, attractive and safe places for the general motoring public and to set forth rules to insure the maximum comfort, convenience, cleanliness, health and safety of those members of the general public using the facilities.

(b) **This chapter applies to rest areas administered by the Department, including those containing information centers for the traveling public, that is, Welcome Centers.**

(c) **This chapter is intended to limit activities and actions in roadside rest areas to those that are consistent with the purpose of the facilities.**

##### § 443.2. Prohibited activities or actions.

The following specified activities or actions [ **shall be** ] **are** prohibited in roadside rest areas:

(1) [ **Driving or parking of a vehicle in areas other than those provided.** ] **Failure to comply with posted traffic signs and markings.**

(2) Parking or standing of a vehicle for more than 2 hours in a single 24-hour period or in excess of the posted time limit.

(3) **Driving or parking of a vehicle in areas other than those provided.**

(4) Defacing or damaging buildings or other facilities.

[ (4) ] (5) Igniting or maintaining fires for heating or cooking equipment, except in areas or facilities designed for the purpose.

[ (5) ] (6) Depositing or disposing of refuse or waste, except picnic waste and contents of vehicle litter bags, which shall be deposited only in areas or containers provided [ **therefor** ] **for that purpose**. Disposing of camping, **sewage** or household refuse in [ **this area** ] **these areas** is prohibited.

[ (6) ] (7) Consumption of alcoholic beverages **or the use, possession or delivery of controlled substances.**

[ (7) ] (8) Discharging or shooting of firearms or bows and arrows, [ **and** ] **hunting or fishing or parking of vehicles for the purpose of hunting or fishing outside of the rest area.**

[ (8) ] (9) Maintenance or repairing of vehicles **or attachments to vehicles**—oil changes, filter replacements, draining of coolants, washing vehicles **or attachments to vehicles**, motor disassembly or assembly and

the like—except in emergencies **or when the vehicle has been placed out of service by law enforcement after roadside inspection and the repairs needed to return the vehicle to service can be completed within the 2-hour parking limitation in § 443.4 (relating to limitation on parking or standing of vehicles).**

[ (9) ] (10) Release of pets **or unloading of livestock.**

(i) Animals on leashes [ **shall be** ] **are** permitted only in areas designated as pet [ **area** ] **areas.**

(ii) **Pets may be permitted off-leash in designated fenced-in areas.**

(iii) **Seeing-eye and service dogs are not restricted.**

[ (10) ] (11) Picking, **cutting**, breaking, damaging or abuse of plants or vegetation or parts thereof.

[ (11) ] (12) Use of the area or facilities for bathing or washing of garments or clothing.

[ (12) ] (13) Sale of a product or conduct of other commercial activity, except [ **in emergencies** ] **when the Department authorizes, by written agreement, vending and communication facilities in rest areas along limited access rights of way or vending, communication facilities and other commercial activities serving the needs of the traveling public in rest areas not along limited access rights of way.**

[ (13) ] (14) Driving a motor vehicle in excess of 25 miles per hour, except on entrance or exit ramps.

[ (14) ] (15) Use of the area or facilities when closed for the season **or closed for any other reason.**

[ (15) ] (16) Engaging in loud, boisterous or abusive conduct or engaging in or soliciting lewd or lascivious conduct, including, but not limited to, sexual intercourse, indecent exposure, open lewdness or prostitution.

(17) **Skateboarding, rollerblading, skating, biking, sledding or riding of all-terrain vehicles.**

(18) **Camping overnight or setting up a tent, sleeping anywhere but in a legally parked vehicle or remaining anywhere but in a legally parked vehicle for more than 2 hours.**

(19) **Smoking in areas designated as “no smoking.”**

(20) **Distributing written materials except on terms and conditions the Department deems appropriate.**

(21) **Use of the area or facilities for special events except for free “coffee break” events and similar nonprofit activities for the traveling public when approved by the Department and on terms and conditions the Department deems appropriate.**

(22) **Other potentially disruptive activities that interfere with the proper functioning of the rest area for the purposes in § 443.1 (relating to purpose and policy), including:**

(i) **Soliciting, harassing, intimidating or coercing travelers.**

(ii) **Impeding the movement of pedestrians or interrupting traffic flow.**

(iii) **Picketing, demonstrating or performing oration or similar activities.**

**§ 443.3. Additional prohibited activities or actions on noninterstate highways.**

In addition to the activities prohibited in § 443.2 (relating to prohibited activities or actions), parking of commercial vehicles or the parking of a vehicle between dusk and dawn is prohibited in roadside rest areas along noninterstate highways **unless otherwise posted by the Department.**

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

**§ 443.4. Limitation on parking or standing of vehicles.**

(a) Parking or standing of a vehicle for more than 2 hours in a single 24-hour period or in excess of the posted time limit is prohibited.

(b) Vehicles unattended for more than 24 hours will be considered abandoned and subject to removal and storage at the sole cost and expense of the owner.

(c) Vehicles which have been placed out of service by law enforcement after roadside inspection, when the repairs needed to return the vehicle to service cannot be completed within 2 hours, should be towed for repair to an appropriate garage or repair facility.

[Pa.B. Doc. No. 12-1410. Filed for public inspection July 27, 2012, 9:00 a.m.]

[ 67 PA. CODE CH. 175 ]

**Vehicle Equipment Standards and Safety Inspection Process**

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 4103, 4301, 4501, 4521 and 6103, proposes to amend Chapter 175 (relating to vehicle equipment and inspection) to read as set forth in Annex A.

*Purpose of this Chapter*

The purpose of Chapter 175 is to establish vehicle equipment standards, including lighting, brakes and other devices, and to regulate the vehicle equipment safety inspection process.

*Purpose of the Proposed Rulemaking*

The purpose of the proposed amendments to Chapter 175 is to revise equipment and inspection standards, including the frequency of inspection, coordination of inspection with vehicle registration, hours of operation of official inspection stations, certification of inspection mechanics, recording inspections, windshield replacement procedures, ordering inspection stickers, cause for suspension of inspection privileges, bumper height, rear wheel shields, mirrors, tire size, pedalcycle racks, exhaust systems, motorcycle handlebars and street rod equipment requirements.

*Summary of Significant Amendments*

Proposed amendments to § 175.2 (relating to definitions) add the terms "collectible motor vehicle" and "mass transit vehicle" because these terms are used in Chapter 175 and not defined. The term "renewed emissions certificate of inspection" is proposed to be added and is necessary to accommodate changes in the method by which inspection stations determine if a vehicle may receive a safety inspection.

Further proposed amendments to § 175.2 delete the language defining some terms and adopt by reference the definitions of those terms as defined in 75 Pa.C.S. § 102 (relating to definitions). The definition of "subject vehicle" is proposed to be amended by changing the gross vehicle weight rating at which gasoline powered vehicles are subject to emissions inspection to reflect corresponding changes in the emissions inspection program.

Proposed amendments to § 175.5 (relating to semiannual inspection) reflect amendments to 75 Pa.C.S. (relating to Vehicle Code) (code) changing the frequency of inspection for trailers having a registered gross weight in excess of 10,000 pounds from semiannual to annual. The proposed definition of "mass transit vehicle" coincides with the requirements of the code. The section further clarifies semiannual inspection requirements for certain motor carrier vehicles.

Proposed amendments to § 175.6 (relating to annual inspection) include motor homes as a vehicle type and to clarify that vehicles built on a truck chassis have to be inspected according to the inspection criteria for a truck based on the registered gross weight of the vehicle.

Proposed amendments to § 175.11 (relating to coordination of safety and emission inspection) are a result of the elimination of the requirement to coordinate safety and emissions inspection expirations to match the vehicle registration expiration. Previously, a vehicle owner was required to obtain a renewed emissions inspection sticker prior to receiving a safety inspection sticker. Because these sticker expirations are no longer required to match, the Department finds it necessary to redefine the conditions under which an emissions inspection is a prerequisite to a safety inspection.

Proposed amendments to § 175.27 (relating to hours) reflect changes to the code regarding the hours of operation of official inspection stations. These proposed amendments specify the conditions under which an inspection station qualifies for a waiver from the required 40 hours per week hours of operation.

Proposed amendments to § 175.28 (relating to certified inspection mechanics) address the need for inspection mechanics to have a valid driver's license for the types of vehicles the mechanic wishes to inspect, to perform inspections and to address school bus, occupational and probationary licenses for inspection mechanics. Proposed amendments to this section delete the reference to the length of time required for the mechanic certification course and to extend the recertification requirements to not more than 5 years. Subsection (g) is proposed to be amended to replace the list of mechanic codes with a table for clarification and to add a new mechanic license code. The section is proposed to be amended to provide for the certification of nonmechanics to perform document review for the purpose of authorizing the issuance of a branded Pennsylvania certificate of title.

Proposed amendments to § 175.29 (relating to obligations and responsibilities of stations) reflect terms more commonly used in the industry, specifically receipts and work orders.

Proposed amendments to § 175.33 (relating to motorcycle inspection stations) correct a form number.

Proposed § 175.35 (relating to enhanced vehicle safety inspection stations) addresses the requirements for enhanced vehicle safety inspection stations.

Proposed amendments to § 175.41 (relating to procedure) delete references to the coordination of inspection

and vehicle registration expirations. This proposed amendment is a result of amendments to the code that eliminated this requirement. Additionally, proposed amendments to this section make it clear that an inspection certificate or temporary inspection approval indicator shall be affixed immediately after successful completion of the inspection.

Proposed amendments to § 175.42 (relating to recording inspection) permit official inspection stations to maintain inspection records electronically provided they are able to comply with the regulatory requirements regarding recordkeeping. Proposed amendments to this section also require official inspection stations to retain inspection records (paper or electronic) until they are audited by an authorized representative of the Department. Proposed amendments to this section accommodate the use of an electronic data collection and storage program. This information will serve as an added tool for the industry.

Proposed amendments to §§ 175.43 and 175.44 (relating to security; and ordering certificates of inspection) delete references to obsolete form MV-417 (signature card) and reflect the current process for authorizing purchasers of inspection stickers.

Proposed amendments to § 175.44 delete the required minimum number of inspection stickers which may be ordered by an official inspection station.

Proposed amendments to § 175.51 (relating to cause for suspension) add a penalty to the schedule of penalties for official safety inspection stations and certified mechanics. This additional penalty authorizes the suspension of safety inspection privileges for nonpayment of emissions inspection fines owed to the Department.

Proposed amendments to § 175.66 (relating to lighting and electrical systems) authorize the use of laser guided systems during highway maintenance operations. The use of these systems allows the vehicle operator to more closely determine the position of highway maintenance equipment thus helping to reduce property damage. A similar amendment is proposed in § 175.96 (relating to lighting and electrical systems).

Proposed amendments to § 175.78 (relating to chassis) delete standards regarding bumper height that were determined to be overly complex and unworkable. A simpler standard is proposed. This section was further proposed to be amended by deleting the requirement for rear wheel shields. These proposed amendments also appear in § 175.80 (relating to inspection procedure).

Proposed amendments to § 175.80 allow additional forms of vehicle identification to be presented for the purpose of inspecting vehicles that are owned by a licensed dealer. This proposed amendment also appears in §§ 175.110, 175.130, 175.160, 175.190 and 175.220.

Proposed amendments to § 175.80 delete standards regarding bumper height that were determined to be overly complex and unworkable. A simpler standard is proposed.

Proposed amendments to § 175.80 add language regarding acceptable tire size. Similar proposed amendments also appear in §§ 175.110, 175.130, 175.160, 175.174 and 175.190.

Proposed amendments to § 175.96 permit the use of pedalcycle racks on the front of public buses. This proposed amendment is the result of a change to 75 Pa.C.S. § 4537 (relating to device used to carry pedalcycles). A similar proposed amendment also appears in § 175.110 (relating to inspection procedure).

Section 175.105(b)(5)(i) (relating to exhaust systems) is proposed to be deleted. The effectiveness of this paragraph was postponed indefinitely. Language establishing effective dates in subparagraphs (ii) and (iii) is also proposed to be deleted. Similar amendments appear in § 175.110(d)(6)(viii).

Proposed amendments to § 175.110(a) include additional provisions for verification of ownership of vehicles presented for inspection by a dealer. Section 175.110(d)(6)(viii)(A) is proposed to be deleted. The effectiveness of this clause was postponed indefinitely. Language establishing effective dates in clauses (B) and (C) is also proposed to be deleted.

Proposed amendments to § 175.130 (relating to inspection procedure) include additional provisions for verification of ownership of vehicles presented for inspection by a licensed dealer. Language regarding acceptable tire size is also proposed to be added.

Proposed amendments to § 175.143 (relating to steering) delete requirements regarding acceptable heights for motorcycle handlebars and add provisions allowing steering wheels on motorcycles. Similar proposed amendments also appear in §§ 175.160, 175.172 and 175.190 (relating to inspection procedure; steering; and inspection procedure).

Proposed amendments to § 175.146 (relating to lighting and electrical systems) prohibit the use of ornamental lamps unless they were available as original equipment or are auxiliary lighting used to protect the driver as permitted by 75 Pa.C.S. § 4310 (related to motorcycle lighting). This proposed amendment also appears in § 175.175 (relating to lighting and electrical systems).

Proposed amendments to § 175.208 (relating to body) exempt street rods from requirements regarding hoods, fenders and bumpers. A similar proposed amendment also appears in §§ 175.209 and 175.220 (relating to chassis; and inspection procedure). This proposed amendment is a result of changes to the code regarding required equipment on street rods.

#### *Persons and Entities Affected*

This proposed rulemaking will affect owners of vehicles subject to inspection, official inspection stations, certified inspection mechanics and law enforcement personnel.

#### *Fiscal Impact*

Implementation of this proposed rulemaking will not require the expenditure of any additional funds by the Commonwealth or local municipalities. This proposed rulemaking may impose additional costs on vehicles owners to bring their vehicles into compliance with these regulations. The proposed amendments will not require the completion of any additional forms, reports or other paperwork.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 17, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Transportation Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory

review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

*Sunset Provisions*

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* following appropriate evaluation of comments, suggestions or objections received during the public comment period. The Department is not establishing a sunset date for these regulations since these regulations are needed to administer provisions required under the code. The Department, however, will continue to closely monitor these regulations for effectiveness.

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Anita Wasko, Director, Bureau of Motor Vehicles, Department of Transportation, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104 within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*

*Contact Person*

The contact person for technical questions about the proposed rulemaking is Kristen Singer, Manager, Vehicle Inspection Division, Department of Transportation, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, (717) 787-2171.

BARRY J. SCHOCH, P.E.,  
*Secretary*

**Fiscal Note:** 18-425. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 67. TRANSPORTATION**

**PART I. DEPARTMENT OF TRANSPORTATION**

**Subpart A. VEHICLE CODE PROVISIONS**

**ARTICLE VII. VEHICLE CHARACTERISTICS**

**CHAPTER 175. VEHICLE EQUIPMENT AND INSPECTION**

**Subchapter A. GENERAL PROVISIONS**

**§ 175.2. Definitions.**

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

\* \* \* \* \*

**Antique motor vehicle**—[ A motor vehicle, but not a reproduction thereof, manufactured more than 25 years prior to the current year which has been maintained in or restored to a condition which is substantially in conformance with manufacturer's specifications and registered with the Department as an antique motor vehicle ] The term as defined in 75 Pa.C.S. § 102 (relating to definitions).

\* \* \* \* \*

**Collectible motor vehicle**—The term as defined in 75 Pa.C.S. § 102.

**Combination**—[ Two or more vehicles physically interconnected in tandem ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

**Department**—[ The Department of Transportation of the Commonwealth ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

**Driveway-towaway operation**—[ An operation in which a motor vehicle, trailer or semitrailer, singly or in combination, constitutes the commodity being transported, when one set or more of wheels of the vehicle are on the highway during the course of transportation, whether or not the vehicle furnished the motive power ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

**Essential parts**—[ Integral and body parts of a vehicle of a type required to be registered under the Vehicle Code, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model type or mode of operation ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

**Farm [ truck ] vehicle**—[ A truck determined by the Department to be used exclusively for agricultural purposes ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

**Fleet owner**—[ A person, or a Federal, State, or local government agency or authority owning or leasing 15 or more vehicles who or which provides servicing and repair of the vehicles ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

**Foreign vehicle**—[ A vehicle of a type required to be registered under the Vehicle Code brought into this Commonwealth from another state, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this Commonwealth ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

**GCWR**—[ **gross** ] **Gross combination weight rating**—[ The value specified by the manufacturer as the loaded weight of a combination ] The term as defined in 75 Pa.C.S. § 102.

**GVWR**—[ **gross** ] **Gross vehicle weight rating**—[ The value specified on the Federal weight certification label by the manufacturer as the loaded weight of a single vehicle ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

**Gross weight**—[ The combined weight of a vehicle or combination of vehicles and its load and driver ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

*House trailer*—[ Includes the following:

(i) A trailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways.

(ii) A trailer containing chassis and exterior shell designed and constructed for use as set forth in subparagraph (i) but which is used permanently or temporarily for advertising sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

*Manufacturer*—[ A person engaged in the business of constructing or assembling vehicles, motors or bodies of vehicles ] The term as defined in 75 Pa.C.S. § 102.

*Mass transit vehicle*—The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

*Mobile home*—[ A trailer designed and used exclusively for living quarters or commercial purposes which exceeds the maximum size limitations prescribed by this title for operation on a highway and is only incidentally operated on a highway, including a unit transported on a removable or nonremovable frame designed so as to be assembled together with another unit or units into a structure which is used exclusively for living quarters—commonly known as a “modular unit” ] The term as defined in 75 Pa.C.S. § 102.

*Modular housing undercarriage*—[ A trailer which is used to transport a modular housing unit ] The term as defined in 75 Pa.C.S. § 102.

*Modular housing unit*—[ A unit on a removable or nonremovable frame designed for residential or commercial purposes which is wholly or in substantial part fabricated, formed or assembled in manufacturing facilities for assembly and installation on the building site ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

*Motorcycle*—[ A motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

*Motor home*—[ A motor vehicle designed or adapted for use as a mobile dwelling or office, except a motor vehicle equipped with a truck camper ] The term as defined in 75 Pa.C.S. § 102.

*Motorized pedalcycle*—[ A motor-driven cycle equipped with operable pedals, a motor rated no more than 1.5 brake horsepower, a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission and a maximum design speed of no more than 25 miles per hour ] The term as defined in 75 Pa.C.S. § 102.

*Motor vehicle*—[ A vehicle which is self-propelled except one which is propelled solely by human power or by electric power obtained from overhead trolley wires but not operated upon rails ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

*Pedalcycle*—[ A vehicle propelled solely by human-powered pedals ] The term as defined in 75 Pa.C.S. § 102.

*Person*—[ A natural person, firm, copartnership, association or corporation ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

*Recreational trailer*—[ A trailer designed, adapted and used exclusively for recreational purposes ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

*Registration*—[ The authority for a vehicle to operate on a highway as evidenced by the issuance of an identifying card and plate or plates ] The term as defined in 75 Pa.C.S. § 102.

*Renewed emissions certificate of inspection*—An emissions certificate of inspection that remains valid for more than 90 days.

\* \* \* \* \*

*Secretary*—[ The Secretary of Transportation of this Commonwealth ] The term as defined in 75 Pa.C.S. § 102.

*Semitrailer*—[ A trailer constructed so that some part of its weight rests upon, or is carried by, the towing vehicle ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

*Special mobile equipment*—[ A vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to: ditch digging apparatus; well boring apparatus; earth-moving and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, snowplows, ditchers, graders, finishing machines, road rollers, scarifiers, earth-moving carryalls, scrapers, power shovels and drag lines; and self-propelled cranes and tractors, other than truck tractors. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached ] The term as defined in 75 Pa.C.S. § 102.

*Specially constructed vehicle*—[ A vehicle not originally constructed by a generally recognized manufacturer of vehicles under a distinctive name and materially altered from its original construction but assembled from parts of various vehicles and kits and which would be commonly known as a “homemade” vehicle ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*



*Street rod*—[ A motor vehicle, but not a reproduction thereof, with a model year of 1948 or older which has been materially altered or modified by the removal, addition or substitution of essential parts and with a gross weight or registered gross weight of not more than 9,000 pounds ] The term as defined in 75 Pa.C.S. § 102.

*Subject vehicle*—A gasoline powered vehicle with a gross vehicle weight rating of [ 11,000 ] 9,000 pounds or less, moved upon a highway and registered or titled in a designated area, as defined in Chapter 177 (relating to emission inspection program), except any of the following:

\* \* \* \* \*

*Suspend*—[ To withdraw temporarily by formal action of the Department a license, registration or privilege issued or granted by the Department. Following a period of suspension, the Department will restore the license, registration or privilege ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

*Taxi*—[ A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, on a call and demand service and used for the transportation of persons for compensation ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

*Tire width*—[ The linear distance between the exteriors of the sidewalls of an uninflated tire, excluding elevations due to labeling, decoration or protective sidebands ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

*Trailer*—[ A vehicle designed to be towed by a motor vehicle ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

*Truck*—[ A motor vehicle designed, used or maintained primarily for the transportation of property ] The term as defined in 75 Pa.C.S. § 102.

*Truck-camper*—[ A structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space ] The term as defined in 75 Pa.C.S. § 102.

*Truck tractor*—[ A motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn ] The term as defined in 75 Pa.C.S. § 102.

\* \* \* \* \*

*Utility trailer*—[ A trailer, except a recreational trailer, which does not have air brakes ] The term as defined in 75 Pa.C.S. § 102.

*VIN*—*Vehicle identification number*—[ A combination of numerals or letters, or both, which the manufacturer assigns to a vehicle for identification purposes or, in the absence of a manufacturer-assigned num-

ber, which the Department assigns to a vehicle for identification purposes ] The term as defined in 75 Pa.C.S. § 102.

[ *Vaporizer*—A device that converts liquified natural gas and liquified petroleum gas to the gaseous state by means of heat. ]

*Vehicle*—[ Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon rails or tracks ] The term as defined in 75 Pa.C.S. § 102.

*Vehicle [ Control ] Inspection Division*—The area of the Bureau which administers vehicle equipment and inspection matters.

§ 175.5. Semiannual inspection.

School buses, [ passenger vans ] vehicles which are under contract with or owned by a school district or a private or parochial school [ — ], including vehicles having chartered group and party rights under the Public Utility Commission [ — ] and used to transport school students; passenger vans used to transport persons for hire or owned by a commercial enterprise and used for the transportation of employees to or from their place of employment; [ trailers having a registered gross weight in excess of 10,000 pounds; ] mass transit vehicles and motor carrier vehicles with a registered gross weight in excess of 17,000 pounds other than farm vehicles for which a biennial certificate of exemption has been issued shall be subject to semiannual inspection.

\* \* \* \* \*

§ 175.6. Annual inspection.

Other vehicles, including motor homes, emergency vehicles and private noncommercial vehicles used to transport students, shall be inspected annually. Motor homes and emergency vehicles built on a truck chassis shall be inspected according to the appropriate truck inspection procedure based on the registered gross weight of the vehicle.

§ 175.11. Coordination of safety and emission inspection.

(a) All subject vehicles required to participate in the [ Enhanced ] Emission I/M Program shall display on the vehicle a renewed emission certificate of inspection prior to placement of a renewed safety certificate of inspection.

(b) Upon successful completion of a safety inspection, a certificate of inspection may be affixed to the vehicle if the vehicle's emissions certificate of inspection is valid for more than 90 days from the date of the safety inspection.

(c) If the emissions certificate of inspection expires in less than 90 days from the date of the safety inspection, the vehicle shall receive a renewed emissions certificate of inspection prior to a renewed safety certificate of inspection being affixed.

(d) A temporary inspection approval indicator may be used to designate vehicles which have successfully passed the required periodic safety inspection, but must display

a renewed emission certificate of inspection, or obtain an official waiver, prior to placement of the renewed safety certificate of inspection.

(e) Under this chapter, the expiring safety certificate of inspection may be replaced with a new safety certificate of inspection at any time prior to the expiration of the certificate of inspection to which the temporary inspection approval indicator is affixed. The temporary inspection approval indicator does not extend the inspection expiration of any certificate of inspection to which it is affixed.

**Subchapter B. OFFICIAL INSPECTION STATIONS**

**§ 175.27. Hours.**

(a) An inspection station shall be open for business a minimum of 40 hours, Monday through Friday between 7 a.m. and 5 p.m. This section may be waived by the Bureau upon written request of the inspection station owner and prior approval of the inspection station supervisor. To be considered for a waiver of this section, [ 50% of the working hours shall be between 8 a.m. and 5 p.m. ] the inspection station shall be open for business at least 10 business hours between 7 a.m. and 8 p.m. Monday through Friday. A request for a waiver of this section shall be submitted on a form provided by the Department. A waiver of this section may be denied or revoked for any of the following reasons:

(1) A violation of this chapter was committed by the inspection station owner, manager, a certified inspection mechanic or other employee at the station within 3 years immediately preceding a request for a waiver.

(2) The station owner, manager, a certified inspection mechanic or other employee at an inspection station that has been granted a waiver of this section commits a violation of this chapter after the waiver has been granted.

(3) Station personnel currently employed or hired have been or are currently suspended for a violation of this chapter.

(4) The Department or a designee is unable, on two attempts on two different business days, to perform an official visit, including a periodic records audit, during the hours specified in the approved waiver.

(5) An inspection station fails to be in operation during the hours specified in the waiver.

(6) An inspection station fails to comply with this section.

(b) This section does not apply to Commonwealth or fleet inspection stations.

**§ 175.28. Certified inspection mechanics.**

(a) *General.* An official inspection station shall have at least one certified inspection mechanic. Every inspection shall be performed by a certified inspection mechanic. The mechanic shall only inspect the type of vehicle for which he is certified and for which he holds a valid driver's license, except as otherwise provided in 75 Pa.C.S. § 4726(a) (relating to certification of mechanics). The mechanic signing the inspection sticker shall conduct and be responsible for the entire inspection of the vehicle, including the road test, except that the Department may exempt a mechanic from the requirement to perform a road test because of a physical

disability. See 75 Pa.C.S. § 4726 [ (relating to certification of mechanics) ].

\* \* \* \* \*

(d) *Certification requirements.* A mechanic desiring to maintain certification or to become certified:

(1) Shall be 18 years of age or older.

(2) Shall, as provided in subsection (a), have a valid driver's license for each class of vehicle which the mechanic will inspect; except that a certified mechanic who inspects school buses is not required to hold a [ Class 4 license but is required to hold a Class 2 or 3 license ] school bus driver endorsement. For the purposes of this chapter, a valid driver's license [ shall ] does not include a learner's permit, a probationary license held by a driver for less than 3 years, an occupational limited license or an interlock license. A mechanic exempted from the requirement to perform the road test shall also be exempt from the requirement of this paragraph.

(3) Shall have [ attended ] completed an approved [ 9-hour ] certification course and successfully completed the required [ written ] examination.

\* \* \* \* \*

(e) *Recertification.* A mechanic shall be certified [ every 3 ] for no more than 5 years. Mechanics may renew their mechanic certification by passing the required [ written ] examination within 180 days of receipt of notice from the Department that the mechanic card is due to expire.

\* \* \* \* \*

(g) *Mechanic license codes.* A mechanic will be issued codes from the following [ codes ] table for the types of vehicle inspections and equipment testing the mechanic is authorized to [ inspect ] perform:

[ (1) Passenger cars, trucks 17,000 pounds or less, and trailers less than 10,000 pounds.

(2) Motorcycles.

(3) Trucks over 17,000 pounds, trailers over 10,000 pounds, and buses.

(4) All vehicles.

(5) Codes 1 and 2.

(6) Codes 2 and 3.

(7) Codes 1 and 3

(8) (Reserved).

(9) Electrical speed timing:

(i) A—Electronic speed timing.

(ii) B—Mechanical speed timing.

(iii) C—Speedometer.

(iv) D—Electrical-mechanical speed timing. ]

Code	Authorized Inspection or Testing
1	Inspection of passenger cars, trucks 17,000 pounds or less and trailers less than 10,000 pounds
2	Inspection of motorcycles

<i>Code</i>	<i>Authorized Inspection or Testing</i>
<b>3</b>	<b>Inspection of trucks over 17,000 pounds, trailers over 10,000 pounds and buses</b>
<b>4</b>	<b>Inspection of vehicles</b>
<b>5</b>	<b>Inspections under codes 1 and 2</b>
<b>6</b>	<b>Inspections under codes 2 and 3</b>
<b>7</b>	<b>Inspections under codes 1 and 3</b>
<b>9</b>	<b>Testing and calibration of electronic (nonradar) speed timing devices that measure elapsed time between two sensors</b>
<b>A</b>	<b>Testing and calibration electronic (radar) speed timing devices</b>
<b>B</b>	<b>Testing and calibration of stopwatches</b>
<b>C</b>	<b>Testing and calibration of speedometers</b>
<b>D</b>	<b>Testing and calibration of electronic (nonradar) speed timing devices that calculate average speed between two points</b>
<b>J</b>	<b>Enhanced vehicle safety inspections in conjunction with inspections under existing mechanic license codes in this table for the purpose of authorizing the issuance of a branded Pennsylvania certificate of title</b>

(h) *Mechanic card.* The valid mechanic card shall be carried by the mechanic when performing an inspection.

(i) *Certified document reviewer.* The Department may certify nonmechanics to perform document review for the purpose of authorizing the issuance of a branded Pennsylvania certificate of title.

**§ 175.29. Obligations and responsibilities of stations.**

(a) *Personal liability.* It is the responsibility of the owner of an inspection station to do all of the following:

\* \* \* \* \*

(4) To keep [ **current** ] inspection records [ **at the inspection station** ] and required work orders available for examination and audit by the inspection station supervisor and other authorized persons.

(5) To keep[ , for a period of 2 years, duplicate copies of garage report sheets and ] certificate of inspection requisition forms for each inspection campaign.

\* \* \* \* \*

(f) *Customer relations.* The garage owner shall consult the vehicle owner for permission to make repairs.

\* \* \* \* \*

(4) The vehicle owner shall be informed in writing on the [ **repair** ] receipt or work order of any parts which, although in passing condition, the mechanic believes may become dangerous before the next inspection period. The brake and tire readings shall be indicated in writing on the [ **repair** ] receipt or work order. If a temporary inspection approval indicator is issued, the [ **repair** ] receipt or work order shall also contain the following information:

\* \* \* \* \*

**§ 175.33. Motorcycle inspection stations.**

\* \* \* \* \*

(d) *Record sheets.* A motorcycle inspection shall be recorded on Form [ **MV-431** ] **MV-480.**

\* \* \* \* \*

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

**§ 175.35. Enhanced vehicle safety inspection stations.**

(a) *Eligibility.* The enhanced vehicle safety inspection designation will be issued to stations that perform enhanced vehicle safety inspections for the purpose of titling reconstructed, specially constructed, recovered theft, flood, collectible, modified vehicles, street rods and other vehicles requiring a branded certificate of title as prescribed by the Department.

(b) *General requirements.* In addition to contractual requirements prescribed by the Department, an applicant for an enhanced vehicle safety inspection station shall meet the requirements of this chapter unless specifically exempted.

(c) *Certified enhanced inspection mechanic.* Each enhanced vehicle safety inspection station shall have a certified enhanced inspection mechanic authorized by the Department employed and present during normal business hours.

(d) *Certified document reviewer.* An enhanced vehicle safety inspection station shall have a certified document reviewer authorized by the Department employed and present during normal business hours. The certified enhanced inspection mechanic may act as the certified document reviewer.

(e) *Method of inspection.* A subject vehicle shall undergo an enhanced vehicle safety inspection according to this chapter by a mechanic certified to perform enhanced inspections on the appropriate class of vehicle.

(f) *Tools.* In addition to the tool requirements of § 175.26 (relating to tools and equipment), enhanced vehicle safety inspection stations shall have additional tools and equipment as contractually required by the Department.

**Subchapter C. CERTIFICATE OF INSPECTION**

**§ 175.41. Procedure.**

\* \* \* \* \*

(b) *Type.* A certificate of inspection shall be selected for the particular type of vehicle being inspected according to this chapter. [ **The certificate of inspection insert shall correspond to the vehicle's registration month based on charts supplied by the Department.** ] The certificate of inspection shall be examined before using. If found to be incorrect, the inspection station supervisor and the Vehicle [ **Control** ] **Inspection** Division shall immediately be notified.

\* \* \* \* \*

(c) *Required information.* The information on the rear of the certificate of inspection shall be completed in its entirety in permanent ink. The odometer reading is not required to be completed for trailers and motorcycles.

\* \* \* \* \*

(2) When replacing a certificate of inspection for which a temporary inspection approval indicator has been issued, the back of the new certificate of inspection shall be

completed using the information recorded [ **on the report sheet (Form MV-431)** ] at the time of the original inspection.

(d) *Affixing certificate of inspection or temporary inspection approval indicator.* The certificate of inspection or temporary inspection approval indicator shall only be affixed to the vehicle **immediately upon the successful completion of the inspection**, on the premises of the official inspection station and on a portion of the premises located within 100 feet and on the same side of the street as the official inspection station. A certificate of inspection or temporary inspection approval indicator may not be issued or affixed at another area [ **of** ] or location.

\* \* \* \* \*

(f) *Inspection cycles.* When selecting the proper type of certificate insert, the new expiration date is based upon whether the inspection is an annual or semiannual inspection.

(1) An annually inspected vehicle will receive an inspection for [ **no more than 15 months and no less than 6 months based on the vehicle's registration month and charts supplied by the Department** ] 1 year from the expiration of the safety inspection sticker which is about to expire, except motorcycles, which receive an expiration in accordance with charts provided by the Department. A sticker may not be issued for more than 15 months from the month of inspection. If a vehicle, other than a motorcycle, does not display a currently valid certificate of inspection, the vehicle shall receive an inspection valid for 1 year from the month of inspection.

\* \* \* \* \*

**§ 175.42. Recording inspection.**

(a) *Fraudulent recording.* Fraudulent recording of an inspection [ **report sheet** ] will be considered cause for suspension of inspection privileges.

(b) *Signature.* The **certified mechanic who performed the entire inspection shall place his signature in accordance with the following recordkeeping requirements:**

(1) **At stations utilizing Form MV-431 or MV-480,** the certified mechanic who performed the entire inspection shall place his signature in the appropriate column of Form MV-431 or MV-480 immediately following the inspection. Both the mechanic exempted from performing the road test under this chapter and the certified mechanic who performed the road test shall place their signatures in the appropriate column.

[ (1) ] (i) When the inspection information is transferred from a work order to the Form MV-431 or MV-480 by anyone other than the certified mechanic who performed the inspection, the work order shall contain the certified mechanic's signature and be retained for [ **2 years** ] audit.

(ii) The person who enters the information shall place the name of the certified mechanic in the appropriate column and the initials of the person putting the information on the form in the appropriate column.

(iii) A mechanic exempted from performing the road test under this chapter and the certified mechanic who performed the road test shall sign the work order.

(iv) The person who transfers the information shall place the names of both certified mechanics in the appropriate column.

(2) [ **A work order shall be available for inspection upon request by the inspection station supervisor or an authorized representative of the Department.** ] At stations utilizing an electronic data collection and storage program, the certified mechanic who performed the entire inspection shall place his signature on the work order immediately following the inspection. Both the mechanic exempted from performing the road test under this chapter and the certified mechanic who performed the road test shall place their signatures on the work order. Work orders shall be retained for audit.

(c) *Records retention.*

(1) The original official inspection report sheet (Form MV-431 or MV-480) shall be retained as a garage record and kept on file at the station for [ **2 years** ] audit. At the close of each inspection period, the official inspection report sheet shall be placed in the station's files, even though all spaces may not have been used, and a new inspection report sheet shall be started for the new inspection period.

(2) **A work order signed by the inspecting mechanic as required under this section shall be available for inspection upon request by the inspection station supervisor or an authorized representative of the Department.**

(d) *Content.*

(1) *Stations utilizing Form MV-431 or MV-480.* The paper inspection report sheet (Form MV-431 for passenger cars, trucks and buses or MV-480 for motorcycles and trailers) shall be neat and legible and completed in its entirety. Details pertinent to every vehicle inspected, including rejections, shall be recorded on the report sheet **at the time of inspection.** Items inspected, adjusted or repaired shall be recorded. If the report sheet lists a piece of equipment which does not apply to the specific type of vehicle being inspected, a dash shall be placed in the column to indicate it has not been overlooked or neglected. Certificates of inspection issued shall be listed in numeric order.

[ (1) ] (i) Temporary inspection approval indicators, if issued in lieu of a certificate of inspection, shall be recorded on a separate report sheet (Form MV-431) and shall be indicated in the area designated for the sticker number. This separate report sheet shall be completed as described in this subsection except a "T" shall be entered in the area designated for the sticker number to indicate that a temporary inspection approval indicator was issued. An inspection station may not impose a sticker charge for the issuance of a temporary inspection approval indicator.

[ (2) ] (ii) Upon the return of a vehicle for which a temporary inspection approval indicator has been issued, the station which originally affixed the temporary inspection approval indicator shall:

[ (i) ] (A) Verify the year, make, body style, VIN and proof of financial responsibility for the vehicle presented for a renewed certificate of inspection to ensure it is the same vehicle indicated on the report sheet (Form MV-431) when the original inspection was performed. This infor-

mation shall be recorded as a new entry on the regular report sheet (Form MV-431) where all inspection sticker serial numbers issued are recorded.

[ (ii) ] (B) Record, on the Form MV-431, the serial number of the new certificate of inspection to be affixed to the vehicle along with the vehicle owner's name, address, VIN, license plate number, vehicle year make and body style. A reference to the date and number of the original inspection performed shall be noted in the shaded area to the left of the area designated for the sticker serial number and total cost (that is, See T-inspection number 123 dated 01/01/97).

[ (iii) ] (C) Enter, in the appropriate area of the report sheet (Form MV-431), the name of the certified inspection mechanic that verified the original inspection information and that is replacing the certificate of inspection.

(2) *Stations utilizing an electronic data collection and storage program.* The inspection record shall be completed in its entirety. Details pertinent to every vehicle inspected, including rejections, shall be recorded at the time of inspection. Items inspected, adjusted or repaired shall be recorded. If the inspection record lists a piece of equipment which does not apply to the specific type of vehicle being inspected, it shall be designated in the inspection record as "N/A" to indicate it has not been overlooked or neglected.

(i) For those vehicles which pass the safety inspection but do not yet display a renewed emission certificate of inspection as required, stations shall record a pending or incomplete safety inspection without issuing a safety certificate of inspection.

(ii) The temporary inspection approval indicator shall be affixed as described in § 175.41 (relating to procedure). Upon the return of a vehicle for which a temporary inspection approval indicator has been issued, the station which originally affixed the temporary inspection approval indicator shall:

(A) Verify the year, make, body style, VIN and proof of financial responsibility for the vehicle presented for a renewed certificate of inspection to ensure it is the same vehicle indicated on the inspector record when the original inspection was performed.

(B) Record, on the pending inspection record, the serial number of the new certificate of inspection to be affixed to the vehicle.

(C) If the name of the certified inspection mechanic that verified the original inspection information and that is replacing the certificate of inspection is someone other than the certified inspection mechanic who performed the original inspection, he shall also sign the work order.

(3) *Replacing a certificate of inspection.* The certified inspection mechanic replacing the certificate of inspection shall sign the back of the new certificate of inspection and record the information from the original inspection entry (wheels pulled, date of inspection, and the like.) on the new certificate of inspection before it is affixed to the vehicle. [ The expiring certificate of

inspection shall be removed prior to affixing the new certificate of inspection as described in paragraph (2). ]

(4) *Prohibitions against replacing certificate of inspection.* Inspection stations may not replace a certificate of inspection to which a temporary inspection approval indicator has been affixed if one or more of the following apply:

\* \* \* \* \*

(f) *Classifications.* The form numbers [ and colors ] listed in this subsection explain the general classification of vehicles to be recorded on each type of inspection record [ sheets ]:

\* \* \* \* \*

§ 175.43. Security.

\* \* \* \* \*

(c) *Removal.* Except as provided in paragraphs (1) and (3), a certificate of inspection may not be removed from a vehicle for which the certificate was issued, except to replace it with a new certificate of inspection issued under this chapter and Chapter 177 (relating to emission inspection program).

(1) A person replacing or repairing a windshield in a manner that requires removal of a certificate of inspection shall, at the option of the registrant of the vehicle, cut out the portion of the windshield containing the certificate of inspection and deliver it to the registrant of the vehicle or destroy the certificate. The vehicle may be driven up to 5 days if it displays the portion of the old windshield containing the certificate. Within the 5-day period, an official inspection station may affix to the vehicle another certificate of inspection for the same period without reinspecting the vehicle in exchange for the portion of the old windshield containing the certificate of inspection. Example: A #1 certificate of inspection shall be replaced with a #1 certificate of inspection. The replacement may be made any time prior to the expiration of the certificate of inspection. A fee of no more than \$2 plus the fee paid to the Department for the certificate may be charged for exchanging the certificate of inspection.

\* \* \* \* \*

(ii) The portion of the windshield containing the certificate of inspection [ may ] shall be retained for audit by the inspection station supervisor.

(iii) Record all information from the old certificate of inspection on Form MV-431. The replacement certificate of inspection shall be recorded on the same Form MV-431 and marked "replacement sticker issued." Stations utilizing an electronic data collection and storage program shall use the appropriate replacement sticker function menu to record replacements.

\* \* \* \* \*

(f) *Issuance of certificates of inspection.* Certificates of inspection will not be issued by the Bureau to anyone who [ cannot display an executed signature card, Form MV-417 ] is not listed as an authorized purchaser on Form MV-500 on file with the Bureau. The [ signature card may not be entrusted to anyone

except an employe or other person for whom the ] inspection station owner or manager [ will ] shall accept full responsibility for certificates of inspection delivered to [ that person ] authorized purchasers listed on Form MV-500.

(g) [ *New signature cards.* A new signature card ] *Authorized purchasers.* A new MV-500 to authorize persons to purchase certificates of inspection shall be ordered from the Vehicle [ Control ] Inspection Division immediately whenever [ one or more of the following occur: ] an employe whose signature appears on the form is no longer employed by the station or a signature is to be added or deleted.

[ (1) The station copy is lost or stolen. The loss shall be immediately reported to the Vehicle Control Division.

(2) An employe whose signature appears on the card is no longer employed by the station.

(3) The card is defaced, torn or illegible.

(4) A signature is to be added. ]

§ 175.44. Ordering certificates of inspection.

\* \* \* \* \*

(b) *Contents.* Required information shall be entered on the order form.

\* \* \* \* \*

(2) A requisition shall be personally signed by one of the persons whose signature appears on [ the signature card, Form MV-417 ] Form MV-500. The signature shall be identical to the one on file or the requisition will

be rejected. No one may order certificates of inspection unless his signature is on the [ signature card ] Form MV-500 on file with the Department.

(c) *Additional instructions.* The following also apply:

\* \* \* \* \*

(4) [ Orders for certificates of inspection shall be for multiples of 25, with a minimum of 50 certificates, except that Commonwealth and fleet inspection stations shall order a minimum of 25 certificates.

(5) [ An incomplete or improper certificate of inspection requisition or check shall be returned to the official inspection station for correction. To avoid unnecessary inconvenience or delay, information shall be rechecked carefully.

[ (6) ] (5) If certificates of inspection are to be delivered to a mailing address instead of the inspection station address, the mailing address shall be included on every requisition submitted to the Department.

\* \* \* \* \*

**Subchapter D. SCHEDULE OF PENALTIES AND SUSPENSIONS: OFFICIAL INSPECTION STATIONS AND CERTIFIED MECHANICS**

§ 175.51. Cause for suspension.

(a) *Schedule.* The complete operation of an official inspection station is the responsibility of the owner. Failure to comply with the appropriate provisions of 75 Pa.C.S. [ §§ 101—9821 ] (relating to [ the ] Vehicle Code) will be considered sufficient cause for suspension of inspection privileges. A violator is also subject to criminal prosecution.

Type of Violation	Duration of Suspension		
	1st Violation	2nd Violation	3rd and Subsequent Violation
(4) Category 4	* * *	* *	
(x) Failure to satisfy monetary penalties for violations of Chapter 177 (relating to emission inspection program) within 90 days of notification	Suspension until amount due is paid * * *	2 months or until amount due is paid, whichever is greater * *	6 months or until amount due is paid, whichever is greater

**Subchapter E. PASSENGER CARS AND LIGHT TRUCKS**

§ 175.66. Lighting and electrical systems.

\* \* \* \* \*

(1) *Auxiliary driving lamps and fog lamps.* Auxiliary driving lamps and fog lamps may be installed on a passenger vehicle or light truck if the lamps comply with the following:

\* \* \* \* \*

(11) Guidance laser systems used during highway maintenance operations, such as line painting and

snow plowing, are authorized if they comply with 21 CFR 1040.10 (relating to laser products) for Class IIIa laser products and Occupational Health and Safety Administration Standard 1926.54 and are installed and operated in accordance with manufacturer's requirements. Guidance laser systems may not emit red or blue light visible to other motorists.

\* \* \* \* \*

§ 175.78. Chassis.

\* \* \* \* \*

(e) *Bumpers.* A vehicle specified under this subchapter shall be equipped with bumpers of a type used as original equipment, or a suitable replacement which is equal to or greater in strength than that provided by the vehicle manufacturer, securely attached to the chassis or frame. See 75 Pa.C.S. § 4536 (relating to bumpers).

\* \* \* \* \*

(5) [*Bumper height.* Bumper height shall be as follows:

(i) **Some part of the main horizontal bumper bar, exclusive of any bumper guards, on passenger vehicles and light trucks shall fall within 16 inches aboveground level and may not exceed the following limits:**

Vehicle Class	Maximum Height	
	Front Bumper (or Frame if any of the conditions in subparagraph (iv) apply)	Rear Bumper (or Frame if any of the conditions in subparagraph (iv) apply)
Passenger cars	22 inches	22 inches
Trucks and multipurpose passenger Vehicles		
5,000 lbs. or less GVWR	24 inches	26 inches
5,001 lbs.—7,000 lbs. GVWR	27 inches	29 inches
7,001 lbs.—9,000 lbs. GVWR	28 inches	30 inches
9,001 lbs.—11,000 lbs. GVWR	30 inches	30 inches

(ii) The front and rear height measurements shall be made to the bottom edge of the foremost portion of the frame rail, or to the original mounting brackets, whichever is lower, if one of the following apply:

(A) The bumper height, relative to the frame rail, has been altered.

(B) The vehicle was not originally equipped with a front or rear bumper.

(C) A supplemental bumper has been added.

(D) The manufacturer's specified bumper has been replaced with a bumper not identical to the manufacturer's specified bumper. ]

Some part of the main horizontal bumper bar on passenger vehicles shall fall within 16-20 inches above ground level.

(6) Some part of the main horizontal bumper bar on multipurpose passenger vehicles and light trucks shall fall within 16-30 inches above ground level.

\* \* \* \* \*

[ (i) *Rear wheel shields.* Trucks shall be constructed or equipped to bar water or other road surface substances thrown from rear wheels of the vehicle at tangents exceeding 22.5°, measured from the road surface, from passing in a straight line to rear of the vehicle. See 75 Pa.C.S. § 4533 (relating to rear wheel shields). ]

§ 175.80. Inspection procedure.

(a) *External inspection.* An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. **When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a ve-**

hicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [ or ], manufacturer's statement of origin, **VIN-specific auction slip or VIN-specific secure power of attorney:**

(A) The VIN is not in agreement with the [ **vehicle registration card, ] certificate of title [ or ], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney.** Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate [ **department** ] **Department** form has been completed to correct the error or transposition.

\* \* \* \* \*

(*Editor's Note:* The effective date of § 175.80(a)(5)(v) was postponed indefinitely in the final-form rulemaking published at 33 Pa.B. 5823 (November 29, 2003). This proposed rulemaking will give effect to the subparagraph.)

(5) Check outside mirrors and reject if one or more of the following apply:

\* \* \* \* \*

(v) The mirrors, if originally so equipped, are missing.

\* \* \* \* \*

(7) Check the flooring and floor beds and reject if one or more of the following apply:

\* \* \* \* \*

[ (iii) **A truck is not equipped with rear wheel shields—mud flaps—as required under 75 Pa.C.S. § 4533 (relating to rear wheel shields).** ]

(8) Check the bumpers and reject if one or more of the following apply:

\* \* \* \* \*

(iii) [ **Some part of the main horizontal bumper bar, exclusive of bumper guards, on passenger cars, multipurpose passenger vehicles and light trucks does not fall within 16 inches aboveground level or exceeds the following limits:**

Vehicle Class	Maximum Height	
	Front Bumper (or Frame if any of the conditions in subparagraph (iv) apply)	Rear Bumper (or Frame if any of the conditions in subparagraph (iv) apply)
Passenger cars	22 inches	22 inches
Trucks and multipurpose passenger Vehicles		
5,000 lbs. or less GVWR	24 inches	26 inches
5,001 lbs.—7,000 lbs. GVWR	27 inches	29 inches
7,001 lbs.—9,000 lbs. GVWR	28 inches	30 inches
9,001 lbs.—11,000 lbs. GVWR	30 inches	30 inches ]

Some part of the main horizontal bumper bar on passenger vehicles does not fall within 16-20 inches above ground level.

(iv) [ The front and rear height measurements shall be made to the bottom edge of the foremost portion of the frame rail, or to the original mounting brackets, whichever is lower, if one of the following apply:

- (A) The bumper height, relative to the frame rail, has been altered.
- (B) The vehicle was not originally equipped with a front or rear bumper.
- (C) A supplemental bumper has been added.
- (D) The manufacturer's specified bumper has been replaced with a bumper not identical to the manufacturer's specified bumper. ]

Some part of the main horizontal bumper bar on multipurpose passenger vehicles and light trucks does not fall within 16-30 inches above ground level.

\* \* \* \* \*

(b) *Internal inspection.* An internal inspection shall be performed as follows:

\* \* \* \* \*

(*Editor's Note:* The effective date of § 175.80(b)(7)(iv) was postponed indefinitely in the final-form rulemaking published at 33 Pa.B. 5823. This proposed rulemaking will give effect to the subparagraph.)

(7) Check **the** inside [ **the** ] mirror and reject if one or more of the following apply:

\* \* \* \* \*

(iv) The mirror, if originally so equipped, is missing.

\* \* \* \* \*

(e) *Beneath the vehicle inspection.* A beneath the vehicle inspection shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

\* \* \* \* \*

(xxii) A tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating.

\* \* \* \* \*

**Subchapter F. MEDIUM AND HEAVY TRUCKS AND BUSES**

**§ 175.96. Lighting and electrical systems.**

\* \* \* \* \*

(g) *Condition and position of lamps.* Lamps shall be properly fastened; direct light properly; be of a color not contrary to Tables II—IV; and may not be obstructed by a screen, bar, auxiliary equipment or a device so as to obscure, change the color of or obstruct the beam. **Exception:** A bus used for public transportation may be equipped with a device used to carry pedalcycles mounted on the front of the bus if the device, including the pedalcycle, does not extend more than 36 inches.

\* \* \* \* \*

(l) *Auxiliary driving lamps and fog lamps.* Auxiliary driving lamps and fog lamps may be installed on a medium or heavy truck and bus if the lamps comply with the following:

\* \* \* \* \*

(11) Guidance laser systems used during highway maintenance operations, such as line painting and snow plowing are authorized if they comply with 21 CFR 1040.10 (relating to laser products) for Class IIIa laser products and Occupational Health and Safety Administration Standard 1926.54 and are installed and operated in accordance with manufacturer's requirements. Guidance laser systems may not emit red or blue light visible to other motorists.

\* \* \* \* \*

**§ 175.105. Exhaust systems.**

\* \* \* \* \*

(b) *Exhaust system requirements.* A vehicle specified under this subchapter shall be constructed, equipped, maintained and operated to prevent engine exhaust gases from penetrating and collecting in any part of the vehicle occupied by the driver or a passenger, in addition to the requirements of this title for emission control systems and smoke control for a diesel-powered vehicle.

\* \* \* \* \*

(5) An exhaust system shall extend and discharge completely to the outside edge of the vehicle body, including a truck bed, or as originally designed, except for the following:

(i) [ *Heavy trucks or truck tractors.* The exhaust system of every heavy truck and truck tractor shall discharge to the atmosphere at a location to the rear of the cab or, if the exhaust projects above the cab, at a location near the rear of the cab.



(ii) ] Gasoline powered buses, including school buses. The exhaust system of a bus powered by a gasoline engine shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus. [ Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.

(iii) ] (ii) Buses, including school buses, powered by fuels other than gasoline. The exhaust system of a bus using fuels other than gasoline shall discharge to the atmosphere either at or within 15 inches forward of the rearmost part of the vehicle; or to the rear of all doors or windows designed to be opened, except windows designed to be opened solely as emergency exits. [ Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis. ]

\* \* \* \* \*

§ 175.110. Inspection procedure.

(a) External inspection. An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [ or ], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [ vehicle registration card, ] certificate of title [ or ], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct [ an ] the error or transposition.

\* \* \* \* \*

(9) Check the lamps and lenses and reject if one or more of the following apply:

\* \* \* \* \*

(ix) The auxiliary equipment is placed on, in or in front of a lamp. Exception: A bus used for public transportation may be equipped with a device used to carry pedalcycles mounted on the front of the bus if the device, including the pedalcycle, does not extend more than 36 inches.

\* \* \* \* \*

(d) Beneath the vehicle inspection. A beneath the vehicle inspection shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

\* \* \* \* \*

(xxii) A tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating.

\* \* \* \* \*

(6) Inspect the exhaust system and reject if one or more of the following apply:

\* \* \* \* \*

(viii) The exhaust does not discharge to the outside edge of the vehicle body, including a truck bed, or as originally designed, except for the following:

(A) [ Heavy trucks or truck tractors. The exhaust system of every heavy truck and truck tractor shall discharge to the atmosphere at a location to the rear of the cab or, if the exhaust projects above the cab, at a location near the rear of the cab.

(B) ] Gasoline powered buses, including school buses. The exhaust system of a bus powered by a gasoline engine shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus. [ Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis.

(C) ] (B) Buses, including school buses, powered by fuels other than gasoline. The exhaust system of a bus using fuels other than gasoline shall discharge to the atmosphere either at or within 15 inches forward of the rearmost part of the vehicle; or to the rear of all doors or windows designed to be opened, except windows designed to be opened solely as emergency exits. [ Until June 15, 1998, the tailpipe of school buses may extend to, but not beyond the body limits on the left side of the school bus within 60 inches of the left rear wheel as measured from the center of the wheel axis. ]

(7) [ Inspect the braking system. At ] Inspect the braking system and remove at least one front and one opposite rear wheel [ shall be removed ]. It is not necessary to remove the wheel and drum assembly if there is a removable backing plate that allows examination of the brake system. Reject if one or more of the following apply:

\* \* \* \* \*

Subchapter G. RECREATIONAL, SEMI AND UTILITY TRAILERS

§ 175.130. Inspection procedure.

(a) External inspection. An external inspection of a trailer over 3,000 pounds registered gross weight shall be performed as follows:

(1) Verify [ the ] ownership [ and ], legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Common-

wealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [ or ], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [ vehicle registration card, ] certificate of title [ or ], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct [ an ] the error or transposition.

\* \* \* \* \*

(c) Beneath the vehicle inspection. A beneath the vehicle inspection of a trailer over 3,000 pounds registered gross weight shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

\* \* \* \* \*

(ix) [ A tire extends beyond the outer edge of the wheel housing or exceeds the manufacturer's specifications as to size. ] A tire extends beyond body line, a tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating or a tire makes contact with the body or chassis.

\* \* \* \* \*

Subchapter H. MOTORCYCLES

§ 175.143. Steering.

\* \* \* \* \*

(d) Handlebars. [ The handlebars or grips may not be higher than the operator's shoulder level when the operator is properly seated upon the motorcycle. ] Nothing in this subchapter prohibits a motorcycle from being equipped with a steering wheel instead of handlebars.

(1) The handlebars or steering system shall be of a sturdy construction adequate in size and length to provide proper leverage for steering and capable of withstanding a minimum force of 100 pounds applied to each handle grip in any direction.

(2) The handlebars or steering system shall be designed so as not to restrict front fork movement and shall be capable of vertical adjustments.

\* \* \* \* \*

§ 175.146. Lighting and electrical systems.

\* \* \* \* \*

(h) Ornamental lamps. A lamp not enumerated in this section, and not located as described in Tables III—V of this chapter, is prohibited unless it is available as original equipment or is auxiliary lighting added to a motor-

cycle to protect the driver as permitted by 75 Pa.C.S. § 4310 (relating to motorcycle lighting). An illuminated sign is prohibited. Flashing or revolving lights are not ornamental lamps. Provisions relating to flashing or revolving lights are located in Chapters 15 and 173 (relating to authorized vehicles and special operating privileges; and flashing or revolving lights on emergency and authorized vehicles).

\* \* \* \* \*

§ 175.160. Inspection procedure.

(a) External inspection. An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [ or ], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [ vehicle registration card, ] certificate of title [ or ], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct [ an ] the error or transposition.

\* \* \* \* \*

(c) Beneath the vehicle inspection. A beneath the vehicle inspection shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

\* \* \* \* \*

(xiv) [ A tire extends beyond the outer edge of the wheel housing or exceeds the manufacturer's specifications as to size. ] A tire extends beyond body line, a tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating or a tire makes contact with the body or chassis.

(2) Inspect the steering system and reject if [ any ] one or more of the following apply:

\* \* \* \* \*

(ii) [ The handlebars or grips are higher than operator's shoulder level when properly seated upon motorcycle.

(iii) The handlebars or steering system of each motorcycle are not of sturdy construction.

[(iv)] (iii) The handlebars or steering system restrict front fork movement.

[(v)] (iv) The handlebars do not provide a minimum of 18 inches between grip ends. If equipped with a steering wheel instead of handlebars, the steering wheel, except if specially designed for handicapped drivers, is not circular or equivalent in strength to original equipment or has an outside diameter less than 13 inches.

[(vi)] (v) The handlebars are not equipped with grips of nonslip design and material.

[(vii)] (vi) The measured movement at the front or rear of the tire is greater than 1/4 inch in relation to the axle shaft.

[(viii)] (vii) The linkage components are not secured with cotter pins or other suitable devices.

[(ix)] (viii) The steering stops allow a tire to rub on the frame or chassis parts.

[(x)] (ix) The front wheel is incapable of being turned to the right and left steering stops without binding or interference.

\* \* \* \* \*

Subchapter J. MOTOR-DRIVEN CYCLES AND MOTORIZED PEDALCYCLES

§ 175.172. Steering.

\* \* \* \* \*

(c) Handlebars. [ The handlebars or grips may not be higher than the operator's shoulder level when the operator is properly seated upon the vehicle. ] Nothing in this subchapter prohibits a motor-driven cycle or pedalcycle from being equipped with a steering wheel instead of handlebars.

(1) The handlebars or steering system shall be of a sturdy construction [ and ] adequate in size and length to provide proper leverage for steering and [ shall be ] capable of withstanding a minimum force of 100 pounds applied to each handle grip in any direction.

(2) The handlebars or steering system shall be designed so as not to restrict front fork movement and shall be capable of vertical adjustment.

\* \* \* \* \*

§ 175.174. Tires and wheels.

\* \* \* \* \*

(c) [ Manufacturer's specifications. A vehicle specified under this subchapter shall have tires which conform to the vehicle manufacturer's specifications as to tire size. ] Tire standards. A vehicle specified under this subchapter shall have tires manufactured in conformance with standards in Chapter 159 (relating to new pneumatic tires). See 75 Pa.C.S. § 4525 (relating to tire equipment and traction surfaces). Tires with equivalent metric size designations may be used.

\* \* \* \* \*

§ 175.175. Lighting and electrical systems.

\* \* \* \* \*

(h) Ornamental lamps. A lamp not enumerated in this section, and not located as described in Tables III—V of this chapter, is prohibited unless it is available as original equipment or is auxiliary lighting added to a motorcycle to protect the driver as permitted by 75 Pa.C.S. § 4310 (relating to motorcycle lighting). An illuminated sign is prohibited. Flashing or revolving lights are not ornamental lamps. Provisions relating to flashing or revolving lights are located in Chapters 15 and 173 (relating to authorized vehicles and special operating privileges; and flashing or revolving lights on emergency and authorized vehicles).

\* \* \* \* \*

§ 175.190. Inspection procedure.

(a) External inspection. An external inspection of motor-driven cycles only shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [ or ], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [ vehicle registration card, ] certificate of title [ or ], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct [ an ] the error or transposition.

\* \* \* \* \*

(c) Beneath the vehicle inspection. A beneath the vehicle inspection of motor-driven cycles only shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

\* \* \* \* \*

(xiii) [ A tire extends beyond outer edge of wheel housing or exceeds the manufacturer's specification as to size. ] A tire extends beyond body line, a tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating or a tire makes contact with the body or chassis.

(2) Inspect the steering system and reject if [ any ] one or more of the following apply:

(i) [ The handlebars or grips are higher than the operator's shoulder level when properly seated upon vehicle.

(ii) ] The handlebars, grips or steering system are not of sturdy construction.

[ (iii) ] (ii) The handlebars or steering system restrict the front fork movement.

[ (iv) ] (iii) The handlebars do not provide a minimum of 18 inches between the grip ends. If equipped with a steering wheel instead of handlebars, the steering wheel, except if specially designed for handicapped drivers, is not circular or equivalent in strength to original equipment or has an outside diameter less than 13 inches.

[ (v) ] (iv) The handlebars are not equipped with grips of nonslip design and material.

[ (vi) ] (v) Measured movement at the front or rear of the tire is greater than 1/4 inch in relation to the axle shaft.

[ (vii) ] (vi) The linkage components are not secured with cotter pins or other suitable devices.

[ (viii) ] (vii) The steering stops allow a tire to rub on the frame or chassis parts.

[ (ix) ] (viii) The front wheel is incapable of being turned to the right and left steering stops without binding or interference.

Subchapter K. STREET RODS, SPECIALLY CONSTRUCTED AND RECONSTRUCTED VEHICLES

§ 175.208. Body.

\* \* \* \* \*

(b) Fenders. A vehicle specified under this subchapter shall have fenders on all wheels which cover the entire tread width of a tire that comes in contact with the road surface. The tire tread circumference coverage shall be from at least 15 degrees front to at least 75 degrees rear of the vertical centerline at each wheel, measured from the center of wheel rotation. Vehicles registered as street rods are exempt from the requirements regarding fenders.

(c) Hood—street rods only. A street rod is not required to have a hood which covers the top of the entire engine compartment. [ Street rod engine compartment sides may remain open. ] If the hood top or sides, or both, are removed from the vehicle, the engine fan must be enclosed with a shroud designed to protect the fan from accidental contact from the outside.

\* \* \* \* \*

§ 175.209. Chassis.

\* \* \* \* \*

(b) Bumpers. A vehicle specified under this subchapter shall be equipped with front and rear bumpers securely attached to the chassis, except when the original body configuration provided by a recognized manufacturer did not include bumpers in the design of the vehicle. Vehicles registered as street rods are exempt from the requirements regarding bumpers.

(1) Some part of the main horizontal bumper of a passenger vehicle and all street rods, if so equipped, shall fall within 12-20 inches above ground level.

\* \* \* \* \*

§ 175.220. Inspection procedure.

(a) External inspection. An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title [ or ], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the [ vehicle registration card, ] certificate of title [ or ], manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct [ an ] the error or transposition.

\* \* \* \* \*

(3) [ Check ] With the exception of vehicles registered as street rods, check the fenders and reject if one or more of the following apply:

\* \* \* \* \*

(4) [ Check ] With the exception of vehicles registered as street rods, check the bumpers and reject if one or more of the following apply:

\* \* \* \* \*

(ii) Some part of the main horizontal bumper does not fall within 12-20 inches above the ground level on [ the street rods, ] specially constructed vehicles and reconstructed passenger vehicles.

\* \* \* \* \*

(c) Under the hood inspection. An under the hood inspection shall be performed as follows:

(1) Check the [ hood ] engine compartment and reject if the street rod [ hood does not cover the top of the entire engine compartment ] hood top or sides, or both, are removed from the vehicle and the engine fan is not enclosed with a shroud designed to protect the fan from accidental contact from the outside.

\* \* \* \* \*

[Pa.B. Doc. No. 12-1411. Filed for public inspection July 27, 2012, 9:00 a.m.]

# STATE ATHLETIC COMMISSION

[ 58 PA. CODE CH. 29 ]

## Amateur Mixed Martial Arts Waiver

The State Athletic Commission (Commission) proposes to add § 29.30 (regarding waiver of rule for contestants with three or more amateur bouts) to read as set forth in Annex A.

### A. Effective Date

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

### B. Statutory Authority

This proposed 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 proposed rulemaking is further authorized by 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 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.

### D. Description of Proposed Amendments

Section 29.29 (relating to acts constituting fouls) sets forth the acts which constitute fouls in amateur competition and how a contestant using foul tactics in a contest or exhibition will be disqualified or have points deducted from his score. Fouls include acts prohibited by § 29.12 (relating to acts constituting fouls), as well as additional specified techniques while standing and while on the ground. Striking to the opponent’s head while on the ground (commonly referred to as “pound and ground”) is an act which constitutes a foul for amateur contestants under current § 29.29(b)(3)(i). Striking to the head while on the ground is not a foul under the professional rules in § 29.12. 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).

Proposed § 29.30 would permit the Commission to waive the “striking to the head while on the ground” and shin/instep pad rules for amateur contestants. This regulation has been requested by many of the more experienced amateur contestants 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. The waiver is at the discretion of the Commission

and shall be requested by both 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” and the shin/instep pad rules. 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. Because only experienced amateurs with three or more sanctioned bouts will be permitted to request a waiver, chances for injury are lessened in practicing the technique of striking to the head while on the ground and kicking while not wearing shin/instep pads.

### E. Fiscal Impact and Paperwork Requirements

The proposed 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 proposed rulemaking. The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. Additional paperwork requirements upon the Commonwealth or the private sector will be limited to amateur contestants applying for the waiver. There is not a fee to request the waiver. The proposed rulemaking will not have adverse fiscal impact on the mixed martial artists, boxers, promoters, referees, judges and timekeepers the Commission regulates.

### 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 this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate State Government Committee and the House State Government Committee. A copy of this material is available to the public upon request.

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

### H. Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Gregory P. Sirb, Executive Director, State Athletic Commission, 2601 North 3rd Street, Harrisburg, PA 17110 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16-53 (amateur mixed martial arts waiver) when submitting comments.

CHARLES BEDNARIK,  
Chairperson

**Fiscal Note:** 16-53. No fiscal impact; (8) recommends adoption.

## Annex A

## TITLE 58. RECREATION

## PART I. STATE ATHLETIC COMMISSION

## Subpart B. BOXING

## CHAPTER 29. MIXED MARTIAL ARTS

## Subchapter B. AMATEUR MIXED MARTIAL ARTS

**§ 29.30. Waiver of rule for contestants with three or more amateur bouts.**

(a) An amateur contestant who has completed at least three amateur bouts may petition the Commission to waive the “striking to the head while on the ground” provision in § 29.29(b)(3)(i) (relating to acts constituting fouls) and the shin/instep pad requirement in § 29.27(c) (relating to equipment).

(b) The waiver will include only bouts in which both contestants have the required three-bout experience and both have agreed to conduct the contest with a waiver of the “striking to the head while on the ground” and the shin/instep pad rules.

(c) Grant of the waiver will be at the discretion of the Commission. In reviewing waiver requests, the Commission will consider factors including the win-loss record, conditioning, training, experience and skill level of each individual contestant.

[Pa.B. Doc. No. 12-1412. Filed for public inspection July 27, 2012, 9:00 a.m.]

# NOTICES

## BOARD OF COAL MINE SAFETY

### Meeting

The Board of Coal Mine Safety (Board) will meet on Thursday, August 2, 2012. The meeting will begin at 1 p.m. and will be held at the Department of Environmental Protection's (Department) Cambria District Office, Building 310, 286 Industrial Park Road, Ebensburg, PA 15931.

The agenda and meeting materials for the August 2, 2012, meeting of the Board are available through the Public Participation Center on the Department's web site at <http://www.dep.state.pa.us> (select "Public Participation").

Questions concerning the August 2, 2012, Board meeting may be directed to Allison Gaida, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469, [agaida@pa.gov](mailto:agaida@pa.gov).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (724) 439-7469 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 12-1413. Filed for public inspection July 27, 2012, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 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 July 10, 2012.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice 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>
7-9-2012	Colonial American Bank Horsham Montgomery County	490 Shrewsbury Avenue Shrewsbury Monmouth County, NJ	Approved
7-9-2012	Somerset Trust Company Somerset Somerset County	1450 Morrell Avenue Connellsville Fayette County	Filed

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-29-2012	Northwest Savings Bank Warren Warren County	7310 Ritchie Highway Glen Burnie Anne Arundel County, MD	Closed

### SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

## Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
7-5-2012	Incol Credit Union Old Forge Lackawanna County Merger of N.M.H. Federal Credit Union, Wyoming, with and into Incol Credit Union, Old Forge.	Effective

## Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
7-5-2012	Incol Credit Union Old Forge Lackawanna County Amendment to Article I of the institution's Articles of Incorporation provides for the name of the credit union to be changed to "Community Regional Credit Union."	Effective

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-1414. Filed for public inspection July 27, 2012, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Wild Resource Conservation Program Hearing

A hearing will be held on Thursday, August 30, 2012, to comment on the applications submitted to the Wild Resource Conservation Program for grant funding in Fiscal Year 2012-2013. The hearing will be held at 11 a.m. in the 6th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this hearing can be directed to Deb Miller at (717) 787-3212, [debmillier@pa.gov](mailto:debmillier@pa.gov) or Greg Czarnecki at (717) 783-1337, [gczarnecki@pa.gov](mailto:gczarnecki@pa.gov). Persons who plan to make comments should contact either of the previously listed individuals.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Greg Czarnecki directly or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Conservation and Natural Resources may accommodate their needs.

RICHARD J. ALLAN,  
*Secretary*

[Pa.B. Doc. No. 12-1415. Filed for public inspection July 27, 2012, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### 2012-2013 Designation of School Districts to Receive Duquesne City School District's Junior and Senior High School Students

The Duquesne City School District (Duquesne) eliminated its senior high school program in 2007. Section 14

of the act of July 20, 2007 (P. L. 278, No. 45) (Act 45) governed the reassignment of Duquesne's senior high school students until Act 45 was struck down by the courts in 2010. In part, Act 45 authorized the Secretary of Education to designate two or more school districts to accept Duquesne's high school students. Thus, under Act 45, then-Secretary of Education Gerald Zahorchak designated two school districts to accept Duquesne's senior high school students on a tuition basis. The two designated school districts were the East Allegheny School District (East Allegheny) and the West Mifflin Area School District (West Mifflin).

Shortly after Act 45 was struck down, the act of November 23, 2010 (P. L. 1350, No. 123) (Act 123) was enacted. The enactment of Act 123 resulted in significant amendments to section 1607 of the Public School Code of 1949 (code) (24 P. S. § 16-1607), which governs the reassignment of high school students when certain school districts do not operate a high school. Similar to Act 45, Act 123 authorizes the Secretary of Education to designate two or more school districts to accept Duquesne's high school students. When Act 123 was enacted, East Allegheny and West Mifflin were designated to continue to receive Duquesne's senior high school students.

Recently, Duquesne sought and received the approval of the Department of Education (Department) to alter/curtail its junior high school program (that is, grades 7 and 8). To continue and extend the success that resulted from the placement of Duquesne senior high school students in East Allegheny and West Mifflin following the enactment of Act 45 and Act 123, on July 9, 2012, East Allegheny and West Mifflin were designated to receive Duquesne's junior high school students under section 1607 of the code. The designation of West Mifflin and East Allegheny to receive Duquesne's senior high school students remained unchanged.

### 2012-2013 Reassignment of Duquesne's Junior and Senior High School Students

As required under section 1607(d) of the code, the Department provides the following information regarding the assignment of Duquesne's high school students for the 2012-2013 school year:



- Students entering grades 10, 11 or 12 during the 2012-2013 school year shall be assigned to the same district to which they were assigned during the 2011-2012 school year.

- Students entering grades 7, 8 or 9 had the opportunity to select the district—East Allegheny or West Mifflin—they were interested in attending. Students entering grades 7, 8 or 9 shall be assigned to the district that they selected.

- Private, religious or charter school students who wish to enroll in Duquesne and attend East Allegheny or West Mifflin must register as Duquesne students at the Duquesne Education Center to be assigned to either East Allegheny or West Mifflin.

- Students transferring into Duquesne after the assignment process has concluded will be given a choice between West Mifflin and East Allegheny and will be assigned to the district they choose.

#### 2012-2013 Tuition Rates

The per pupil tuition rates that the designated districts shall receive, for the 2012-2013 school year, are \$10,000 for East Allegheny and \$10,000 for West Mifflin.

RONALD J. TOMALIS,  
*Secretary*

[Pa.B. Doc. No. 12-1416. Filed for public inspection July 27, 2012, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

### I. NPDES Renewal Applications

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0260134 (Sew)	Lancaster Family YMCA—Camp Shand 265 Harrisburg Avenue Lancaster, PA 17603	Lebanon County / Cornwall Borough	UNT Shearer's Creek / 7G	Y
PA0246620 (IW)	Norfolk Southern Railway Company 1200 Peachtree Street NE Box 13 Atlanta, GA 30309-0013	Dauphin County Swatara Township	UNT Spring Creek	Y
PA0083305 (GWCU)	Tyco Electronics Corporation PO Box 3608 Harrisburg, PA 17105-3608	York County Springfield Township	UNT Krebs Valley Run / 7-H	Y
PA0083089 (GWCU)	Tyco Electronics Corporation PO Box 3608 Harrisburg, PA 17105-3608	York County Springfield Township	UNT of Seaks Run / 7-H	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N?
PA0034061	Goddard Park Vacationland Campground 867 Georgetown Road, Sandy Lake, PA 16145-2525	Mercer County Deer Creek Township	Unnamed Tributary to the Schofield Run (16-G0)	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*

**PA0028584**, Sewage, SIC Code 4952, **West Goshen Sewer Authority**, 848 South Concord Road, West Chester, PA 19382-5536. Facility Name: West Goshen STP. This existing facility is located in West Goshen Township, **Chester County**.

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

The receiving stream(s), Goose Creek, is located in State Water Plan watershed 3-G and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 6 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Instant. 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	Report	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Oct 31	750	1,150	XXX	15	23	30
Nov 1 - Apr 30	1,250	1,900	XXX	25	Wkly Avg 38	50
Total Suspended Solids	1,500	2,250	XXX	30	Wkly Avg 45	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	Wkly Avg XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	Report

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Ammonia-Nitrogen						
May 1 - Oct 31	100	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	300	XXX	XXX	6.0	XXX	12.0
Total Phosphorus						
May 1 - Oct 31 (Interim)	100	XXX	XXX	2	XXX	4.0
Nov 1 - Apr 30 (Interim)	XXX	XXX	XXX	Report	XXX	Report
May 1 - Oct 31 (Interim)	50	XXX	XXX	1.0	XXX	2.0
Nov 1 - Apr 30 (Interim)	100	XXX	XXX	2.0	XXX	4.0
May 1 - Oct 31 (Final)	40	XXX	XXX	0.8	XXX	1.6
Nov 1 - Apr 30 (Final)	80	XXX	XXX	1.6	XXX	3.2
Total Copper	XXX	XXX	XXX	Report	Report	Report
Total Lead	XXX	XXX	XXX	Report	Report	Report
Bis(2-Ethylhexyl)Phthalate	0.15	XXX	XXX	0.003	0.006	0.008
N-Nitrosodi-N-Propylamine	XXX	XXX	XXX	Report	Report	Report

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

- A. Operator Notification
- B. Average Weekly Definition
- C. Remedial Measures
- D. No Stormwater
- E. Acquire Necessary Property Rights
- F. Small Stream Discharge
- G. EPA Test Methods
- H. Change of Ownership
- I. Proper Sludge Disposal
- J. TMDL/WLA Analysis
- K. WETT at Renewal
- L. Laboratory Certification
- M. WQBEL for Copper
- N. Operator Certification
- O. I-max Limitation
- P. Fecal Coliform Reporting
- Q. Implementation Schedule to meet the TMDL Phosphorus limit of 0.04 mg/l by 2021

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

The EPA Waiver is not in effect.

**PA0027031**, Sewage, SIC Code 4952, **Borough of West Chester**, 401 East Gay Street, West Chester, PA 19380-2729. Facility Name: Goose Creek STP. This existing facility is located in West Goshen Township, **Chester County**.

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

The receiving stream(s), Chester Creek (Goose Creek), is located in State Water Plan watershed 3-G and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.672 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.03	XXX	0.1
CBOD <sub>5</sub>						
May 1 - Oct 31	209	320	XXX	15	23	30
Nov 1 - Apr 30	348	557	XXX	25	40	50

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Total Suspended Solids	418	626	XXX	30	45	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	21.0	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	63.0	XXX	XXX	4.5	XXX	9.0
Total Phosphorus (Interim)	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus						
May 1 - Oct 31 (Interim)	16.7	XXX	XXX	1.2	XXX	2.4
Nov 1 - Apr 30 (Interim)	28.0	XXX	XXX	2.0	XXX	4.0
May 1 - Oct 31 (Final)	11.2	XXX	XXX	0.8	XXX	1.6
Nov 1 - Apr 30 (Final)	22.3	XXX	XXX	1.6	XXX	3.2
Total Copper	XXX	XXX	XXX	Report	XXX	XXX
Total Lead	XXX	XXX	XXX	Report	XXX	XXX
Total Zinc	XXX	XXX	XXX	Report	XXX	XXX
Total Phenolics	XXX	XXX	XXX	Report	XXX	XXX
Chronic toxicity (Ceriodaphnia) (TUc)						
(Interim)	XXX	XXX	XXX	Report	XXX	XXX
(Final)	XXX	XXX	XXX	1.14	XXX	XXX
Chronic toxicity (Pimephales) (TUc)						
(Interim)	XXX	XXX	XXX	Report	XXX	XXX
(Final)	XXX	XXX	XXX	1.14	XXX	XXX

The proposed monitoring requirements for Outfall 002, 003, 004 and 005 are based on an average storm event:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- A. Operator Notification
- B. Average Weekly Definition
- C. Remedial Measures if Unsatisfactory Effluent
- D. No Stormwater
- E. Acquire Necessary Property Rights
- F. Small Stream Discharge
- G. WET Testing at Renewal
- H. Approved Test Methods
- I. Change in Ownership
- J. Chlorine Minimization
- K. Proper Sludge Disposal
- L. Watershed TMDL/WLA Data
- M. Operator Certification
- N. Imax Limitation
- O. Laboratory Certification
- P. Fecal Coliform Reporting
- Q. TRC Reporting
- R. WET Monitoring Requirement
- S. Implementation of Pretreatment Program

T. Stormwater Condition

U. Implementation Schedule to meet the TMDL Phosphorus limit of 0.04 mg/l by 2021

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

The EPA Waiver is not in effect.

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

**Application No. PA0259969**, Concentrated Animal Feeding Operation (CAFO), **Jonas Sensenig**, 1147 Silver Spring Road, Drumore, PA 17532.

Jonas Sensenig has submitted an application for an Individual NPDES permit for an existing CAFO known as the Jonas Sensenig Farm, located at 1137 Silver Spring Road, Drumore, PA 17532 in Drumore Township, **Lancaster County**.

The CAFO is situated near a UNT to Fishing Creek in Watershed 7-K, which is classified for high quality cold water fishery. The CAFO is designed to maintain an animal population of approximately 395 animal equivalent units (AEUs) consisting of 3,200 finishing swine, 5 dry cows, and 30 goats. Manure is collected in a concrete underneath storage for swine with pasturing for the cows and goats. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. You may make an appointment to review the files by calling the File Review Coordinator at 717.705.4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**PA0087700**, Sewage, SIC Code 4952, **South Londonderry Township Municipal Authority Lebanon County**, P O Box 3, Campbelltown, PA 17010. Facility Name: South Londonderry Campbelltown East STP. This existing facility is located in South Londonderry Township, **Lebanon 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), Killinger Creek, is located in State Water Plan watershed 7-D and is classified for Trout Stocking, 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 0.21 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	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 Residual Chlorine	XXX	XXX	XXX	0.12	XXX	0.40
CBOD <sub>5</sub>	43	70	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	52	78	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	4.4	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	13.1	XXX	XXX	7.5	XXX	15
Total Phosphorus						
(Interim)	Report	XXX	XXX	Report	XXX	Report
(Final)	3.5	XXX	XXX	2.0	XXX	4.0

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Total Phosphorus (lbs/year) (Interim)	XXX	Report	XXX	XXX	XXX	XXX
(Final)	XXX	Total Annual 974	XXX	XXX	XXX	XXX
Total Copper	0.04	Total Annual XXX	XXX	0.02	XXX	0.05

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

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

In addition, the permit contains provision for copper effects ratio study.

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

The EPA Waiver is not in effect.

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

**PA0263974**, Sewage, SIC Code 8800, **Dale McCandless & Ralph Vignone**, 138 St. Joe Road, Butler, PA 16002. Facility Name: Vignone SRSTP. This proposed facility is located in Oakland Township, **Butler County**.

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

The receiving stream, an Unnamed Tributary to the Bonnie Brook, is located in State Water Plan watershed 20-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lbs/day)			Concentration (mg/l)		
	Average Monthly		Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

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

The EPA Waiver is in effect.

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

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

**WQM Permit No. 4612402**, Sewage, **Norristown Municipal Waste Authority**, 235 E. Airy Street, 2nd Fl., Norristown, PA 19401. This proposed facility is located in Norristown Borough, **Montgomery County**.

Description of Action/Activity: To install new post-aeration tanks, blower, diffusers, do meters and existing air supply as well as upgrade existing pre-aeration system.

**WQM Permit No. WQG02461204**, Sewage, **Upper Gwynedd Township**, P. O. Box 1, Parkside Place, West Point, PA 19486.

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

Description of Action/Activity: Construction and operation of a sewer extension.

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

**WQM Permit No. 5811401-A1** Sewerage, **Longford Lake Association**, 629 North Longford Lake Road, Brackney PA 18812

This proposed facility is located in Silver Lake Township, **Susquehanna County, PA.**

Description of Proposed Action/Activity: Application is for amendment of WQM Permit No. 5811401 to change the proposed treatment process from septic tanks and intermittent sand filter to extended aeration package treatment system. Treated effluent will still be discharged to existing soil absorption fields.

**WQM Permit No. 4812402** Sewerage, **City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018

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

Description of Proposed Action/Activity: This application for replacement and relocation of Combined Sewer Overflow No. 004 to a point on the North Interceptor upstream of the connection point of the Northeast trunk line sewer as called for in the City of Bethlehem's approved Combined Sewer Overflow Long Term Control Plan. The new CSO is designed to alleviate surcharging of the Northeast trunk line and generally consists of the following: a new diversion structure with a flow control gate and overflow regulator weir; a new pump station and screening facility; and new outfall piping, check valve and structure.

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

**WQM Permit No. 3801403 12-1**, Sewerage, **Mount Gretna Authority**, 101 Chautauqua Drive Post Office Rear, PO Box 322, Mount Gretna, PA 17064.

This proposed facility is located in Mount Gretna Borough & South Londonderry Township, **Lebanon County.**

Description of Proposed Action/Activity: Upgrades to the wastewater treatment facility.

**WQM Permit No. 2292405 12-1**, Sewerage, **Millersburg Area Authority**, 101 West Street, Millersburg, PA 17061-1321.

This proposed facility is located in Millersburg Borough, **Dauphin County.**

Description of Proposed Action/Activity: Modification and replacement of process equipment at the existing wastewater treatment plant to comply with the Chesapeake Bay Tributary Strategy.

**WQM Permit No. 3691410 Amendment 12-1**, Industrial Waste, **Turkey Hill Dairy, Inc.**, 2601 River Road, Conestoga, PA 17516-9630.

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

Description of Proposed Action/Activity: Hydraulic rerate to the existing wastewater treatment facility.

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

**WQM Permit No. 462S105-A1**, Sewerage, **Upper Saint Clair Township**, 1820 McLaughlin Run Road, Bridgeville, PA 15241

This existing facility is located in Upper Saint Clair Township, **Allegheny County**

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

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

**WQM Permit No. 4212201**, Industrial Waste, **Casella Waste Management of PA and CARES McKean LLC**, 25 Green Hills Lane, Rutland, VT 05701-3804.

This proposed facility is located in Sergeant Township, **McKean County.**

Description of Proposed Action/Activity: Application for a permit to construct and operate a water treatment and recycling facility to be located at the McKean County Landfill.

**WQM Permit No. 1612402**, Sewerage, **Pennsylvania American Water Company**, 425 Waterworks Road, Clarion, PA 16214.

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

Description of Proposed Action/Activity: Upgrades to the existing treatment plant to provide a max month flow of 2.9MGD and a peak instantaneous flow of 26MGD.

**WQM Permit No. 1612403**, Sewerage, **Pennsylvania American Water Company**, 425 Waterworks Road, Clarion, PA 16214.

This proposed facility is located in Clarion Borough, **Clarion County.**

Description of Proposed Action/Activity: Construction of a wet weather tank and a lift station at Liberty Street.

**WQM Permit No. 1612404**, Sewerage, **Pennsylvania American Water Company**, 425 Waterworks Road, Clarion, PA 16214.

This proposed facility is located in Clarion Borough, **Clarion County.**

Description of Proposed Action/Activity: Repair, replacement and new construction of gravity sewer and manholes.

**WQM Permit No. 1612405**, Sewerage, **Pennsylvania American Water Company**, 425 Waterworks Road, Clarion, PA 16214.

This proposed facility is located in Clarion Borough, **Clarion County.**

Description of Proposed Action/Activity: Sewer extension to the Clarion-Limestone School District Campus.

**IV. NPDES Applications for Stormwater Discharges from MS4****V. Applications for NPDES Waiver Stormwater Discharges from MS4****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

*Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023912014	County of Lehigh Glenn Solt Lehigh Co. Govt. Ctr. 17 S. 7th St. Allentown, PA 18101 and Cetronia Ambulance Corps. Inc. Larry Wiersch 7355 William Ave. Allentown, PA 18106	Lehigh	South Whitehall Twp.	Cedar Creek, HQ-CWF, MF
PAS10Q125R(3)	Polaris South Realty, LP James Gentile 7562 Penn Drive Ste. 100 Allentown, PA 18106	Lehigh	Lower Macungie Twp.	Swabia Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032108017	Hugh Ansley Carlisle Evangelical Free Church 290 Petersburg Road Carlisle, PA 17013	Cumberland	South Middleton Township	Letort Spring Run/ EV, MF
PAI033112003	Bonney Forge Corp. 14496 Croghan Pike Mount Union, PA 17066-0330	Huntingdon	Shirley Township	UNT to Juniata River/ HQ
PAI036712001	PPL Electric Utilities Two N 9th Street Allentown, PA 18101	York	Chanceford, Lower Chanceford, and Peach Bottom Townships	Susquehanna River 3/WWF, Susquehanna River 4/WWF Susquehanna River 5/WWF, Boyds Run/WWF, Wilson Run 1/WWF, Otter Creek 1/HQ/ CWF, Sawmill Run/WWF, Furnace Run/CWF, Counselman Run/ WWF, Oakland Run/CWF, Wallace Run/CWF, Orson Run/TSF, Muddy Creek 1/TSF, Neill Run/TSF, and Fishing Creek, TSF
PAI030712002	Sheetz Inc. 5700 6th Avenue Altoona, PA 16602	Blair	Logan Township	Brush Run/WWF
PAI033112004	Bruce E. Cox 1618 Ridge Road Warriors Mark, PA 16877	Huntingdon	Warriors Mark Township	UNT Warriors Mark Run/HQ CWF



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


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PAG-12

CAFOs

**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>
Kucharski Farms 9351 SR 414 Liberty, PA 16930	Tioga	366.4	2.08	Dairy/ Swine	HQ	application
Sullivan Farm 372 Hemlock Hill Rd Covington, PA, 16917	Tioga	167.9	2746.6	Swine	N/A	application
Willard Hackman 1035 Dean Hill Rd Wellsboro, PA 16901	Tioga	300	620.32	Swine/ Beef	CWF	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**

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

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

**Permit No. WA-09-1006**, Public Water Supply

Applicant **Warwick Township Water & Sewer Authority**

Township Warwick

County **Chester**

Responsible Official Michael Sullivan  
P. O. Box 315  
1733 Township Greene  
Jamison, PA 18929

Type of Facility PWS

Consulting Engineer Ebert Engineering, Inc.  
P. O. Box 540  
4092 Skippack Pike  
Suite 202  
Skippack, PA 19474

Application Received Date May 23, 2012

Description of Action Permit application for a new subsidiary water allocation for an interconnection to supply water from the North Wales Water Authority to the Warwick Township Water & Sewer Authority.

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

**Application No. 5212501**, Public Water Supply.

Applicant **PA American Water Saw Creek System**

[Township or Borough] Lehman Township  
**Pike County**

Responsible Official Mr. David Kaufman  
Vice President-Engineering  
800 West Hershey Park Drive  
Hershey, PA. 17033

Type of Facility Public Water Supply

Consulting Engineer Mr. Richard B. Kresge, Jr. PE.  
Quad Three Group  
37 North Washington Street  
Wilkes-Barre, PA. 18701

Application Received Date June 20, 2012

Description of Action This project provides for the construction of an above ground inline pump station on Dover Drive to transfer water from the Tank 5 zone to the Tank 4 zone in order to provide additional supply to the Tank 4 service area. The pump station can supply 60 gpm.

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

**Permit No. 0107506**, Public Water Supply.

Applicant **Fairfield Municipal Authority**

Municipality Hamiltonban Township

County **Adams**

Responsible Official Patricia Smith, Secretary  
PO Box 263  
Fairfield, PA 17320

Type of Facility Public Water Supply

Consulting Engineer Christopher W Toms, P.E.  
C. S. Davidson, Inc  
50 West Middle Street  
Gettysburg, PA 17325

Application Returned: 7/9/2012

Description of Action Construction of the McGinley's Choice development including the addition of 481 customers, 2 wells, treatment and finished water storage.

**Permit No. 3612515**, Public Water Supply.

Applicant **Valco Companies, Inc.**

Municipality East Lampeter Township

County **Lancaster**

Responsible Official Jeremy Crum, Dep Operator  
1697 Swamp Pike  
Gilbertsville, PA 19525

Type of Facility Public Water Supply

Consulting Engineer Bruce Rader, P.E.  
Berks Surveying & Engineering, Inc.  
311 East Main Street  
Fleetwood, PA 19522

Application Received: 6/14/2012

Description of Action Valco Bird in Hand-Installation of anion exchange for nitrate treatment.

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

**Application No. 5912502—Construction** Public Water Supply.

Applicant **Wellsboro Municipal Authority**

[Township or Borough] Wellsboro Borough

County **Tioga**

Responsible Official Daniel K. Strausser, Borough Manager  
Wellsboro Municipal Authority  
28 Crafton Street  
Wellsboro, PA 16901

Type of Facility Public Water Supply

Consulting Engineer William S. Bray, P.E.  
373 West Branch Road  
Wellsboro, PA 16901

Application Received July 16, 2012

Description of Action Add membrane filtration unit to supplement slow sand filter treatment of surface water.

#### 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. 6512507MA, Minor Amendment.**

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

[Township or Borough] Salem Township

Responsible Official Christopher Kerr, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer

Application Received Date July 5, 2012

Description of Action Installation of approximately 1,700 feet of 12-inch waterline.

**Application No. 6512508MA, Minor Amendment.**

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

[Township or Borough] Ligonier Township

Responsible Official Christopher Kerr, Resident Manager  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer

Application Received Date July 5, 2012

Description of Action Installation of approximately 5,100 feet of 8-inch waterline.

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

**Application No. 3612518 MA, Minor Amendment, Public Water Supply.**

Applicant **Leola Sewer Authority**

Municipality Upper Leacock Township

County **Lancaster**

Responsible Official Michael H. Morris, Township Manager  
36 Hillcrest Avenue  
PO Box 325  
Leola, PA 17540

Type of Facility Public Water Supply

Consulting Engineer Daniel S Hershey Rettew Associates Inc  
3020 Columbia Avenue  
Lancaster, PA 17603

Application Received: 6/25/2012

Description of Action Repainting of the Hillcrest Avenue 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.*

**Penn's Best**, 7318 State Route 6, Meshoppen and Washington Townships, **Wyoming County**. Chuck Orloski, EPS of Vermont, Inc., 850 West Oak Street, Old Forge, PA 18518 has submitted a Notice of Intent to Remediate on behalf of his client, Penn's Best Incorporated, PO Box 128, Meshoppen, PA 18630, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release, which occurred during the delivery of fuel oil to an unregulated 275 gallon aboveground storage tank. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standard for soil. It is anticipated that the subject property will continue to be used as a trucking warehouse, distribution and logistics facility. A summary of the Notice of Intent to Remediate was expected to be published in the *New Age Examiner* on July 11, 2012.

#### **DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Application(s) for Determination of Applicability 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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**General Permit Application No. WMGR096, Program I.D. WMGR028NE003, Wayco Incorporated**, 1500 Purdytown Pike, Hawley, PA 18428. A General Permit Determination of Applicability (DOA) for the beneficial use of asphalt plant baghouse fines as a soil additive located in Palmyra Township, **Wayne County**. The application for Determination of Applicability was received in the Regional Office on July 2, 2012, and was deemed administratively complete as of July 17, 2012.

Persons interested in obtaining more information about the Determination of Applicability application may contact William Tomayko, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Public comments must be submitted within 30 days of the publication of this notice, and these comments may recommend revisions to, and approval or denial of the application.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Application(s) received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Permit Application No. 101371. McAuliffe Hauling and Recycling Services, Inc.**, 4816 Timberline Road, Walnutport, PA 18088. A permit renewal application for

the continued operation of this municipal solid waste transfer station located in Lehigh Township, **Northampton County**. The application was received in the Regional Office on June 20, 2012, and was found to be administratively complete as of July 11, 2012.

Comments concerning the application should be directed to William Tomayko, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

### **AIR QUALITY**

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

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

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

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

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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**PLAN APPROVALS**


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

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*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*

**65-01017A: Mountain Gathering, LLC** (810 Houston Street, Fort Worth, TX 76102) for operation of eight (8) natural gas compressor engines at their Westmoreland Compressor Station in New Florence Borough, **Westmoreland County**. This is a Minor Facility Plan Approval submittal.

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

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

**10-380B: Mountain Gathering, LLC—Forward Compressor Station** (810 Houston Street, Fort Worth, TX 76102) for construction of a natural gas compressor station at 910 Saxonburg Road, Butler, PA 16002, in Jefferson Township, **Butler County**. The compressor station will consist of eight (8) natural gas compressor engines rated at 1,775 bhp, three (3) 16,800 gallon condensate storage tanks with a flare to control VOC emissions and TEG dehydrator unit rated at 1.5 MMBtu/hr.

**10-381A: Mountain Gathering, LLC—Forward Compressor Station** (810 Houston Street, Fort Worth, TX 76102) for construction of a natural gas compressor station at 275 Powder Mill Road, Renfrew, PA 16053 in Forward Township, **Butler County**. The compressor station will consist of eight (8) natural gas compressor engines rated at 1,775 bhp, three (3) 16,800 gallon condensate storage tanks with a flare to control VOC emissions and TEG dehydrator unit rated at 1.5 MMBtu/hr.

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

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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*

**46-0005AI: Merck, Sharp & Dohme, Corp.** (770 Sunnyside Pike, West Point, PA 19486-0004) for expansion of Building 62 disinfection operations necessary to meet product demand at an existing permitted building in Upper Gwynedd Township, **Montgomery County**. The plan approval is for a Title V facility. The modification will increase VOC emissions from the building, which was previously permitted as part of Source 105 in the Title V permit. The VOC emissions increase will be limited to 2.0 tons per year, resulting in total VOCs from this building being 7.08 tons/year. The plan approval will include monitoring, recordkeeping and reporting requirements

designed to keep the facility operating within all applicable air quality requirements.

**09-0007E: Waste Management Disposal Services of Pennsylvania, Inc.** (WMDSPI) (1000 New Ford Mill Road, Morrisville, PA 19067) for installation of two (2) propane fired crystallizers of 3 MMBtu/hr and 5 MMBtu/hr rated capacity at the Geological Reclamation Operations and Waste Systems (GROWS) landfill in Falls Township, **Bucks County**. The crystallizers will be used within a new and upgraded leachate treatment system at the facility to reduce the aqueous volume from a reverse osmosis unit. The GROWS landfill is a Title V facility. The crystallizers will result in an increase of emissions of the following pollutants on a 12-month rolling basis: particulate matter (PM/PM<sub>10</sub>/PM<sub>2.5</sub>) 0.50 tons/year, sulfur oxides 0.60 tons/year, nitrogen oxides (NO<sub>x</sub>) 5.50 tons/year, carbon monoxide (CO) 3.00 tons/year, volatile organic compounds (VOC) 0.500 tons/year and ammonia (NH<sub>3</sub>) 13.9 tons/year. Emissions will be minimized by use of Best Available Technology (BAT) to include the design features of the combustion chambers of the crystallizers which produce high combustion efficiency and by the use of propane, a clean burning fuel. A mist eliminator will further minimize particulate emissions due to drift. The crystallizer installation is subject to the emissions offset requirements of 25 Pa. Code, Chapter 127, Subchapter E (relating to nonattainment new source review) for the aggregated emissions in the contemporaneous time period. Emissions that are required to be offset are: 29.7 tons of NO<sub>x</sub> and 25.8 tons of VOC. The Department has authorized and WMDSPI has provided the required ERCs under Plan Approval 09-0007F. Plan Approval 09-0007E will contain monitoring, recordkeeping and testing requirements designed to keep the facility operating within the allowable emissions limits and all applicable air quality requirements.

**23-0001AD: Sunoco, Inc.** (4th and Green Streets, Marcus Hook, PA 19061) for installation of SCR for the control of CO emissions on six (6) existing diesel-fired dewatering pumps in Marcus Hook Borough, **Delaware County**. The plan approval is for a Title V facility. The installation of controls for CO emissions is required under the NESHAP standard found in 40 CFR 63, Subpart ZZZZ for existing CI Engines. CO emissions are anticipated to decrease by 1.27 tons, with a similar increase in GHG emissions. NSR and PSD regulations will not be triggered with this project. The plan approval will include 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*

**58-399-029: William Field Service Co., LLC**, (1605 Coraopolis Heights Road, Moon Township, PA 15108) for construction and operation of a three (3) (CAT G3612LE) Caterpillar natural gas fired compressor engines, one (1) Solar Taurus 60-7800S turbine, three (3) dehydration unit with reboiler, catalytic converter, and Enclosed Flare. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO<sub>x</sub>, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed

25 TPY of all aggregated HAPs, based on a 12-month rolling sum at its Central Compressor Station facility in Bridgewater and Brooklyn Township, **Susquehanna County**. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the operations 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 Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**67-05083C: Calpine Mid Merit LLC, York Energy Center** (PO Box 6066 92 DC 72, Newark, DE 19744-6066) for a modification to an existing plan approval of a gas turbine cogen power plant, located in Peach Bottom Township, **York County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the above mentioned company. Plan Approval No. 67-05083C will constitute a modification of Plan Approval No. 67-05083.

Plan Approval (PA) No. 67-05083C generally addresses the following changes to Plan Approval No. 67-05083: remove 6 ppm CO emissions limit during startup/shutdown period, but retain it during other periods; delete provisions related to simple cycle operation; update CEM and stack test conditions; and clarify, and add alternative to, the ammonia slip monitoring requirements. This plan approval modification may be incorporated into the facility-wide Title V operating permit. The Plan Approval will contain emission standards, monitoring, recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The plan approval includes the following emissions limits for the facility, based on any consecutive 12-month period:

Nitrogen oxides—460.2 tons

Volatile organic compounds—46.2 tons

Carbon monoxide—439.3 tons

Sulfur dioxide—301 tons

Particulate matter—523.3 tons

Sulfuric acid mist—46.1 tons

Hazardous air pollutants (HAPs)—less than 10 tons for any single HAP or 25 tons total

Ammonia—444.5 tons

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must include the name, address and telephone number of the person submitting the comments, reference number of the proposed permit, and a concise statement regarding the relevancy of the information or objections to the permit issuance.

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, or for requests for a public hearing. 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.

Daniel C. Husted, New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests or requests for a public hearing.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**08-00045A: Moxie Liberty, LLC** (612 Center Street South, Suite 200, Vienna, VA 22180) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval to construct a natural gas-fired combined-cycle power plant to produce 936 MW or less of electricity in Asylum Township, **Bradford County**. The project consists of two identical 1 x 1 power blocks, and each block includes a combustion gas turbine and a steam turbine. Each combined-cycle process will also include a heat recovery steam generator and supplemental duct burners. Additionally, one diesel-fired emergency generator, one diesel-fired fire water pump, two diesel fuel storage tanks, two lube oil storage tanks, and one aqueous ammonia storage tank were proposed to be constructed and operated. Each combined-cycle process will be rated at 468 MW or less. The heat input rating of each combustion gas turbine is 2890 MMBtu/hr (HHV) or less, and the heat input rating of each supplemental duct burner is equal to 387 MMBtu/hr (HHV) or less. This application is subject to the Prevention of Significant Deterioration (PSD) of Air Quality regulations of 40 CFR 52.21, the Nonattainment New Source Review (NNSR) regulations of 25 Pa. Code §§ 127.201—27.218, and the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The facility's total particulate matter (PM) including total PM<sub>10</sub> and total PM<sub>2.5</sub>, nitrogen oxides, carbon monoxide, volatile organic compounds, and greenhouse gas emissions are subject to the PSD requirements. The facility's nitrogen oxides and volatile organic compounds emissions are also subject to the NNSR requirements. The Department has determined that the proposed levels of the air contaminants emissions satisfy best available control technology (BACT) and Lowest Achievable Emission Rate (LAER) requirements as well as the Department's BAT requirements.

The facility is also subject to the following Standards of Performance for New Stationary Sources (NSPS): 40 CFR Part 60 Subpart KKKK—Standards of Performance for Stationary Combustion Turbines codified in 40 CFR 60.4300 through 60.4420 and 40 CFR Part 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines codified in 40 CFR 60.4200 through 60.4219. The proposed project is also subject to the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines codified 40 CFR 63.6580 through 63.6675 as applicable to the proposed diesel-fired engines. The Department has determined that this facility satisfies all applicable requirements of these subparts including Maximum Achievable Control Technology (MACT) requirements.

Pursuant to the PSD provisions of 40 CFR 52.21 and 25 Pa. Code § 127.83, Moxie Liberty has performed dispersion modeling. The air quality analysis methodology is consistent with the "Guideline on Air Quality Models" codified in Appendix W to 40 CFR Part 51, associated United States Environmental Protection Agency modeling policy and guidance, and the Department's recommendations. The air quality analysis adequately demonstrates that the proposed emissions due to the project will not cause or significantly contribute to air pollution in violation of the National Ambient Air Quality Standards for carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), particulate matter less than 2.5 micrometers (PM-2.5), and particulate matter less than 10 micrometers (PM-10), and the PSD standards for NO<sub>2</sub>, PM-2.5, and PM-10. In addition, the analysis adequately demonstrates that the project's proposed emissions, in conjunction with anticipated emissions due to general commercial, residential, industrial, and other growth associated with the project, will not impair visibility, soils, and vegetation. Furthermore, the effect of the project's emissions on air quality related values, including visibility, in Federal Class I areas is adequately addressed.

Based on the findings presented above, the Department intends to issue a plan approval for the proposed project. The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable air quality regulatory requirements:

1. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR Section 52.21 and of 25 Pa. Code § 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201—127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12,

(a) emissions from the operation of each combined-cycle powerblock shall not exceed the limits specified below:

1. Carbon monoxide: 2.0 ppmv and 15.3 lb/hr
2. Oxides of nitrogen (as NO<sub>2</sub>): 2.0 ppmv and 25.2 lb/hr
3. Volatile organic compounds: 1.0 ppmv and 3.8 lb/hr (without duct burner firing) and 1.5 ppmv and 6.2 lb/hr (with duct burner firing)
4. Sulfur dioxide: 0.0011 lb/MMBtu and 3.5 lb/hr
5. Total (filterable and condensable) Particulate Matter: 0.0057 lb/MMBtu (with and without duct burner firing) and 12.1 lb/hr (without duct burner firing) and 12.8 lb/hr (with duct burner firing)
6. Total PM<sub>10</sub>: 0.0057 lb/MMBtu (with and without duct burner firing) and 12.1 lb/hr (without duct burner firing) and 12.8 lb/hr (with duct burner firing)
7. Total PM<sub>2.5</sub>: 0.0057 lb/MMBtu (with and without duct burner firing) and 12.1 lb/hr (without duct burner firing) and 12.8 lb/hr (with duct burner firing)
8. H<sub>2</sub>SO<sub>4</sub>: 0.00017 lb/MMBtu and 1.5 lb/hr (with and without duct burner firing)
9. NH<sub>3</sub>: 5 ppmv (with and without duct burner firing) and 23.2 lb/hr (with duct burner firing) and 22.8 (without duct burner firing)

(b) ppmv = parts per million volume on a dry gas basis, corrected to 15 percent O<sub>2</sub>

(c) The nitrogen oxides, carbon monoxide and ammonia emissions limits shall be established as one-hour period.

(d) Unless otherwise specified herein, the above emissions limits shall apply at all times except for periods of startup and shutdown.

(e) The applicable sulfur dioxide requirements in 40 CFR 60.4330 are streamlined into this permit condition.

2. (a) The permittee shall install, certify, maintain and operate continuous emission monitoring systems (CEMS) for nitrogen oxides, carbon monoxide, carbon dioxide and ammonia emissions as well as volumetric flow on the exhaust of each combined-cycle powerblock in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's "Continuous Source Monitoring Manual." No CEMS or flow monitoring system may however be installed unless Phase I approval has first been obtained from the Department.

(b) The permittee shall submit a Phase I application to the Department for all CEMS and flow monitoring systems to be associated with each combined-cycle powerblock at least 6 months prior to the expected startup of each respective unit.

3. (a) Unless otherwise specified in the plan approval, the emissions limits shall apply at all times except for periods of startup and shutdown.

(b) Startup and shutdown are defined as follows:

(1) A cold start is defined as a restart occurring 72 hours or more after shutdown and shall not be in excess of 79 minutes in duration.

(2) A warm start is defined as a restart occurring between 12 to 72 hours after shutdown and shall not be in excess of 68 minutes in duration.

(3) A hot start is defined as a restart occurring less than 12 hours after shutdown and shall not be in excess of 58 minutes in duration.

(4) Shutdown is defined as the period between the time that the combined-cycle powerblock drops below 60 percent operating level.

(c) Shutdown shall not occur for more than 16 minutes in duration.

(d) The permittee shall record the time, date and duration of each startup and shutdown.

(e) The permittee shall operate the facility so as to minimize the frequency and duration of startup and shutdown events.

(f) The permittee shall operate the Continuous Emission Monitoring Systems (CEMS) during periods of startup and shutdown.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall monitor and keep records of the amount of fuel used each month in each of the combined-cycle powerblocks as well as the monthly heat input and hours of operation. All information to satisfy this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

5. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR Section 52.21 and of 25 Pa. Code § 127.83, as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, each combined-cycle powerblock shall be fired on only natural gas. The sulfur content of the natural gas shall not exceed 0.4 grains/100 scf.

6. Pursuant to 25 Pa. Code § 127.12b, (a) the permittee shall keep accurate and comprehensive records of the following to demonstrate compliance with the fuel requirements specified above under part I. Restrictions for each combined-cycle powerblock:

(1) The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 0.4 grain/100 scf or less AND minimum percent methane composition equals 70% by volume or the fuel has a lower heating value between 950 and 1,100 British thermal units per standard cubic foot; OR

(2) Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 0.4 grain/100 scf AND minimum percent methane composition equals 70% by volume or the fuel has a lower heating value between 950 and 1,100 British thermal units per standard cubic foot.

(i) With additional authority for this item taken from 40 CFR 70.6, the records of the fuel sampling performed in this paragraph shall include the following;

- (i) The date, place, and time of sampling;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used;
- (v) The results of such analyses; and
- (vi) The operating conditions as existing at the time of sampling or measurement

(b) All information to satisfy this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

7. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR Section 52.21 and of 25 Pa. Code § 127.83, as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, emissions from the operation of each combined-cycle powerblock shall not exceed the limits specified below:

a. Greenhouse Gases (as CO<sub>2</sub>e): 1,480,086 tons in any 12 consecutive month period.

b. Hazardous Air Pollutants (HAP): 6.23 tons in any 12 consecutive month period.

c. Hexane: 2.1 tons in any 12 consecutive month period.

d. Formaldehyde: 1.32 tons in any 12 consecutive month period.

8. The permittee shall conduct initial EPA reference method testing within 180 days of the startup of each combined-cycle powerblock and subsequent testing every two years from the previous tests for nitrogen oxides, carbon monoxide, ammonia slip, volatile organic compounds, sulfur oxides (SO<sub>2</sub>), sulfuric acid mist, total PM, total PM<sub>10</sub>, total PM<sub>2.5</sub>, hexane and formaldehyde as well as keep record of the monthly emissions of sulfur oxides (SO<sub>2</sub>), sulfuric acid mist, total PM, total PM<sub>10</sub>, total PM<sub>2.5</sub>, hexane and formaldehyde to demonstrate compliance with the emission limitations.

9. The Department will evaluate the actual emission rates and may revise the allowable emission rates based upon demonstrated performance (CEMS data, stack tests

results), and/or subsequently promulgated applicable requirements during the first five years of operation. Any revision of the allowable emission rates shall be accomplished by minor modification provided that the revised allowable emission rates do not exceed levels at which the lowest achievable emission rate (LAER), best available control technology (BACT) and best available technology (BAT) were evaluated, do not exceed the level at which facility impacts were modeled, and that are not a result of a physical change at the facility.

10. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR Section 52.21 and of 25 Pa. Code § 127.83, as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the emission of visible air contaminants from the operation of each combined-cycle powerblock shall not be in excess of 10% opacity for any 3-minute block period and shall not exceed 20% at any time.

11. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the inlet temperature, outlet temperature, and pressure differential across the SCR catalyst shall be monitored and recorded on a continuous basis. Visual and audible alarms shall be utilized to indicate improper operation.

12. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the pre-control and post-control NO<sub>x</sub> emissions shall be monitored by the feed-forward process control loop to ensure maximum control efficiency and minimum NH<sub>3</sub> slip.

13. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the pressure differential across the oxidation catalyst as well as the catalyst inlet and outlet temperatures shall be monitored and recorded on a continuous basis (1-hour average). Visual and audible alarms shall be utilized to indicate improper operation. The pressure differential and temperature ranges will be established based upon the recorded data and the stack testing. In addition to these operating parameters, the CO emissions from the CEMS will be used as an indicator for VOC emission compliance based upon the recorded data and the stack testing.

14. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, an oxygen monitor shall be in each stack to monitor oxygen levels to ensure maximum combustion efficiency. The percent oxygen in the stack associated with each combined-cycle powerblock will be established based upon the recorded data and the stack testing.

15. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, high efficiency inlet air filters shall be used in the air inlet section of each combined-cycle powerblock.

16. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall monitor and record the pressure differential across the inlet air filters on a weekly basis.

17. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, all air-contaminant sources and control devices shall be maintained and operated in a manner consistent with good air pollution control practices and in accordance with the manufacturer's recommendations.

18. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the total combined hours of startups and shutdowns for both



combined-cycle powerblocks shall not exceed 500 hours in any 12 consecutive month period.

19. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR Section 52.21 and of 25 Pa. Code §§ 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201—127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, each combustion turbine associated with a powerblock shall be equipped with dry-low-NO<sub>x</sub> (DLN) combustors.

20. The combustion turbines, heat recovery steam generators and duct burners associated with each combined-cycle powerblock shall comply with all applicable requirements of Subpart KKKK of the Standards of Performance for New Stationary Sources, 40 CFR 60.4300 through 60.4420 (Standards of Performance for Stationary Combustion Turbines).

21. The permittee shall comply with all applicable SO<sub>2</sub> monitoring requirements specified in 40 CFR Section 60.4360, 60.4365, and 60.4370.

22. The permittee shall comply with all applicable monitoring requirements specified in 40 CFR Sections 60.4340, 60.4345, and 60.4350.

23. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall operate and maintain the stationary combustion turbine, air pollution control equipment, and monitoring equipment in a manner consistent with good air pollution control practices for minimizing emissions at all times including during startup, shutdown, and malfunction pursuant to 40 CFR Section 60.4333.

24. The permittee shall comply with the applicable testing requirements specified in 40 CFR Sections 60.4400, 60.4405, and 60.4415.

25. The permittee shall comply with the reporting requirements specified in 40 CFR Sections 60.4375 and 60.4380.

26. Pursuant to 40 CFR 72.7, the combined-cycle powerblocks meet the criteria for new unit exemption. As specified in 40 CFR 72.7(b)(1), the powerblocks are exempt from the Acid Rain Program, except for the provisions of 40 CFR 72.2—72.7, and 72.10—72.13. The permittee shall comply with applicable sections of the Acid Rain Program.

27. The permittee shall comply with the applicable requirements of 40 CFR Part 96 and 25 Pa. Code Chapter 145 Subchapter D.

28. The permittee shall submit a complete NO<sub>x</sub> Budget permit application in accordance with 40 CFR Section 96.21(b)(1)(ii).

29. The permittee shall comply with the applicable requirements of 40 CFR Part 97.

30. The permittee shall submit a complete NO<sub>x</sub> Budget permit application in accordance with 40 CFR Section 97.21(b)(1)(ii).

31. The permittee shall comply with the applicable Mandatory GHG Reporting requirements of 40 CFR Part 98.

32. The facility shall comply with the requirements in 40 CFR Part 98 Subpart D, (40 CFR 98.40—98.48).

33. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the duct

burners shall only be used when the combined-cycle powerblock is required to achieve 100% load.

34. The permittee shall construct and operate only one of the two options. The first option consists of constructing two Mitsubishi M501GAC lean premix DLN natural-gas-fired combustion turbines (CT) and steam turbines (ST), where each CT and ST train are configured in a single shaft alignment and drive one common electric generator. Each unit will be equipped with natural-gas-fired duct burners (DB) and heat recovery steam generators (HRSG). Each Mitsubishi train will be capable of producing approximately 468 megawatts (MW) of electricity. The maximum heat input rating of each CT is 2879 MMBtu/hr (high heating value, HHV) and 2600 MMBtu/hr (lower heating value, LHV). Each DB will have a maximum heat input rating of 387 MMBtu/hr (HHV) and 350 MMBtu/hr (LHV). The second option consists of constructing two Siemens SGT6-8000H lean premix DLN natural-gas-fired CTs with STs, where each CT and ST train are configured in a single shaft alignment and drive one common electric generator. Each unit will be equipped with natural-gas-fired DBs and HRSGs. Each Siemens train will be capable of producing approximately 454 MW of electricity. The maximum heat input rating of each CT is 2980 MMBtu/hr (HHV) and 2685 MMBtu/hr (LHV). Each DB will have a maximum heat input rating of 164 MMBtu/hr (HHV) and 148 MMBtu/hr (LHV).

35. (a) Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the two combined-cycle powerblocks shall be constructed and operated from the options identified in this plan approval. The two combined-cycle powerblocks chosen by the permittee shall be either the two 468 MW combined-cycle powerblocks (P101 and P102) or the two 454 MW combined-cycle powerblocks (P103 and P104).

(b) The Mitsubishi combined-cycle powerblocks shall not emit more than 116.7 tons of carbon monoxide in any 12 consecutive month period, 102.7 tons of nitrogen oxides in any 12 consecutive month period, 14.2 tons of sulfur dioxide in any 12 consecutive month period, 2.2 tons of sulfuric acid mist in any 12 consecutive month period, 52.5 tons of total particulate matter (PM<sub>10</sub>) including total PM<sub>10</sub> and PM<sub>2.5</sub> in any 12 consecutive month period, 101.6 tons of ammonia in any 12 consecutive month period, 33.8 tons of volatile organic compounds in any 12 consecutive month period, 1,480,086 tons of greenhouse gases (expressed as CO<sub>2</sub>e) in any 12 consecutive month period, 6.23 tons of hazardous air pollutants in any 12 consecutive month period, 2.1 tons of hexane in any 12 consecutive month period, 1.24 tons of formaldehyde in any 12 consecutive month period. The Mitsubishi combined-cycle powerblock option (combined with all of the other air contaminant sources) shall not emit more than 233.46 tons of carbon monoxide in any 12 consecutive month period, 206.36 tons of nitrogen oxides (as nitrogen dioxide) in any 12 consecutive month period, 67.60 tons of volatile organic compounds in any 12 consecutive month period, 2.48 tons of formaldehyde in any 12 consecutive month period, 12.46 tons of hazardous air pollutants in any 12 consecutive month period, 105.00 tons of total PM (PM/PM<sub>10</sub>/PM<sub>2.5</sub> including condensable PM) in any 12 consecutive month period, 28.40 tons of sulfur oxides (as sulfur dioxide) in any 12 consecutive month period, 4.4 tons of sulfuric acid mist in any 12 consecutive month period and 2,960,271 tons of greenhouse gases in any 12 consecutive month period. The

emissions limits specified in (b) of this condition apply at all times including during periods of startup and shutdown.

(c) The Siemens combined-cycle powerblocks shall not emit more than 86.8 tons of carbon monoxide in any 12 consecutive month period, 100.7 tons of nitrogen oxides in any 12 consecutive month period, 13.4 tons of sulfur dioxide in any 12 consecutive month period, 2.1 tons of sulfuric acid mist in any 12 consecutive month period, 53.7 tons of total particulate matter (PM<sub>10</sub>) including total PM<sub>10</sub> and PM<sub>2.5</sub> in any 12 consecutive month period, 99.9 tons of ammonia in any 12 consecutive month period, 30.1 tons of volatile organic compounds in any 12 consecutive month period, 1,388,540 tons of greenhouse gases (expressed as CO<sub>2</sub>e) in any 12 consecutive month period, 5.2 tons of hazardous air pollutants in any 12 consecutive month period, 0.9 tons of hexane in any 12 consecutive month period, 1.32 tons of formaldehyde in any 12 consecutive month period. The Siemens combined-cycle powerblock option (combined with all of the other air contaminant sources) shall not emit more than 173.66 ton of carbon monoxide in any 12 consecutive month period, 202.36 tons of nitrogen oxides (as nitrogen dioxide) in any 12 consecutive month period, 60.20 tons of volatile organic compounds in any 12 consecutive month period, 2.64 tons of formaldehyde in any 12 consecutive month period, 10.40 tons of hazardous air pollutants in any 12 consecutive month period, 107.40 tons of total PM (PM<sub>10</sub>/PM<sub>2.5</sub> including condensable PM) in any 12 consecutive month period, 26.80 tons of sulfur oxides (as sulfur dioxide) in any 12 consecutive month period, 4.2 tons of sulfuric acid mist in any 12 consecutive month period and 2,777,179 tons of greenhouse gases in any 12 consecutive month period. The emissions limits specified in (c) of this condition apply at all times including during periods of startup and shutdown.

36. Pursuant to the new source review provisions in 25 Pa. Code §§ 127.201—127.217, the permittee shall purchase and apply 237.3 tons per year of NO<sub>x</sub> emission reduction credits (ERCs) and 77.7 tons per year of VOC ERCs prior to the start of operation of Source IDs P101 and P102 at the facility to offset the total of the net increase in potential to emit. The permittee shall certify to the Northcentral Regional Office of the Department the amount of ERCs purchased, the company from which the ERCs were purchased, and the effective date of transfer of the ERCs. The purchase and application of the NO<sub>x</sub> and VOC ERCs shall be tracked in the Department's ERC registry system. Failure to purchase and apply the ERCs prior to the start of operation at the facility shall make this plan approval null and void.

37. Pursuant to the new source review provisions in 25 Pa. Code §§ 127.201—127.217, the permittee shall purchase and apply 232.7 tons per year of NO<sub>x</sub> emission reduction credits (ERCs) and 69.2 tons per year of VOC ERCs prior to the start of operation of Source IDs P103 and P104 at the facility to offset the total of the net increase in potential to emit. The permittee shall certify to the Northcentral Regional Office of the Department the amount of ERCs purchased, the company from which the ERCs were purchased, and the effective date of transfer of the ERCs. The purchase and application of the NO<sub>x</sub> and VOC ERCs shall be tracked in the Department's ERC registry system. Failure to purchase and apply the ERCs prior to the start of operation at the facility shall make this plan approval null and void.

38. Pursuant to the requirements of 40 CFR Section 60.4205(b) and 60.4211(c), the engine-generator associated

with Source ID P105 shall be EPA certified to meet the emissions standards that are specified in 40 CFR Section 89.112 for the same model year and maximum engine power.

39. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the visible emissions from the engine-generator associated with Source ID P105 shall not exceed 15% for any 3-minute block period and 50% at any time.

40. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the exhaust of the engine-generator associated with Source ID P105 shall not exceed the following limitations:

- a. Nitrogen Oxides (expressed as NO<sub>2</sub>)—4.93 g/hp-hr, 16.02 lb/hr, 0.80 tpy
- b. Carbon Monoxide—0.13 g/hp-hr, 0.41 lb/hr, 0.02 tpy
- c. Volatile Organic Compound (expressed as THC)—0.01 g/hp-hr, 0.03 lb/hr, 0.01 tpy
- d. Particulate Matter less than 10 microns in diameter (PM<sub>10</sub>)—0.02 g/hp-hr, 0.06 lb/hr, 0.01 tpy
- e. PM<sub>2.5</sub>—0.02 g/hp-hr, 0.06 lb/hr, 0.01 tpy
- f. Sulfur Oxides (expressed as SO<sub>2</sub>)—0.01 g/hp-hr, 0.03 lb/hr, 0.01 tpy

41. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12,

(a) the annual cumulative hours of operation of the engine-generator associated with Source ID P105 and fire pump engine associated with Source ID P106 shall not exceed 100 hours in any 12-consecutive month period.

(b) The duration of each readiness test associated with the engines shall be no more than 30 minutes.

(c) There shall be no simultaneous readiness testing of the engine-generator and fire pump engine within the same hour.

(d) There shall be no readiness testing of the engines during the startup or shutdown of the combined-cycle powerblocks

42. Pursuant to the requirements of 40 CFR Section 60.4211(f), the operation of the engine-generator associated with Source ID P105 shall not be used for peak shaving or to generate income by supplying power to an electric grid or otherwise supply non-emergency power as part of a financial arrangement with another entity.

43. Within 180 days of the commencement of operation of the engine-generator associated with Source ID P105, the permittee shall conduct stack tests on the exhaust of the engine-generator in order to show compliance with the best available technology emissions limitations for nitrogen oxides, carbon monoxide, and volatile organic compounds.

44. Pursuant to 40 CFR Section 60.4206, the permittee shall operate and maintain the engine-generator associated with Source ID P105 to achieve the emission standards specified in 40 CFR Section 89.112 and 89.113 over the entire life of the engine. Any testing used to verify compliance with this work practice restriction shall be performed in accordance with 40 CFR Part 60 Subpart III, including 40 CFR Section 60.4212, and Department-approved test methods and procedures.

45. Pursuant to best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use diesel fuel that is classified as ultra-low sulfur

non-highway diesel fuel (15 ppm Sulfur Maximum) pursuant to 40 CFR Part 80 Subpart I, to operate the engine-generator associated with Source ID P105.

46. Pursuant to best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the engine-generator associated with Source ID P105 shall be equipped with a non-resettable hour meter that accurately monitors the engine-generator's hours of operation.

47. Pursuant to 40 CFR Section 60.4210(f), the engine-generator associated with Source ID P105 shall meet the labeling requirements in Section 60.4210(f).

48. Pursuant to 40 CFR Section 60.4211(c), the engine-generator associated with Source ID P105 shall be installed and configured according to the manufacturer's emission-related specifications.

49. The permittee shall record the hours that the engine-generator associated with Source ID P105 operated through the non-resettable hour meter and shall calculate the 12-consecutive month total hours of operation, including supporting documentation, to verify compliance with the operational restriction specified in this permit on a monthly basis. Additionally, the permittee shall record the time of operation of the engine-generator and the reason the engine-generator was in operation during that time. The information used to demonstrate compliance with this condition shall be kept for a minimum of five years and shall be made available to the Department upon request.

50. Pursuant to 25 Pa. Code § 127.12b, the permittee shall keep accurate and comprehensive records of the following information for the engine-generator associated with Source ID P105:

(a) the supporting information and calculations used to demonstrate that the emissions of particulate matter and sulfur oxides from the exhaust of the engine-generator comply with the best available technology emissions limitations as well as the requirements in 25 Pa. Code §§ 123.13 and 123.21, respectively;

(b) the stack test reports.

51. Pursuant to 25 Pa. Code § 127.12b, the permittee shall keep record of the fuel certification reports for each delivery of diesel fuel for the engine-generator associated with Source ID P105 to verify compliance with the fuel restriction requirements for the engine-generator.

52. The engine-generator associated with Source ID P105 is subject to the requirements in 40 CFR Part 60 Subpart IIII. The permittee shall comply with all applicable provisions specified 40 CFR Section 60.4200 through 60.4219, including appendices.

53. Source ID P105 is a Caterpillar Model DM9933 Generator that includes a Caterpillar C32 TA, V-12, 4-stroke, water-cooled, diesel-fired reciprocating internal combustion engine (or equivalent as approved by the Department) used to supply emergency power to the site. The engine-generator shall include electronic fuel injection and a turbocharged aspiration system.

54. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the engine-pump associated with Source ID P106 shall be EPA certified to meet the following emissions standards:

a. Nitrogen Oxides (expressed as NO<sub>2</sub>)—2.6 g/hp-hr, 2.5 lb/hr, 0.13 tpy

b. Carbon Monoxide—0.5 g/hp-hr, 0.51 lb/hr, 0.03 tpy

c. Volatile Organic Compound (expressed as THC)—0.10 g/hp-hr, 0.10 lb/hr, 0.01 tpy

d. Particulate Matter less than 10 microns in diameter (PM<sub>10</sub>)—0.09 g/hp-hr, 0.09 lb/hr, 0.01 tpy

e. PM<sub>2.5</sub>—0.09 g/hp-hr, 0.09 lb/hr, 0.01 tpy

f. Sulfur Oxides (expressed as SO<sub>2</sub>)—0.01 g/hp-hr, 0.01 lb/hr, 0.001 tpy

55. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the visible emissions from the engine-pump associated with Source ID P106 shall not exceed 15% for any 3-minute block period and 50% at any time.

56. Pursuant to 40 CFR Section 60.4206, the permittee shall operate and maintain the engine-pump associated with Source ID P106 to achieve the emission standards in this permit over the entire life of the engine. Any testing used to verify compliance with this work practice restriction shall be performed in accordance with 40 CFR Part 64 Subpart IIII, including 40 CFR Section 60.4212, and Department-approved test methods and procedures.

57. Pursuant to best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use diesel fuel that is classified as ULTRA-LOW SULFUR NON-HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum) pursuant to 40 CFR Part 80 Subpart I, to operate the engine-pump associated with Source ID P106.

58. Pursuant to best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the engine-pump associated with Source ID P106 shall be equipped with a non-resettable hour meter that accurately monitors the engine-pump's hours of operation.

59. The permittee shall record the hours that the engine-pump associated with Source ID P106 operated through the non-resettable hour meter and shall calculate the 12-consecutive month total hours of operation, including supporting documentation, to verify compliance with the operational restriction specified in this permit on a monthly basis. Additionally, the permittee shall record the time of operation of the engine-generator and the reason the engine-pump was in operation during that time. The information used to demonstrate compliance with this permit condition shall be kept for a minimum of five years and shall be made available to the Department upon request.

60. Pursuant to 25 Pa. Code § 127.12b, the permittee shall keep accurate and comprehensive records of the following information for the engine-pump associated with Source ID P106:

(a) the supporting information and documentation used to demonstrate that the emissions from the exhaust of the engine-pump comply with the emissions limitations in this permit as well as the requirements in 25 Pa. Code §§ 123.13 and 123.21, respectively

61. Pursuant to 25 Pa. Code § 127.12b, the permittee shall keep record of the fuel certification reports for each delivery of diesel fuel for the engine-pump associated with Source ID P106 to verify compliance with the fuel restriction requirements for the engine-pump.

62. The engine-pump associated with Source ID P106 is subject to the requirements in 40 CFR Part 60 Subpart IIII. The permittee shall comply with all applicable provisions specified 40 CFR Section 60.4200 through 60.4219, including appendices.

63. Pursuant to best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the duration of each test of the emergency generator or the fire pump will be restricted to 30 minutes.

64. Pursuant to best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, there will be no simultaneous testing of the emergency generator and the fire pump within the same hour.

65. Pursuant to best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, testing of the emergency generator or the fire pump will not occur during (within the same hour as) startup or shutdown of the combustion turbines.

66. Source ID P106 is a Clark Model JX6H-UFADF0 that includes a John Deere Co. In-Line, 4-stroke, water-cooled, diesel-fired reciprocating internal combustion engine (or equivalent as approved by the Department) used to power the fire suppression system at the facility. The engine-pump shall include electronic fuel injection and a turbocharged aspiration system.

67. The permittee shall not store any liquid containing volatile organic compounds (VOC) with a vapor pressure greater than 1.5 psia (10.5 kilopascals) under actual storage conditions in each storage tank associated with Source ID P107 unless each of the tanks are equipped with pressure relief valve which is maintained in good operating condition and which are set to release at no less than 0.7 psig of pressure or 0.3 psig of vacuum, or the highest possible pressure and vacuum in accordance with state or local fire codes or the National Fire Prevention Association guidelines or other national consensus standards acceptable to the Department.

68. The permittee shall keep a record of the vapor pressure of the contents of each storage tank associated with Source ID P107 unless the respective tank is equipped with pressure relief valves that meets the requirement in this permit relating to pressure release settings. All information used to demonstrate compliance with this permit condition shall be kept for minimum of five (5) years and shall be made available to the Department upon request.

69. Source ID P107 consists of two (2) 15,000-gallon lube oil tanks and each tank services the lubing system associated with each of the electric generating units.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this plan approval, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Plan Approval No. 08-00045A) and a concise statement regarding the relevancy of the information or objections to issuance of the plan approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information

received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

**57-00005A: Appalachia Midstream Services, LLC** (P. O. Box 54382, 6100 N. Western Avenue, Oklahoma City OK 73154) has submitted an application to the Pennsylvania Department of Environmental Protection (Department) for plan approval to construct five compressor engines and one dehydration unit at their Cherry Compressor Station located in Cherry Township, **Sullivan County**. The respective facility is a state only (natural minor) facility for which a state only operating permit has not yet been issued.

The Department's review of the information submitted by Appalachia Midstream Services indicates that the compressor engines to be constructed will comply with applicable regulatory requirements pertaining to air contamination sources. Additionally, the Department has determined that the proposed engines satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12 as well as the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines specified in 40 CFR 60, Subpart JJJJ. Pursuant to the requirements of BAT, the compressor engines are restricted to emit emissions for the following pollutants at a rate above; 0.50 g/Bhp-hr for nitrogen oxide (NO<sub>x</sub>), 0.19 g/Bhp-hr for carbon monoxide (CO), 0.16 g/Bhp-hr for volatile organic compounds (VOC, expressed as NMNEHC), and 0.04 g/Bhp-hr for formaldehyde. To demonstrate compliance with these limitations, Appalachia will be required to conduct EPA reference method testing on each engine-compressor's exhaust for NO<sub>x</sub>, CO, VOC, and formaldehyde emissions. Continuous compliance demonstration will include monitoring of operational parameters of the catalyst and testing for NO<sub>x</sub> and CO on an approximate quarterly basis. The compressor-engines are also required to use only pipeline quality natural gas as fuel for operation. Each engine-compressor has a site rating of 3,550 bhp.

Based on the findings above, the Department proposes to issue a plan approval with annual emission restrictions for all sources at the Cherry Compressor Station as well as monitoring, recordkeeping and work practice requirements to verify compliance with the annual emission restrictions.

In addition to the emission limitations above, the following is a summary of the types of conditions the Department intends to place in Plan Approval 57-00005A to ensure compliance with applicable Federal and State regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Initial and subsequent testing at the exhaust of each engine-compressors using Department-approved methods on an approximate annual basis

Monitoring requirement to take representative samples of gas into the station, the inlet and outlet exhaust temperature of catalysts to demonstrate continuous compliance with the destruction efficiency of the catalyst and

monitoring requirement on the engines-compressors for nitrogen oxide and carbon monoxide emissions on an approximate quarterly basis

Recordkeeping requirement for engine-compressors' gas usage and operational hours including the records of all required monitoring

Work practice requirement to construct and operate in accordance with the manufacturer's recommendations and good air pollution control practices, minimize blowdowns and limit the emission of malodors to level undetectable outside the property

The air contaminate emissions from all sources at the proposed compressor station will be restricted to the following annual 12 consecutive month limitations; 92.4 tpy for NO<sub>x</sub>, 42.3 tpy for CO, 42.3 tpy for VOC, 1.5 tpy for sulfur oxide, 6.3 tpy for particulate matter (PM) including PM<sub>10</sub> and PM<sub>2.5</sub>, 7.1 tpy for formaldehyde, and 22.6 tpy for hazardous air pollutants (HAP). Compliance requirements for these annual restrictions include monthly recordkeeping of emissions from each source at the proposed station

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office. Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this plan approval, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Plan Approval No. 57-00005A) and a concise statement regarding the relevancy of the information or objections to issuance of the plan approval.

All persons requesting additional information or submitting comments should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

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

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

**25-1025A: Erie Cemetery Association** (2116 Chestnut Street, Erie, PA 16502), the Department intends to issue a plan approval for authorization to continue operation of two existing crematories at their existing facility in the City of Erie, **Erie County**. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

The identical crematories were installed in 1959 and 1975. Erie Cemetery Association (ECA) was unaware that they should have received authorization for the crematory built in 1975. The units' operation has never resulted in a complaint to the Department or ECA. This plan approval issuance is subject to the following special conditions:

#### Work Practice

1) The crematories' burners shall be operated and maintained as prescribed by the manufacturer. A copy of the burner's operational and maintenance literature shall be maintained onsite with the units at all times.

2) The owner/operator may only cremate human remains and the container used to transport the remains.

3) The owner/operator of the crematory must ensure that all medical devices (e.g. pacemakers, defibrillators, etc.) and potentially hazardous remedial devices (e.g. radioactive implants, etc.) have been removed from bodies and properly disposed of prior to cremation. Documentation certifying compliance with this requirement shall be maintained for each cremation.

4) The crematory shall be:

a. Operated in such a manner as not to cause air pollution, as defined in 25 Pa. Code § 121.1.

b. Operated and maintained in a manner consistent with good operating and maintenance practices.

c. Attended by a trained operator at all times when the unit is in operation.

d. Operated and maintained in accordance with the manufacturer's specifications and the applicable terms and conditions of this Permit.

e. Operated such that the temperature at the exit of the secondary chamber shall be maintained at or above 1600° F throughout the cremation cycle.

f. Observed by a trained operator for stack emissions. The permittee shall verify compliance with visible and odor emission limitations through the following procedures:

i. The permittee shall observe the exhaust stack of the crematory at least once during each cremation cycle for the presence of visible emissions;

ii. If any visible or odor emissions are apparent, the permittee shall take immediate action to eliminate them; and

iii. If any visible or odor emissions are apparent after the corrective action, the crematory shall not start another cremation cycle until the permittee can verify compliance with the visible emission limitations specified in this plan approval through methods prescribed in 25 Pa. Code § 123.43 (relating to measuring techniques), such as Method 9 readings taken by a certified visible emissions reader.

iv. At a minimum of once during any consecutive six month period, visible stack emissions shall be measured by an individual certified in method 9 visible emission evaluation. The observations shall begin during initial firing of the primary chamber and shall occur for a minimum of 30 minutes with averages taken in 3 minute intervals. A record of this evaluation shall be kept on site in a log and shall include (at a minimum) the name, title, and signature of the observer, documentation of certification, the date, time, temperature, description of atmospheric conditions, and the approximate weight of material to be cremated. Erie Cemetery Association may petition the Department for a reduced frequency of these visible emission evaluations after four compliant observations have been made in succession.

g. If nighttime operation of the crematory is to occur, adequate artificial lighting of the plume at the stack outlet must be provided to enable observations of stack emissions at night.

#### Monitoring

The owner/operator shall install, maintain, and operate continuous temperature monitors to measure the temperatures at the exit from the primary combustion chamber and at the exit from the secondary (or last) chamber

of the crematory. Sensors shall be located such that flames from the burners do not impinge on the sensors. These temperatures shall be recorded in either analog or digital read-only format.

#### Recordkeeping

The owner/operator shall maintain records of:

- i. Visible emission observations and any corrective actions;
- ii. A time and corresponding temperature during each cremation cycle when the temperature of the secondary (or last) combustion chamber achieves 1600°F or greater.
- iii. The number of cremations performed;
- iv. Operating training certification(s);
- v. Burner adjustments and maintenance;
- vi. Thermocouple calibrations, adjustments and replacements;
- vii. The removal from the body and proper disposal of any implanted electronic devices and potentially hazardous remedial devices

#### Emission Restrictions

1) No person may permit the emission to the outdoor atmosphere of particulate matter from any incinerator, at any time, in such a manner that the particulate matter concentration in the effluent gas exceeds 0.1 grain per dry standard cubic foot, corrected to 12% carbon dioxide. (Filterable Only)

2) Visible emissions shall not exceed either of the following limitations:

- i. Equal to or greater than 20% for a period or periods aggregating more than three minutes in any 1 hour;
- ii. Equal to or greater than 40% at any time.

3) [25 Pa. Code § 123.31] A person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, 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 [25-197E] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing

by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Jacob G. Chemsak, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6638.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

**62-141G: National Fuel Gas Supply Corp.** (PO Box 2081, Erie, PA 16512), for the installation of two (2) 840 bhp natural gas compressor engines, as a replacement for four (4) existing natural gas compressor engines at their Roystone Compressor Station facility in Sheffield Township, **Warren County**. This is a Title V facility.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 62-141G to National Fuel Gas Supply Corp. for the installation of two (2) 840 bhp natural gas fired compressor engines, with associated NSCR catalysts at their Roystone Compressor Station facility in Sheffield Township, Warren County. These engines will replace four (4) existing engines (Source IDs 139, 140, 141, 142). The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 62-141G is for the installation of two (2) 840 bhp natural gas fired compressor engines, with associated NSCR catalysts. These engines will replace four (4) existing engines (Source IDs 139, 140, 141, 142). Based on the information provided by the applicant and DEP's own analysis, the proposed sources will each have the potential to emit approximately 2.0 tons of carbon monoxide, 4.1 tons of nitrogen oxides (NO<sub>x</sub>), and 1.5 tons of volatile organic compounds (VOCs) per year.

The Plan Approval will contain additional testing, monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 62-141G and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

**AMS 12151: Philadelphian Condominium** (2401 Pennsylvania Avenue, Philadelphia, PA 19130) to install Thirteen (13) combustion units less than 8 MMBTU/hr firing either natural gas or No. 2 oil in the City of Philadelphia, **Philadelphia County**. The Facility will be limited to less than 25 tons of Nitrogen Oxides (NO<sub>x</sub>) emissions per year. The plan approval will contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

#### PLAN APPROVALS

#### PUBLIC HEARINGS

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

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

Public Notification to Solicit Comments on **Williams Field Service Company, LLC** Central Compression Station **Plan Approval Application No: 58-399-029**

Notice is hereby given under 25 Pa. Code § 127.44(b)(5) and 127.424, that the Department of Environmental Protection (Department) is soliciting comments on the proposed Air Quality Plan Approval; No. 59-399-029 for William Field Service Company, LLC (the Permittee), 1605 Coraopolis Heights Road, Moon Township, PA 15108, to construct the proposed Compressor Station, which is to be located in Bridgewater and Brooklyn Twps., Susquehanna County as described in the Permittee's updated June 29, 2012 Plan Approval Applications and any other subsequent supplemental submissions.

The station will consist of three (3) (CAT G3612LE) Caterpillar natural gas fired compressor engines, one (1) Solar Taurus 60-7800S turbine, three (3) dehydration unit with reboiler, catalytic converter, and Enclosed Flare. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO<sub>x</sub> emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO<sub>x</sub>, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to MACT 40 CFR Part 63 Subparts ZZZZ and HH, NSPS Subpart JJJJ and 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20 % at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Emissions from the engines will meet MACT Subpart ZZZZ, MACT Subpart HH, BAT & NSPS Subpart JJJJ requirements. The Plan Approvals and Operating permits will contain additional recordkeeping and operating restrictions designed to keep the facilities operating within all applicable air quality requirements.

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of the Plan Approval, may submit the information to the address shown below. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 59-399-029 and a concise statement regarding the relevancy of the information or any objections to the issuance of the Plan Approval.

A public meeting will be held for the purpose of receiving comments on the proposed air quality plan approval. The meeting will be held on August 28, 2012 at 6:00 p.m. at the Montrose High School located at 50 High Street, Montrose, PA 18801. Persons interested in commenting are invited to appear.

Staff from DEP's Air Quality Program will explain the application review process and applicable regulations, and Williams Field Service Company officials will review the project. These presentations will be followed by a question and answer session with citizens.

The public meeting will be followed by a DEP public hearing beginning at 7:30 p.m. during which time citizens will have an opportunity to present oral testimony regarding the proposed Air Quality Plan Approval application. Anyone who wishes to present oral testimony during the public hearing may register that evening prior to the hearing. Citizens will have a maximum of five minutes each to present testimony. Written testimony of any length also will be accepted. The testimony will be recorded by a court reporter and transcribed into a written document. DEP will respond in writing to all relevant testimony provided during the public hearing.

Copies of the application, the Department's technical review and other supporting documents are available for public inspection between the hours of 8 a.m. and 4 p.m. at the Department's Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling (570) 826-2511.

The general procedures for the hearing are as follows:

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent. The notice should be sent to Mark Wejkszner, Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. The Department will accept notices up to the day of the public hearing.

This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments.

Each individual will have up to 5 minutes to present testimony. The Department requests that individuals present written copies of their testimony in addition to their oral presentations.

To insure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the

procedures to be followed at the hearing will be outlined at the beginning of the hearing.

Persons unable to attend the hearing can submit written testimony to the Department through September 7, 2012.

The Department will address comments from the public before any final actions are taken on the proposals. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval. Send written comments to Mark Wejksznar, Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations should contact the Department at the address shown above, or the Pennsylvania AT&T relay service at (800) 654-5984 (TDD) to discuss how the Department may address their needs.

For additional information regarding the above, contact Mark Wejksznar at (570)-826-2511 or write to the Department at the Wilkes-Barre address given previously.

#### OPERATING PERMITS

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

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

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

**15-00019: Exelon Generation Company, LLC** (300 Exelon Way, Suite 330, Kennett Square, PA 19348; Attn: Mr. John Tissue), for the renewal of the Title V Operating Permit. The facility is located in East Pikeland Township, **Chester County**. The initial permit was issued on July 2, 2000, for their electric utility power station located at 100 Cromby Road, Phoenixville, PA. The facility is a major source for all criteria pollutants. Sources include utility Boiler 1, utility Boiler 2, Cromby Auxiliary Boiler, Natural Gas Preheater, Centrifuge Dryers A and B, Reheat Burners ABC, Diesel Generator, Mechanical Collector 1, "D" Secondary Collector Cyclone, Electrostatic Precip 1, Wet Scrubber Train ABC, Dryer A Cyclone, Dryer B Cyclone, Baghouse 1, and SNCR for Boiler 1. Boiler 1 was previously subject to 40 C.F.R. Part 60, Subpart HHHH. Subpart HHHH has since been vacated. Boiler 1 and Boiler 2 are subject to 40 C.F.R. Part 63, Subpart UUUUU. The Auxiliary Boiler and Natural Gas Heater are subject to 40 C.F.R. Part 63, Subpart DDDDD. The Diesel Generator is only used for emergencies and is subject to 40 C.F.R. Part 63, Subpart ZZZZ, but is exempt from having to meet the requirements of this subpart and subpart A of 40 C.F.R. Part 63, including the initial notification requirement. Boiler 1 is considered a major source of PM, SO<sub>x</sub>, CO, and NO<sub>x</sub>. The pollutants SO<sub>x</sub> and NO<sub>x</sub> are monitored using a Continuous Emission Monitoring System (CEMS), which exempts the source from Compliance Assurance Monitoring (CAM) requirements for SO<sub>x</sub> and NO<sub>x</sub>. CAM requirements already exist for PM emissions from this source. CAM does not apply to the CO emissions. Boiler 1 and Boiler 2 are both subject to the Clean Air Interstate Rule (CAIR). Applicable conditions were already incorporated into the permit. The following are potential site-wide emission rates for this

facility: NO<sub>x</sub>—5,341.1 TPY; SO<sub>x</sub>—17,781.9 TPY; PM—2,125.1 TPY; CO—679.8 TPY; VOC—32.74 TPY; HAP—137.5 TPY; and GHG—3,149,609 TPY (reported as CO<sub>2e</sub>). Allowable emissions from the facility have not increased as a result of this permit renewal. Individual limits apply to the various sources at the facility. The operating permit contains requirements to keep the facility operating within all applicable air quality requirements for this source.

The Department intends to re-issue an Acid Rain Permit for this site, as well. For the time period from January 2013 to December 2017, the Title IV Permit (ORIS number 3159) is included by reference in the Title V Operating Permit renewal. Boiler 1 and Boiler 2 are Phase II units, as defined in 40 C.F.R. Section 72.2, and are both subject to Acid Rain Program permitting for SO<sub>x</sub>. For calendar years 2013—2017, the SO<sub>x</sub> allowance allocations for Boiler 1 are 2,207 tons per calendar year. For the same time period, the SO<sub>x</sub> allowance allocations for Boiler 2 are 2,114 tons per calendar year. When the Acid Rain program was first implemented, the facility opted into the early election NO<sub>x</sub> reduction plan for Boiler 1. Boiler 1 became subject to an early election Phase I NO<sub>x</sub> limitation of 0.50 lbs/MMBtu, on an annual average basis, which was effective through 12-31-2007. Per 40 C.F.R. 76.8, on January 1, 2008, Boiler 1 became subject to a new NO<sub>x</sub> limit of 0.46 lb/MMBtu, on an annual average basis. Boiler 2 does not burn coal and is therefore only subject to the sulfur emission requirements of the Acid Rain Program. All necessary conditions and requirements will be included in the Acid Rain Permit.

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

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

**61-00198: Handsome Lake Energy LLC** (173 Cornplanter Lane, Kennerdell, PA 16374) for a Title V Operating Permit re-issuance in Rockland Township, **Venango County**. The facility's major sources of emissions are the ten (10) Combustion Turbine Engines use to power generators that produce electricity for the grid. The source is major due to its' being subject to the Acid Rain Program. The potential emissions from this facility are: 95.0 TPY—NO<sub>x</sub>, 68.2 TPY—CO, 12.3 TPY—PM<sub>10</sub>, 8.5 TPY—VOCs, and 2.9 TPY—SO<sub>x</sub>.

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

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

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

**15-00046: Sunoco Pipeline L.P.** (1824 Horseshoe Pike, Honey Brook, PA 19344) for a renewal of the State Only Operating Permit, which was issued on July 31, 2007 in West Brandywine Township, **Chester 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 primary sources of emissions are three internal floating-roof storage tanks used for the storage of petroleum products. The internal floating-roof VOL (volatile



organic liquid) storage tanks are subject to the provisions of 40 CFR 63.423, Subpart R [National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminal and Pipeline Breakout Stations: Storage Tanks)] which requires each gasoline storage vessel with a design capacity greater than or equal to 75 cubic meters according to the requirements in 40 CFR 60.112b(a)(1)—(4), except for the requirements in 40 CFR 60.112b(a)(1)(iv) through (ix) and 40 CFR 60.112b(a)(2)(ii).

The internal floating-roof VOL storage tanks are exempted from the federal regulations of 40 CFR 60, Subpart Ka and Subpart Kb [Standards of Performance for Petroleum Liquid and Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels)] because the tanks, were constructed prior to May 18, 1978 and July 23, 1984 and have not been modified as defined by 40 CFR § 60.2.

The internal floating-roof VOL storage tanks are also subject to the provisions of 25 Pa. Code § 129.56 [Storage Tanks greater than 40,000 gallon capacity containing VOCs] which regulates facilities with tanks that contain volatile organic liquids with vapor pressures under actual storage conditions to be greater than 1.5 psia (10.5 kilopascals) and less than 11 psia (76 kilopascals).

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*

**48-00080: Belyea Co., Inc.** (2200 Northwood Avenue, Easton, PA 18045-2208) plating and polishing facility for operation of a spray paint booth in Palmer Township, **Northampton County**. The proposed State-only Operating Permit contains other applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**22-05046: Haines & Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474-0196) for the operation of a batch asphalt plant in Lower Swatara Township, **Dauphin County**. This is a renewal of their State-Only Operating Permit issued in 2007.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions around 1.3 tpy PM<sub>10</sub>, 19.5 tpy of CO, 1.2 tpy NO<sub>x</sub>, 0.2 tpy SO<sub>x</sub>, & 0.4 tpy VOC. 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 provi-

sions derived from 40 CFR 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities & 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Tom Hanlon, Facility Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**67-05082: David Edward Ltd.** (252 North Franklin Street, Red Lion, PA 17356) for their wood furniture manufacturing facility in Red Lion Borough, **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 a renewal of an Air Quality Operating Permit for the abovementioned facility.

The subject facility had the following actual emissions in 2011: 4.2 tons VOC and 1.1 tons total HAPs. 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. The two boilers are subject to 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests.

Daniel C. Husted, P.E., New Source Review Chief, may be contacted at 717-705-4863, 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*

**65-00838: Quadrant, EPP** (201 Industrial Drive, Delmont, Pa 15626) for the manufacturing of ultra-high molecular weight polyethylene plastic located in Salem 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 4 natural gas fired boilers for process heat, 5 mold presses, and process support VOCs. The facility has the potential to emit 24.04 tpy NO<sub>x</sub>, 20.2 tpy CO, 8.0 tpy VOC, 0.00302 tpy HAPs and 1.3 tpy PM. The facility is required to conduct a daily survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. All preventative maintenance shall be recorded and sources must be operated in accordance with manufacture's specifications. Records of the daily survey performed must be recorded. The proposed authorization is subject to State and Federal Regulations. The permit includes additional 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 (65-00838) and a concise statement regarding the relevancy of the information or objections to issuance of the Operating Permit. All comments must be received prior to the close of business 30 days after the date of this publication.

**RACT OP-65-000-853 (ArcelorMittal Monessen LLC, 345 Donner Avenue, Monessen, PA 15062)** In accordance with 25 Pa. Code §§ 127.42, 127.425 and 127.426, and 40 CFR 51.102, the Department of Environ-

mental Protection (DEP) is providing notice that it intends to conduct a Public Hearing on Thursday, August 30, 2012 at 1:00 p.m. Public Hearing will be held in Conference Rooms Waterfront A&B located at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. DEP proposes to issue a revised Reasonably Available Control Technology Operating Permit (RACT OP-65-000-853) to ArcelorMittal LLC for the Monessen Coke Plant located in Monessen, **Westmoreland County**. The Public Hearing is being conducted to accept testimony regarding the proposed revised RACT OP-65-000-853 and the proposed revision to Pennsylvania's State Implementation Plan (SIP). When issued, the revised RACT OP-65-000-853 will be submitted to the United States Environmental Protection Agency as a revision to Pennsylvania's SIP as codified at 40 CFR 52, Subpart NN. This Public Hearing is being held for the purpose of receiving comments on the proposed revised RACT OP-65-000-853 and the proposed SIP revision.

The Monessen Coke Plant is of a byproduct recovery design. Sources included two Coke Oven Gas Fired Boilers, Coal and Coke Handling, Coke Oven Batteries 1B and 2, Coke Quenching and a Byproduct Recovery Plant where ammonia, light oils (primarily benzene, toluene, xylene), tar, tar derivatives, heavy hydrocarbons, and other chemical compounds are recovered from Coke Oven Gas. Emissions associated with Coke Oven Batteries 1B and 2 arise from Charging, Soaking, Pushing, and Combustion Stacks.

Only the allowable emissions of volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>) from the Coke Oven Batteries 1B and 2 Combustion Stacks are affected by this proposed action. Allowable VOC and NO<sub>x</sub> emissions from these sources were originally established by DEP based on the RACT Proposal submitted by Monessen, Inc. (a wholly owned subsidiary of Sharon Specialty Steel, Inc.) in 1994. The current owner, ArcelorMittal LLC, has requested that these allowables be revised. Permittee has provided the results of 14 years of stack tests, and a revised technical feasibility analysis for possible control of NO<sub>x</sub> and VOC emissions. Based on the information provided, and the Department's analysis, revised limits for NO<sub>x</sub> and VOC emissions from the Coke Oven Batteries 1B and 2 Combustion Stacks are being proposed as shown below. These revised emission limits are not the result of any reconstruction or modification to Coke Oven Batteries 1B and 2. No equipment changes are being sought by Permittee, and none will be authorized by this action. Proposed revised RACT OP-65-000-853 includes conditions relating to emission restriction, testing, monitoring, recordkeeping and work practice standards established in accordance with the provisions of 25 Pa. Code §§ 129.91—129.95.

<i>Emission Unit</i>	<i>1998 NO<sub>x</sub> RACT</i>	<i>Proposed NO<sub>x</sub> RACT</i>	<i>1998 VOC RACT</i>	<i>Proposed VOC RACT</i>
Coke Battery 1B Combustion Stack	60.7 lb/hr 286.0 tpy	81.5 lb/hr 357.0 tpy	0.3 lb/hr 1.0 tpy	5.0 lb/hr 21.9 tpy
Coke Battery 2 Combustion Stack	55.4 lb/hr 246 tpy	59.4 lb/hr 260.2 tpy	0.5 lb/hr 1.69 tpy	6.6 lb/hr 28.9 tpy

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. The public is invited to present testimony at the

Public Hearing and should contact Mr. John Poister at (412) 442-4000 to reserve a time. Oral testimony will be limited to ten minutes for each presenter. Each group or organization is requested to designate one witness to present testimony on its behalf. Commenters shall pro-

vide two written copies of their remarks at the time of the hearings. Requests to provide oral testimony must be submitted to DEP on or before August 29, 2012.

Those who are unable to attend the Public Hearing, but wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the proposed, revised RACT OP-65-000-853 and submittal of the proposed, revised RACT OP-65-00853 to EPA as a SIP revision, may submit the information to Barbara Hatch, Environmental Engineer Manager, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222 or bhatch@pa.gov. All written comments must be received on or before October 1, 2012. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify RACT OP-65-00853) and a concise statement regarding the relevancy of the information or objections to issuance of the RACT Operating Permit.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**10-00087: DU CO Ceramics Company** (155 S. Rebecca Street, PO Box 568 Saxonburg, PA 16056), for a renewal-operating permit located in Saxonburg Boro, **Butler County**. The facility produces precision ceramic insulators for varied industrial and manufacturing applications. The significant sources at the facility are a boiler, ceramic cutting and machining, four periodic kilns, two continuous kilns, two dryers, a diesel emergency generator, four minor kilns, and a Swindell Dressler Tunnel kiln. The conditions of the previous approvals and operating permit were incorporated into the renewal permit. The facility is a Natural Minor. The requirements of 40 CFR 63 Subpart ZZZZ pertaining to the emergency engine were included in the permit renewal. The potential NO<sub>x</sub>, CO, PM, SO<sub>x</sub>, and VOC emissions from the facility are less than 20.4 TPY, 17 TPY, 2 TPY, 1 TPY, and 17.0 TPY, respectively. The HAPs emissions from the facility are less than 10 TPY and the facility is therefore an Area Source for MACT.

**20-00268: Tedes Gizzie Memorials & Crematory** (614 Baldwin Street, Meadville, PA 16335), to issue a renewal state only operating permit for the crematory located in the City of Meadville, **Crawford County**. The significant source is a natural gas fired crematory. The facility is a natural minor. The conditions of the previous plan approvals and operating permit are incorporated into the renewal permit. The potential emissions from the facility are as follows: PM<sub>10</sub> less than 1 tpy; CO less than 1 tpy; and Total Hydrocarbons less than 1 tpy.

**37-00296: Select Industries** (PO Box 7158 420 N Cascade Street, New Castle PA 16107), for a renewal operating permit located in New Castle, **Lawrence County**. The facility coats tinplates. The significant sources at the facility are a roll coater controlled by a thermal oxidizer, a printing press, a small paint booth, miscellaneous natural gas combustions sources, and miscellaneous cleaning solvent. The conditions of the previous approvals and operating permit were incorporated into the renewal permit. The facility is a Natural Minor.

**42-00193: Allegheny Bradford Corporation** (PO Box 200, Bradford, PA 16701-0200), to issue a renewal state only operating permit for the stainless steel fabricating and polishing facility located in the Borough of Lewis

Run, **McKean County**. The significant sources are the stainless steel polishing operation and a parts washer. The facility is a natural minor. The conditions of the previous plan approvals and operating permit are incorporated into the renewal permit. The potential emissions from the facility are as follows: PM<sub>10</sub> less than 1 tpy; NO<sub>x</sub> less than 1 tpy; SO<sub>2</sub> less than 1 tpy; CO less than 1 tpy; and VOC less than 1 tpy.

## OPERATING PERMITS

### PUBLIC HEARINGS

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

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

**RACT OP-65-000-853 (ArcelorMittal Monessen LLC, 345 Donner Avenue, Monessen, PA 15062)** In accordance with 25 Pa. Code §§ 127.42, 127.425 and 127.426, and 40 CFR 51.102, the Department of Environmental Protection (DEP) is providing notice that it intends to conduct a Public Hearing on Thursday, August 30, 2012 at 1:00 p.m. Public Hearing will be held in Conference Rooms Waterfront A&B located at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. DEP proposes to issue a revised Reasonably Available Control Technology Operating Permit (RACT OP-65-000-853) to ArcelorMittal LLC for the Monessen Coke Plant located in Monessen, **Westmoreland County**. The Public Hearing is being conducted to accept testimony regarding the proposed revised RACT OP-65-000-853 and the proposed revision to Pennsylvania's State Implementation Plan (SIP). When issued, the revised RACT OP-65-000-853 will be submitted to the United States Environmental Protection Agency as a revision to Pennsylvania's SIP as codified at 40 CFR 52, Subpart NN. This Public Hearing is being held for the purpose of receiving comments on the proposed revised RACT OP-65-000-853 and the proposed SIP revision.

The Monessen Coke Plant is of a byproduct recovery design. Sources included two Coke Oven Gas Fired Boilers, Coal and Coke Handling, Coke Oven Batteries 1B and 2, Coke Quenching and a Byproduct Recovery Plant where ammonia, light oils (primarily benzene, toluene, xylene), tar, tar derivatives, heavy hydrocarbons, and other chemical compounds are recovered from Coke Oven Gas. Emissions associated with Coke Oven Batteries 1B and 2 arise from Charging, Soaking, Pushing, and Combustion Stacks.

Only the allowable emissions of volatile organic compounds (VOCs) and nitrogen oxides (NO<sub>x</sub>) from the Coke Oven Batteries 1B and 2 Combustion Stacks are affected by this proposed action. Allowable VOC and NO<sub>x</sub> emissions from these sources were originally established by DEP based on the RACT Proposal submitted by Monessen, Inc. (a wholly owned subsidiary of Sharon Specialty Steel, Inc.) in 1994. The current owner, ArcelorMittal LLC, has requested that these allowables be revised. Permittee has provided the results of 14 years of stack tests, and a revised technical feasibility analysis for possible control of NO<sub>x</sub> and VOC emissions. Based on the information provided, and the Department's analysis, revised limits for NO<sub>x</sub> and VOC emissions from the Coke Oven Batteries 1B and 2 Combustion Stacks are being proposed as shown below. These revised emission limits

are not the result of any reconstruction or modification to Coke Oven Batteries 1B and 2. No equipment changes are being sought by Permittee, and none will be authorized by this action. Proposed revised RACT OP-65-000-

853 includes conditions relating to emission restriction, testing, monitoring, recordkeeping and work practice standards established in accordance with the provisions of 25 Pa. Code §§ 129.91—129.95.

<i>Emission Unit</i>	<i>1998 NO<sub>x</sub> RACT</i>	<i>Proposed NO<sub>x</sub> RACT</i>	<i>1998 VOC RACT</i>	<i>Proposed VOC RACT</i>
Coke Battery 1B Combustion Stack	60.7 lb/hr 286.0 tpy	81.5 lb/hr 357.0 tpy	0.3 lb/hr 1.0 tpy	5.0 lb/hr 21.9 tpy
Coke Battery 2 Combustion Stack	55.4 lb/hr 246 tpy	59.4 lb/hr 260.2 tpy	0.5 lb/hr 1.69 tpy	6.6 lb/hr 28.9 tpy

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. The public is invited to present testimony at the Public Hearing and should contact Mr. John Poister at (412) 442-4000 to reserve a time. Oral testimony will be limited to ten minutes for each presenter. Each group or organization is requested to designate one witness to present testimony on its behalf. Commenters shall provide two written copies of their remarks at the time of the hearings. Requests to provide oral testimony must be submitted to DEP on or before August 29, 2012.

Those who are unable to attend the Public Hearing, but wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the proposed, revised RACT OP-65-000-853 and submittal of the proposed, revised RACT OP-65-00853 to EPA as a SIP revision, may submit the information to Barbara Hatch, Environmental Engineer Manager, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222 or bhatch@pa.gov. All written comments must be received on or before October 1, 2012. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify RACT OP-65-00853) and a concise statement regarding the relevancy of the information or objections to issuance of the RACT Operating Permit.

## 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*

**26961601 and NPDES No. PA0214779. Matt Canestrone Contracting, Inc.**, (P. O. Box 234, Belle Vernon, PA 15012). To renew the permit for the LaBelle Site in Luzerne Township, **Fayette County** and East Bethlehem Township, **Washington County** and related NPDES permit. No additional discharges. The application was considered administratively complete on July 12, 2012. Application received: December 27, 2011.

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

**63813210 and NPDES Permit No. PA0615129. PA Coal Reclamation, Inc.** (P. O. Box 136, Cuddy, PA 15031). Revision application for stream reconstruction to an existing bituminous surface mine, located in Deemston Borough, **Washington County**, affecting 53.3 acres. Receiving streams: unnamed tributary to Ten Mile Creek, classified for the following use: TSF. The potable water supply intake within 10 miles downstream from the point of discharge: Tri-County Municipal Authority. Revision application received: April 12, 2012.

**03900112 and NPDES Permit No. PA0003191. Canterbury Coal Co.** (c/o West Virginia Resources, Inc., 683 State Route 7 N., P. O. Box 278, Gallipolis, OH 45631). Renewal application for reclamation only to an existing bituminous surface mine, located in Kiskiminetas Township, **Armstrong County**, affecting 81.2 acres. Receiving streams: unnamed tributary to Long Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: June 25, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17940107 and NPDES No. PA0219801. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847). Revision to an existing bituminous surface mine to revise the coal refuse disposal plan located in Karthaus Township, **Clearfield County** affecting 449.8 acres. Receiving streams: Unnamed Tributaries to Saltlick Run and Upper Three Runs and Upper Three Runs classified for High Quality Waters Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 26, 2012.

**17990103 and NPDES No. PA0238244. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847). Revision to an existing bituminous surface mine to add coal refuse disposal located in Bigler Township, **Clearfield County** affecting 228.8 acres. Receiving streams: Alexander Run, Upper Morgan Run and Unnamed Tributaries to Upper Morgan Run classified for Coal Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 26, 2012.

**17900143 and NPDES No. PA0206458. Rob Holland Enterprises** (52 Holland Lane, Curwensville, PA 16833). Transfer of an existing bituminous surface mine from Waroquier Coal Company located in Penn and Brady Townships, **Clearfield County** affecting 342.5 acres. Receiving streams: Irish Run and an Unnamed Tributary to Irish Run classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 27, 2012.

#### *Noncoal Applications Received*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**61110304. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803) Application for a wetlands encroachment to mine through 1.459 acres of wetlands and reconstruct 1.7 acres of palustrine emergent wetlands in Barkeyville Borough, **Venango County**. Receiving streams: Four unnamed tributaries to East Branch Wolf Creek and one unnamed tributary to North Branch

Slippery Rock Creek, both classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is the Barkeyville Municipal Authority. Application also includes a request for a Section 401 Water Quality Certification. Application received: July 10, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08090304 and NPDES No. PA 0257206. M. R. Dirt, Inc.** (21186 Rt. 187, Towanda, PA 18848). Revision to an existing noncoal surface mine for permit boundary modification, road variance, and stream variance in Wysox Township, **Bradford County**, affecting 52.0 acres. Receiving streams: Unnamed tributaries to Wysox Creek, classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 22, 2012.

**57120301 and NPDES No. PA0257133. Insinger Excavating, Inc.** (3046 Dushore-Overtown Road, Dushore, PA 18614). Commencement, operation and restoration of a large noncoal surface mine (overburden and shale) operation in Forks Township, **Sullivan County** affecting 38.3 acres. This application will replace existing SMP No. 57090301. Receiving streams: Unnamed Tributary to Black Creek and Black Creek classified as Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 2, 2012.

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

**7974SM3C15 and NPDES Permit No. PA0595853. New Hope Crushed Stone & Lime Company,** (P. O. Box 248, New Hope, PA 18938), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Solebury Township, **Bucks County** affecting 141.0 acres, receiving stream: Primrose Creek, classified for the following use: trout stock fishery. Application received: June 28, 2012.

#### **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*		greater than 6.0; less than 9.0	
pH*			

\* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal NPDES Draft Permits*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES No. PA0106682 (Permit No. 33850118). P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Renewal of an NPDES permit for a bituminous surface mine in Winslow Township, **Jefferson County**, affecting 173.3 acres. Receiving streams: Unnamed tributaries to Soldier Run, classified for the following uses: CWF. TMDL: None. Application received: June 8, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributaries to Soldier Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB1	N
TB2	N
TB3	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Soldier Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N
C	N
F	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

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

**NPDES No. PA0106682 (Permit No. 33850118). P. and N. Coal Company, Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Renewal of an NPDES permit for a bituminous surface mine in Winslow Township, **Jefferson County**, affecting 173.3 acres. Receiving streams: Unnamed tributaries to Soldier Run, classified for the following uses: CWF. TMDL: None. Application received: June 8, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributaries to Soldier Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB1	N
TB2	N
TB3	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Soldier Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N
C	N
F	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				0.5
Total Settleable Solids (ml/l)				0.5

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

**NPDES Permit No. PA0012360 on Surface Mining Permit No. 54733020. BET Associates IV, LLC**, (PO Box 150, Tamaqua, PA 18252), revised NPDES Permit for an anthracite surface mine, coal refuse reprocessing, refuse disposal and processing operation in Tamaqua, Coaldale, Lansford, Summit Hill and Nesquehoning Boroughs, **Schuylkill and Carbon Counties** affecting 7,594.4 acres, receiving stream: Panther Creek, classified for the following uses: cold water fishes and migratory fishes.

I. Effluent Limitations and Monitoring Requirements

A. Mine Drainage Treatment Facilities

<i>Outfall</i>	<i>Source</i>	<i>Latitude</i>	<i>Longitude</i>
001	Mine Pool #10 Shaft	40° 48' 54"	75° 55' 58"
003	Mine Pool Arlington Plant	40° 48' 16"	75° 57' 01"
004	Mine Pool #14	40° 48' 18"	75° 57' 03"
005	Mine Pool 309 AMD TF	40° 47' 36"	75° 58' 00"

Based on the hydrologic data and anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or revisions, the following effluent limitations and monitoring requirements apply to the above listed outfall numbers.

Interim Discharge Limitations: Compliance Schedule (in accordance with 2nd BET CO&A (5.i.) dated May 5, 2011 the following apply for up to 18 months after the new treatment system becomes operational, but no later than April 1, 2014)

<i>Discharge Limitations*</i>	<i>Monitoring Requirements</i>				
<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	<i>Measurement Frequency</i>	<i>Sample Type</i>
Total Iron	3.0	6.0	7.0	Monthly	Grab
Total Manganese	2.0	4.0	5.0	Monthly	Grab
Total Aluminum	2.0	4.0	5.0	Monthly	Grab
Total Suspended Solids	35.0	70.0	90.0	Monthly	Grab

pH not less than 6.0 standard units nor greater than 10.0 standard units at all times.

Alkalinity must exceed acidity at all times.

\*Unless otherwise indicated, discharge limitations are concentrations and expressed in mg/l and the total (dissolved suspended fraction) is applicable for each parameter.

Discharge Limitations to be in effect 18 months after construction of the new treatment system becomes operational, but no later than April 1, 2014, and thereafter

<i>Discharge Limitations*</i>	<i>Monitoring Requirements</i>					
<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	<i>Monthly Average Loading (lbs/day)</i>	<i>Measurement<sup>(1)</sup> Frequency</i>	<i>Sample Type</i>
Aluminum	0.75	1.5	1.87	90.10	Monthly	Grab
Total Iron	1.5	3.0	3.75	180.10	Monthly	Grab



*Discharge Limitations\***Discharge*

<i>Parameter</i>	<i>Discharge Limitations*</i>			<i>Monitoring Requirements</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	<i>Monthly Average Mass Loading (lbs/day)</i>	<i>Measurement<sup>(1)</sup> Frequency</i>	<i>Sample Type</i>
Total Manganese	1.0	2.0	2.5	168.00	Monthly	Grab
Total Suspended Solids	35.0	70.0	90.0	—	Monthly	Grab
TDS (mg/L) & Osmotic Pressure (mOsm/kg)	—	—	—	—	Monitor & Report	Grab
Flow (GPM)	—	—	—	—	Daily	—

pH not less than 6.0 standard units nor greater than 10.0 standard units at all times.

Alkalinity must exceed acidity at all times.

\*Unless otherwise indicated, discharge limitations are concentrations and expressed in mg/l and the total (dissolved suspended fraction) is applicable for each parameter.

<sup>(1)</sup> This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling event required.

Samples taken in compliance with the monitoring specified above shall be taken during a discharge at the following location(s): Outfalls 001, 003, 004, 005

Subject to 25 Pa. Code §§ 88.92 and 88.93 (Surface Mine) and 88.187 and 88.188 (Bank Removal)

#### B. Erosion and Sedimentation Control Facilities

<i>Outfall</i>	<i>Source</i>	<i>Latitude</i>	<i>Longitude</i>
002	Sedimentation Pond #10	40° 48' 19.3"	75° 57' 15.7"
006	Sedimentation Pond #7	40° 48' 17.8"	75° 57' 01.7"

Based on the hydrologic data and anticipated characteristics and flows described in the permit application and its supporting documents and/or revisions, the following effluent limitations and monitoring requirements apply to the above listed outfall numbers.

*Discharge Limitations\**

<i>Discharge Parameter</i>	<i>Discharge Limitations*</i>			<i>Monitoring Requirements</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	<i>Measurement Frequency</i>	<i>Sample Type</i>	
Total Iron	N/A	N/A	7.0	Monthly	Grab	
Total Manganese	N/A	N/A	4.0	Monthly	Grab	
Total Settleable Solids	N/A	N/A	0.5ml/l	Monthly	Grab	

pH not less than 6.0 standard units nor greater than 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

\*Unless otherwise indicated, discharge limitations are concentrations and expressed in mg/l and the total (dissolved suspended fraction) is applicable for each parameter.

Samples taken in compliance with the monitoring specified above shall be taken during a discharge at the following locations(s): Outfalls 002, 006

At all major erosion and sediment pollution control facilities whether NPDES point-source discharge as listed above or non-point source discharges.

Note: The above discharge limitations and monitoring requirements are based upon the presumption that the erosion and sedimentation control facilities will only discharge as a result of a "precipitation event". If the discharge occurs during "dry weather flow" conditions, then Group A limitations will apply (as defined in 25 Pa. Code Chapters 86—90).

Subject to 25 Pa. Code §§ 88.92 and 88.93 (Surface Mine) and 88.187 and 88.188 (Bank Removal)

#### C. Other Discharges

At a minimum, any other discharge from areas disturbed by mining activities, including areas disturbed by mineral preparation, processing, or handling facilities shall comply with the following discharge limitations and monitoring requirements.

*Discharge Limitations\**

*Monitoring Requirements*

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>	<i>Measurement Frequency</i>	<i>Sample Type</i>
Total Iron	N/A	N/A	7.0	Monthly	Grab
Total Manganese	N/A	N/A	5.0	Monthly	Grab
Total Suspended Solids	N/A	N/A	90.0	Monthly	Grab

pH not less than 6.0 standard units nor greater than 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

\*Unless otherwise indicated, discharge limitations are concentrations and expressed in mg/l and the total (dissolved suspended fraction) is applicable for each parameter.

Note: The above discharge limitations and monitoring requirements pertain to discharges which may occur unexpectedly, (i.e., were not originally anticipated when this permit was issued). The Department reserves the right to modify these limitations based upon the need to protect water quality in the receiving stream.

Subject to 25 Pa. Code §§ 88.92 and 88.93 (Surface Mine) and 88.187 and 88.188 (Bank Removal)

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0225185 on Surface Mining Permit No. 58112804. Robert Schneider**, (RR 2 Box 2390, Factoryville, PA 18419). New NPDES Permit for a bluestone quarry operation in New Milford, **Susquehanna County**, affecting 5.0 acres. Receiving stream: unnamed tributary to Meylert Creek, classified for the following uses: HQ-cold water fishes and migratory fishes. Application received: December 1, 2011.

Non-discharge BMP's will apply to this site.

**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**

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

**E67-901: Penn Township**, 20 Wayne Avenue, Hanover, Pennsylvania 17331, in Penn Township and Hanover Borough, **York County**, U.S. Army Corps of Engineers, Baltimore District

To: 1) remove the existing arch culvert and install and maintain a 16.0-foot x 5.75-foot reinforced concrete box culvert having a length of 58.0 feet with an upstream precast end section and wingwalls having a length of 7.0 feet and a rock apron having a length of 5.0 feet and a downstream cast in place end section and wingwalls having a length of 7.0 feet and a rock apron having a length of 5.0 feet, all uniformly depressed a minimum of 1.0-foot in an Unnamed Tributary to Oil Creek (WWF, MF), 2) perform a channel modification of an Unnamed Tributary to Oil Creek (WWF, MF) having a length of 258.0 feet and an average width of 8.0 feet, 3) construct and maintain two new stormwater outfalls to an Unnamed Tributary to Oil Creek (WWF, MF) each having an 18-inch diameter, and 4) replace and maintain two stormwater outfalls to an Unnamed Tributary to Oil Creek (WWF, MF), one being a 34.0-inch by 53.0-inch elliptical pipe and another having a 21.0-inch diameter, all for the purpose of improving transportation safety and roadway standards. The project is located along Center Street (Hanover, PA Quadrangle; N: 10.3 inches, W: 13.3 inches; Latitude: 39°48'24", Longitude: -76°58'11) in Penn Township and Hanover Borough, York County.

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

**E4029-002: PVR NEPA Gas Gathering, LLC**, 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Dallas Township, **Luzerne County**, ACOE Baltimore District.

The applicant is proposing to modify the Wyoming Pipeline Project to include the construction, operation, and maintenance;

1) a 4 inch diameter buried electrical conduit and timber mat crossing impacting 19,560 square feet (0.45 acre) of PEM, PSS, and PFO wetland (Kingston, PA Quadrangle; Latitude: 41° 20' 51", Longitude: -75° 56' 50").

The electrical conduit is to be located within the previously permitted Wyoming Pipeline right of way to provide electric service to the Transco Hildebrandt Tap (meter station) located in Dallas Township, Luzerne County. The project will temporarily impact 0.45 acre of wetlands. Wetland mitigation is accounted for at the Tunkhannock Viaduct Wetland Mitigation site (Factoryville, PA Quadrangle; Latitude: 41° 37' 18", Longitude: -75° 46' 15") in Nicholson Township, Wyoming County. The Wyoming Pipeline Project was posted in the *Pennsylvania Bulletin* as a Final Action on March 17, 2012.

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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.

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#### I. NPDES Renewal Permit Actions

*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>
PA0044652 (Sewage)	Mt Pisgah State Park State Route 3019 Troy, PA 16947-9448	Bradford County West Burlington Township	Mill Creek (4-C)	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0113824 (Sewage)	Tiadaghton View MHP Kaiser Hollow Road Loyalsockville, PA 17754	Lycoming County Upper Fairfield Township	Unnamed Tributary of Loyalsock Creek (10-B)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0218855 Sewage	Consol PA Coal Company, LLC 1525 Pleasant Grove Road PO Box J Claysville, PA 15323	Washington County East Finley Township	Rocky Run	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0033448	Pennwood Estates MHP 6810 Frogtown Road Hermitage, PA 16148	Lackawannock Township Mercer County	West Branch Little Neshannock Creek (20-A)	Y

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

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

**NPDES Permit No. PA0056472, IW, Devault Packing Company, Inc. d/b/a Devault Foods, PO Box 587, Devault, PA 19432.**

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge storm water from a facility known as Devault Foods to Unnamed Tributary to Valley Creek in Watershed 3-F.

**NPDES Permit No. PA0052230 A-1, SEW, Spring Hill Farm WWTF Association, PO Box 756, Chadds Ford, PA 19317.**

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

Description of Proposed Action/Activity: Approval for the amendment of an NPDES permit to discharge 100,000 GDP of treated sewage from a facility known as Spring Hill Farm STP to Unnamed Tributary to Webb Creek in Watershed 3G.

Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

**PA0002674—Amendment No. 1, Industrial Waste, SIC Code 2911, American Refinery Group, Inc., 77 North Kendall Avenue, Bradford, PA 16701-1726. Facility Name: American Refinery Group Bradford. This existing facility is located in Bradford City and Foster Township, McKean County.**

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated industrial waste and stormwater from oil refining operations. This is a major discharge

The receiving stream(s), Tunungwant Creek and Foster Brook, is located in State Water Plan watershed 16-C and is classified for Cold Water Fishes and 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 002 are based on a design flow of 0.72 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
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
BOD <sub>5</sub>	189	355	XXX	Report	Report	286
Chemical Oxygen Demand	947	1,832	XXX	Report	Report	1435
Total Suspended Solids	160	249	XXX	Report	Report	243
Oil and Grease	57	111	XXX	15	XXX	30
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		
Ammonia-Nitrogen	20	44	XXX	Report	Report	30
Total Arsenic	Report	Report	XXX	Report	Report	XXX
Total Sulfide	1.07	2.36	XXX	Report	Report	1.6

<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>	
Hexavalent Chromium	0.16	0.36	XXX	Report	Report	0.24
Total Chromium	1.9	5.4	XXX	Report	Report	2.9
Total Phenolics	0.31	0.63	XXX	0.19	0.38	0.48

The proposed effluent limits for Outfall 004 are based on a design flow of 0.0648 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
Total Suspended Solids	Report	Report	XXX	30	60	75
Oil and Grease	Report	XXX	XXX	15	XXX	30
Total Arsenic	Report	XXX	XXX	Report	XXX	Report
Dissolved Iron	Report	Report	XXX	4.5	7.0	7.0
Total Iron	Report	Report	XXX	3.5	7	8.8
Total Manganese	Report	XXX	XXX	Report	XXX	Report
Benzene	Report	Report	XXX	0.16	0.32	0.4
Benzo(a)Anthracene	Report	Report	XXX	0.00093	0.0018	0.0023
Benzo(a)Pyrene	Report	Report	XXX	0.00093	0.0018	0.0023
Benzo(k)Fluoranthene	Report	Report	XXX	0.00093	0.0018	0.0023
Total BTEX	Report	Report	XXX	1.0	2.0	2.5
Dibenzo(a,h)Anthracene	Report	Report	XXX	0.00093	0.0018	0.0023
Naphthalene	Report	Report	XXX	0.35	0.7	0.87
Phenanthrene	Report	Report	XXX	0.02	0.04	0.05
Total Organic Carbon	XXX	Report	XXX	110	XXX	138

Daily Max

The proposed effluent limits for Outfall 005 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>Minimum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	XXX	XXX	XXX	110	138

The proposed effluent limits for Outfall 007 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>Minimum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	XXX	XXX	XXX	110	138

The proposed effluent limits for Outfall 008 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>Minimum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	XXX	XXX	XXX	110	138

The proposed effluent limits for Outfall 009 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>Minimum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>XXX</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	XXX	XXX	XXX	110	138

The proposed effluent limits for Outfall 010 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>XXX</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	XXX	XXX	XXX	110	138

The proposed effluent limits for Outfall 012 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>XXX</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	Report
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	XXX	XXX	XXX	110	138

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

- Stormwater Treatment Waiver and Sampling Required.
- Stormwater Allowance Factors
- Chemical Additives
- Requirements Applicable to Stormwater Outfalls
- Requirement to Use eDMR System
- Effluent limits for Discharges of Hydrostatic Testing Water
- Additional Recovery Well Sampling Requirement
- Sampling Waiver at Outfall 004

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

The EPA Waiver is not in effect.

**PA0023213**, Sewage, SIC Code 4952, **Ridgway Borough**, PO Box 149, Ridgway, PA 15853-0149. Facility Name: Ridgway Borough STP.

This existing facility is located in Ridgway Borough, **Elk County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage, industrial wastewater and oil & gas brine wastewater.

The receiving stream, the Clarion River, is located in State Water Plan watershed 17-A 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 2.2 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	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>	460	735	XXX	25	40	50
Total Suspended Solids	550	825	XXX	30	45	60
Total Dissolved Solids	76299	183826	XXX	Report	XXX	Report
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	Report	XXX	Report
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	XXX
Ammonia-Nitrogen	1945		XXX	106		212
Total Barium	Report	XXX	XXX	Report	XXX	Report
Fluoride	2035	3050	XXX	Report	Report	XXX
Total Strontium	Report	XXX	XXX	Report	XXX	Report
Total Uranium (µg/L)	Report	XXX	XXX	Report	XXX	Report
Chloride	Report	XXX	XXX	Report	XXX	XXX
Gross Alpha (pCi/L)	Report	XXX	XXX	Report	XXX	Report
Radium 226/228, Total (pCi/L)	Report	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfalls 101, 006 & 007 are based on a design flow of N/A MGD.

The discharge(s) shall consist of uncontaminated stormwater runoff from the sewage treatment plant site.

In addition, the permit contains the following special conditions:

- TRC Minimization
- Pretreatment (continued implementation)
- WET testing for the renewal
- Stormwater Best Management Practices
- Sanitary Sewer Overflow condition
- eDMR Reporting Requirement
- Brine Wastewater Treatment

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

The EPA Waiver is not in effect.

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.

**NPDES Permit No. PA0270750**, Pesticides, SIC Code 0782, **PA DCNR Bureau of State Parks**, PO Box 8551, Harrisburg, PA 17105-8551.

This proposed facility is located in Harrisburg City, **Dauphin County**.

Description of Proposed Activity: The application is for a new NPDES permit for proposed discharges associated with the application of pesticides to control weeds and algae in all lakes associated with Pennsylvania State Parks statewide.

The EPA Waiver is not in effect.

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### III. QM 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*

**QM Permit No. WQG010039**, Sewage, **Marilynne S. Rosen and Thomas E. Duffy**, 7 Byron Road, Chadds Ford, PA 19317.

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

Description of Action/Activity: Construction and operation of a small flow treatment facility.

**QM Permit No. 4609411**, Sewage, **East Norriton Township**, 2501 Stanbridge Street, East Norriton, PA 19401.

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

Description of Action/Activity: Amendment and modifications of a 6 inch bypass force main from the Germantown Pump station to an existing gravity manhole and the upgrade of the primary and secondary pumps at the Einstein Medical Center Pump Station.

**QM Permit No. WQG02091202**, Sewage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Action/Activity: Construction of a low pressure sewer extension to service 21 new homes.

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

**QM Permit No. 4473401, Amendment 12-1**, Sewerage, **Brown Township Municipal Authority**, 7748 State Route 655, Reedsville, PA 17084-9148.

This proposed facility is located in Brown Township, **Mifflin County**.

Description of Proposed Action/Activity: Permit approval for conversion of two (2) of the four (4) extended aeration treatment trains to modified-bardenpho treatment trains.

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

**WQM Permit No. 6510402-A1**, Sewerage, **Mon Valley Sewage Authority**, 20 South Washington Avenue, Donora, PA 15033

This existing facility is located in Carroll Township, **Washington County**

Description of Proposed Action/Activity: Permit amendment issuance.

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

**WQM Permit No. WQG018847**, Sewerage, **Larry L. May**, 11522 Hopson Hill Road, Wattsburg, PA 16442.

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

Description of Proposed Action/Activity: Replacement of a malfunctioning on-lot system.

**WQM Permit No. WQG018845**, Sewerage, **Randy L. Higley**, 11511 Phillipsville Road, Wattsburg, PA 16442.

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

Description of Proposed Action/Activity: Replacement of a malfunctioning on-lot system.

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024012002	Landview Properties, Inc. 5 Manor Drive Dallas, Pa 18612	Luzerne	Dallas Township	Bowman Creek, HQ-CWF, MF; Toby Creek, CWF, MF
PAI023912003	Lehigh County Authority 1053 Spruce St. P. O. Box 3348 Allentown, PA 18106	Lehigh	Upper Macungie Township	Unnamed Tributary to Cedar Creek, HQ-CWF, MF
PAI024011003	Apple Alley Associates, LP 372 Center Avenue PMB 114 Schuylkill Haven, PA 17972	Luzerne	Lehman Township	Unnamed Tributary to Harvey's Creek, CWF, MF and EV Wetlands
PAI023911013	Summit Realty Advisors, LLC 610 W. Germantown Pike Plymouth Meeting, PA 19462	Lehigh	City of Allentown	Trout Creek, HQ-CWF, MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041412001	Wes Rogers Retreat at State College LLC 2470 Daniels Bridge Rd Ste 161 Athens GA 30606	Centre	College Township State College Borough	Thompson Run HQ-CWF

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041811001	Suburban Water Authority 326 Main St Mill Hall PA 17751	Clinton	Colebrook & Woodward Townships	Lick Run HQ Queens Run HQ WB Susquehanna River WWF Whiskey Run HQ



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**VII. Approvals to Use NPDES and/or Other General Permits**


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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).

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**List of NPDES and/or Other General Permit Types**


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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>
South Whitehall Township, Lehigh County	PAG02003910003R	Eric Rohrbach Phoenix Construction & R Enterprises, LTD 2076 Wooded Ridge Circle Fogelsville, PA 18051	Jordan Creek, TSF, MF	Lehigh County Cons. Dist. 610-391-9583
Plains Township, Luzerne County	PAG02004012007	Geisinger Health System Al Neuner 100 N. Academy Dr. Danville, PA 17822	Mill Creek, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*
*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>
Germany Twp. Adams County	PAG02000106035R	Raymond Granger Lititz Properties, LLC c/o Barley Snyder 100 East Market Street York, PA 17401	Alloway Creek/ WWF	Adams Co. Conservation District 670 Old Harrisburg Rd Suite 201 Gettysburg, PA 17325 717.334.0636

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<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>
Franklin Township Adams County	PAG02000112010	Larry Redding Gettysburg Area School District 900 Biglerville Road Gettysburg, PA 17325	Marsh Creek/ CWF, MF	Adams Co. Conservation District 670 Old Harrisburg Rd Suite 201 Gettysburg, PA 17325 717.334.0636
Kutztown Boro. & Maxatawny Twp. Berks County	PAG02000610030R	Fiorino Grande Grande Land, LP 2213 Quarry Road West Lawn, PA 19609	UNT to Sacony Creek/TSF, MF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657 Ext. 142
Altoona City Blair County	PAG02000712006	Gregg Protch McDonalds USA LLC 100 Omega Drive, Suite 1390 Pittsburgh, PA 15205	Mill Run/WWF	Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877
Lower Allen Twp. Cumberland Co.	PAG02002103004R(1)	Bill Schrader Yetter Court Enterprises, LLC 1149 Harrisburg Pike Carlisle, PA 17013	Cedar Run/CWF	Cumberland Co Conservation Dist. 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812
Lower Allen Twp. Cumberland Co.	PAG02002112016	William Werzyn Jr. 101 Evergreen Circle Dillsburg, PA 17019	Cedar Run/CWF	Cumberland Co Conservation Dist. 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812
Shippensburg Twp. Cumberland Co.	PAG02002105007	Tod Shedlosky 6346 North Powderhorn Road Mechanicsburg, PA 17050	Burd Run/CWF	Cumberland Co Conservation Dist. 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812
Penn Township Cumberland Co.	PAG02002112014	Residential Homes Co. Pennington Ridge 1545 Holly Pike Carlisle, PA 17013	UNT to Mount Rock Springs	Cumberland Co Conservation Dist. 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812
Monroe Township Cumberland Co.	PAG02002110001R	Sinclair Road DSG Development Corporation PO Box 42 Hershey, PA 17033	Trindle Spring Run	Cumberland Co Conservation Dist. 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812
Mechanicsburg Borough Cumberland Co.	PAG02002112017	Patrick Dennis Mechanicsburg Borough (Shepherdstown Road Drainage Improvement) 36 West Allen Street Mechanicsburg, PA 17055	UNT Cedar Run/ CWF, MF	Cumberland Co Conservation Dist. 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.7812

<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>
East Hanover Twp. Dauphin County	PAG02002207035R	Grantville Volunteer Fire Co. PO Box 39 Grantville, PA 17028	Bow Creek/WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Montgomery Twp. Franklin County	PAG02002810011R	Donald MacAskill Whitetail Mountain Resort Snowtime, 100 Boxwood Lane York, PA 17402	UNT to Conococheague Creek/WWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Letterkenny Twp. Franklin County	PAG02002812015	Delvin Zullinger 11492 Sandy Mount Road Orrstown, PA 17244	Conodoguinet Creek/WWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
East Drumore Twp. Lancaster County	3612801 (ESCGP-1#)	Williams Transcontinental Pipeline 2800 Post Oak Blvd., Level 17 Houston, TX 77056	Conowingo Creek & Fishing Creek/ HQ-CWF	Lancaster Co Conservation Dist. 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Paradise Twp. Lancaster County	PAG02003612040	Ambassadors For Christ, Inc. 21 Ambassador Drive Paradise, PA 17562	Pequea Creek & Eshleman Run/ WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Providence Township Lancaster County	PAG02003607064R	David L. Fite 103 Fite Way, Suite D Quarryville, PA 17566	South Fork Big Beaver Creek/ WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
East Donegal Twp. Lancaster County	PAG02003612033	Harold Martin/Eli Fisher 750 Kraybill Road Mount Joy, PA 17552	Donegal Creek/ TSF	Lancaster Co Conservation Dist. 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Rapho Township Lancaster County	PAG02003612035	Kevin Oberholtzer 2141 Hossler Road Manheim, PA 17545	UNT Back Run/ TSF	Lancaster Co Conservation Dist. 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
East Cocalico Twp. Lancaster County	PAG02003612046	Denver DDP V, LLC 201 Summit View Dr., Suite 110 Brentwood, TN 37027	Cocalico Creek/ WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5

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<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>
Earl Township Lancaster County	PAG02003612048	Garden Spot Village 433 South Kinzer Avenue New Holland, PA 17557	UNT Mill Creek/ WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Conestoga Township Lancaster County	PAG02003612049	John Roehm 375 Spring Run Road Conestoga, PA 17516	UNT Conestoga River/WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5

*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>
Athens Township Bradford County	PAG02000812033	Todd Campbell Niagara Gas & Oil Serv Inc 615 S Main St Athens PA 18810	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Athens Township Bradford County	PAG02000812034	Daniel Sparks Chesapeake Land Dev LLC PO Box 18496 Oklahoma City OK 73154	Chemung River	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Patton Township Centre County	PAG02001404017R	Janos Koltay Wooded Hills LP 1836 Waddle Rd State College PA 16803	UNT to Big Hollow CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
College Township Centre County	PAG02001410012(1)	Al Pringle BVRE LP 444 E College Ave Ste 560 State College PA 16801	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte PA 16823 (814) 355-6817
Mifflinburg Borough Union County	PAG02006012004	PA Dept of Transportation District 3-0 PO Box 218 Montoursville PA 17754	Buffalo Creek CWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

*Facility Location:  
Municipality &  
County*E Buffalo Township  
Union County*Permit No.*

PAG02006012005

*Applicant Name &  
Address*Joseph Douglas  
109 Ring Neck Dr  
Harrisburg PA 17112*Receiving  
Water / Use*Limestone Run  
WWF*Contact Office &  
Phone No.*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.**Facility Location:  
Municipality &  
County*North Fayette  
Township  
Allegheny County*Permit No.*

PAG02000207007-1R

*Applicant Name and  
Address*A&E Land Development  
Edward Napoleone  
8051 Steubenville  
Oakdale, PA 15071*Receiving  
Water / Use*North Branch &  
Robinson Run  
(WWF)*Contact Office and  
Phone No.*Allegheny  
County CD  
Lexington  
Technology Park  
Building 1  
Suite 102  
400 North  
Lexington Ave  
Pittsburgh, PA  
15208  
(412) 241-7645Findlay Township  
Allegheny County

PAG02000211061

The Elmhurst Group  
James L Holcolmb  
One Bigelow Square  
Pittsburgh, PA 15219UNT to Montour  
Run (TSF)Allegheny  
County CD  
Lexington  
Technology Park  
Building 1  
Suite 102  
400 North  
Lexington Ave  
Pittsburgh, PA  
15208  
(412) 241-7645Moon Township  
Allegheny County

PAG02000208071R

Concord DiCicco Moon  
Hotel Associates  
11410 Common Oaks Drive  
Raleigh, NC 27614Montour Run/Upper  
Ohio River (TSF)Allegheny  
County CD  
Lexington  
Technology Park  
Building 1  
Suite 102  
400 North  
Lexington Ave  
Pittsburgh, PA  
15208  
(412) 241-7645Harmar Township  
Allegheny County

PAG02000212005

910 Properties II, LLC  
15 Twenty-Seventh St.  
Pittsburgh, PA 15222

Deer Creek (WWF)

Allegheny  
County CD  
Lexington  
Technology Park  
Building 1  
Suite 102  
400 North  
Lexington Ave  
Pittsburgh, PA  
15208  
(412) 241-7645

## NOTICES

4769

<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>
Municipality of Monroeville Allegheny County	PAG02000212036	CBL/Monroeville LP 2030 Hamilton Place Boulevard Suite 500 Chattanooga, TN 37421	Thompson Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Municipality of Monroeville Allegheny County	PAG02000212022	Spitzer Toyota Scion 150 East Bridge St Elyria, OH 44035	Thompson Run/Turtle Creek (TSF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
New Sewickley Township Beaver County	PAG02000405021R	The Buncher Company Robert Walsh 5600 Forward Ave Pittsburgh, PA 15217	North Fork Big Sewickley Creek (TSF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Franklin Township Beaver County	PAG02000412009	ESB Bank Todd Palkovich 600 Lawrence Avenue Ellwood City, PA 16117	Connoquenessing Creek (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Big Beaver Borough Beaver County	PAG02000412006	PA Turnpike Commission John Christensen PO Box 67676 Harrisburg, PA 17106	UNT to Clarks Run (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Richland Township Cambria County	PAG02001112010	Thomas Family of Dealerships Mark Thomas 4003 Business R220 Bedford, PA 15522	UNT to Stony River Creek (CWF)	Cambria County CD 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 (814) 472-2120
Clearfield Township Cambria County	PAG02001112009	Grannas Brothers Stone & Asphalt Company Scott Grannas 157 Grannas Road PO Box 488 Hollidaysburg, PA 16648	UNT to Burgoon (CWF)	Cambria County CD 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 (814) 472-2120
North Union Township Fayette County	PAG02002612014	Laurel Highlands School District 304 Bailey Ave Uniontown, PA 15401	UNT to Cove Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
South Union Township Fayette County	PAG02002612010	Widewaters Uniontown Company, LLC 5786 Widewaters Parkway Dewitt, NY 13214	UNT to Jennings Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497

<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>
Luzerne Township Fayette County	PAG02002612007	Brownsville Marina Products 1800 Paul Thomas Blvd. Brownsville, PA 15417	Monongahela River (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Berlin Borough Somerset County	PAG02005610002R	Tom Croner 3872 Huckleberry Highway Berlin, PA 15530	Stonycreek River (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15601 (724) 837-5271
Jenner Township Somerset County	PAG02005612002	Somerset County Commissioners 300 North Center Avenue Somerset, PA 15501	UNT to Twomile Run (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15601 (724) 837-5271
Cecil Township Washington County	PAG02006307027R	Southpointe-MDC LLC 3150 Republic Boulevard North, Suite 3 Toledo, OH 43615	Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Cecil Township Washington County	PAG02006310003-2	Oakbrooke Muse Partners, LP 300 Weyman Plaza Suite 210 Pittsburgh, PA 15236	UNT to Brush Run (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
California Borough Washington County	PAG02006312009	California Borough 225 Third Street California, PA 15419	Pike Run (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
South Strabane Township Washington County	PAG02006312029	Washington Ford Larry Wind 507 Washington Road Washington, PA 15301	UNT to Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Penn Township Westmoreland County	PAG02006512010	Mountain Gathering 810 Houston Street Fort Worth, TX 76102	Bush Run (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
North Huntingdon Township Westmoreland County	PAG02006506047R	Norah Land Development LLC PO Box 280 Irwin, PA 15642	Youghiogheny River (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 1560 1 (724) 837-5271

<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>
Penn Township Westmoreland County	PAG02006512012	Laura Land Development Gerald Bartolomucoi PO Box 548 Export, PA 15632	Bush Run (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Jackson Township Butler County	PAG02001012006	The Buncher Company Penn Liberty Plaza 1 1300 Penn Avenue, Suite 300 Pittsburgh PA 15222	UNT Brush Creek WWF & Likens Run WWF	Butler County Conservation District 724-284-5270
Adams Township Butler County	PAG02001012024	Catholic Institute of Pittsburgh Catholic Diocese of Pittsburgh 135 First Avenue Pittsburgh PA 15222	Kaufman Run WWF	Butler County Conservation District 724-284-5270
Punxsutawney Borough Jefferson County	PAG02003311003	Mr. Michael Defelice 106 Pershell Drive Punxsutawney PA 15767	UNT Mahoning Creek WWF	Jefferson County Conservation District 814-849-7483
Union Township Lawrence County	PAG02003712007	THF Realty Attn: Mr. Andrew Boyd 220 A RHL Blvd Charleston WV 25309	UNT Shenango River WWF	Lawrence County Conservation District 724-652-4512
<i>General Permit Type—PAG-03</i>				
<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Telephone No.</i>
Upper Salford Township Montgomery County	PAR600013	JKL Auto Parts Inc. 2010 Ridge Road Telford, PA 18969-1614	Ridge Valley Creek-3E	Southeast Region Clean Water Program 484.250.5970
City of Philadelphia Philadelphia County	PAR800041	BFI Transfer System of PA LLC dba TRC Transfer Station 2904 S Columbus Boulevard Philadelphia, PA 19148	Unnamed Tributary to Schuylkill River-3F	Southeast Region Clean Water Program 484.250.5970
City of Allentown, Lehigh County	PAR232210	AERC.com, Inc. 2591 Mitchell Ave. Allentown, PA 18103	Trout Creek, CWF, MF	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Pequea Township Lancaster County	PAR403509	S.S. Fisher Steel 625 Baumgardner Road Lancaster, PA 17603	UNT to Goods Run / TSF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Pequea Township Lancaster County	PAR203618	Steel Fab. Enterprises, Inc. 623 Baumgardner Road Lancaster PA, 17603	UNT to Goods Run / TSF, MF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Lebanon City Lebanon County	PAR603528	Consolidated Scrap Resources, Inc. 120 Hokes Mill Road P. O. Box 389 York, PA 17405	Brandywine Creek, TSF, MF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707



*Facility Location:  
Municipality &  
County*Center Township  
Snyder County

Permit No.

PAR214833

*Applicant's Name &  
Address*Mastic Home Exteriors  
149 Keene Lane  
Middleburg, PA 17842*Receiving  
Water / Use*Dry Run and Penns  
Creek—6-A*Contact Office &  
Telephone No.*DEP Northcentral  
Regional Office  
Clean Water  
Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.3664*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Facility Location:  
Municipality &  
County*Neshannock  
Township  
Lawrence County

Permit No.

PAR208370

*Applicant Name &  
Address*Kennametal, Inc.  
P. O. Box 5186  
New Castle, PA 16105*Receiving  
Water / Use*Unnamed Tributary  
to the Shenango  
River  
20-A*Contact Office &  
Phone No.*DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942Piney Township  
Clarion County

Permit No.

PAR318305

Clarion Altela Environmental  
Service LLC  
428 Power Lane  
Clarion, PA 16214Unnamed Tributary  
to Piney Creek  
17-BDEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942Union Township  
Lawrence County

Permit No.

PAR208369

Kennametal, Inc.  
P. O. Box 5186  
New Castle, PA 16105Unnamed Tributary  
to the Shenango  
River  
20-ADEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County*Hilltown Township  
Bucks County

Permit No.

PAG040182

*Applicant Name &  
Address*Timothy J. Longmore  
2518 Rickert Road  
Perkasie, PA 18944*Receiving  
Water / Use*Unnamed Tributary  
to Morris Run—3-E*Contact Office &  
Phone No.*Southeast Region  
Clean Water  
Program Manager  
2 E. Main Street  
Norristown, PA  
19401  
484-250-5970Shade Township  
Somerset County

Permit No.

PAG046434

LCT Energy, LP  
938 Mount Airy Road  
Suite 200  
Johnstown, PA 15904

UNT to Hinson Run

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**Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Venango Township Erie County	PAG041080 Larry L. May 11522 Hopson Hill Road, Wattsburg, PA 16442	Unnamed Tributary of Alder Brook 16-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Venango Township Erie County	PAG041078 Randy L. Higley 11511 Phillipsville Road, Wattsburg, PA 16442	Unnamed Tributary of Alder Brook 16-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-7**Facility Location &  
Municipality*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Earl Township Lancaster County	PAG073507 New Holland Borough 436 East Main Street New Holland, PA 17557	New Holland Borough Wastewater Treatment Plant 555 South Custer Avenue New Holland, PA 17557	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-8**Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Contact Office &amp; Phone No.</i>
Pottstown Wastewater Treatment Plant, Montgomery County, Borough of Pottstown	PAG080005 Pottstown Borough Authority 100 East High Street Pottstown, PA 19464	Southeast Region Clean Water Program 2 E. Main Street Norristown, PA 19401 484-250-5970
North Annville Township Lebanon County	PAG083504 Township of Annville P. O. Box 320 Annville, PA 17003	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Dickinson Township Cumberland County	PAG083597 The Harrisburg Authority 1662 South Cameron Street Harrisburg, PA 17104	Jason Jones Farm 931 West Old York Road Carlisle, PA 17015	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

**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: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401*

**Permit No. 4612514**, Public Water Supply.

Applicant	<b>Oak Grove Park and Sales, Inc.</b> 2985 Cowpath Road Hatfield, PA 19440
Township	Hatfield Township
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Keystone Consulting Engineering, Inc. 433 East Broad Street Bethlehem, PA 18018
Permit to Construct Issued	July 6, 2012

**Permit No. 0912516** Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Borough	New Britain
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	July 12, 2012

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

**Permit No. 5012505 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Duncannon Borough</b>
Municipality	Duncannon Borough

County	<b>Perry</b>
Responsible Official	Tanuya Matter, Borough Manager 428 High Street Duncannon, PA 17020
Type of Facility	Chlorine contact pipe installation.
Consulting Engineer	Max E Stoner, P.E. Glace Associates, Inc. 3705 Trindle Rd Camp Hill, PA 17011
Permit to Construct Issued:	6/25/2012

**Operations Permit** issued to: **Mountain View Apartments**, 3061184, South Heidelberg Township, **Berks County** on 7/9/2012 for the operation of facilities approved under Construction Permit No. 0612505 MA.

**Operations Permit** issued to: **PAAL Associates (Green Grove Trailer Court)**, 7280010, Antrim Township, **Franklin County** on 7/9/2012 for the operation of facilities submitted under Application No. 7280010.

**Operations Permit** issued to: **Reading Area Water Authority**, 3060115, North Heidelberg Township, **Berks County** on 7/3/2012 for the operation of facilities submitted under Application No. 0612509 E.

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

**Permit No. Minor Amendment—Construction** Public Water Supply.

Applicant	<b>Selinsgrove Borough Municipal Authority</b>
[Township or Borough]	Selinsgrove Borough
County	<b>Snyder</b>
Responsible Official	Sharon Badman, Borough Treasurer Selinsgrove Borough Municipal Authority 2 South Market Street, Third Floor Selinsgrove, PA 17870
Type of Facility	Public Water Supply
Consulting Engineer	Joshua C. Owens, EIT Larson Design Group 1000 Commerce Park Drive Suite 201 Williamsport, PA 17701
Permit Issued	July 12, 2012
Description of Action	Replacement of the floating cover on Selinsgrove Borough's 1,500,000 gallon treated water storage reservoir with a similar cover.

**Permit No. Minor Amendment—Construction** Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.—Susquehanna Division</b>
[Township or Borough]	Athens Township
County	<b>Bradford</b>

Responsible Official Mr. Patrick Burke  
 Aqua Pennsylvania, Inc.  
 1 Aqua Way  
 White Haven, PA 18661

Type of Facility Public Water Supply

Consulting Engineer Jonathan Morris, P.E.  
 CET Engineering Services  
 326 East 2nd Street  
 Bloomsburg, PA 17815

Permit Issued July 17, 2012

Description of Action Replacement of the existing hydro-constant pump skid and panel with two end-suction, centrifugal pumps with VFDs and installation of a 420-gallon hydropneumatic tank at the VEDA pump station.

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

**Transfer of Operation Permit** issued to **Schu-Beck LLC d/b/a Pleasant Valley Mobile Home Park**, PWSID #6620038, Brokenstraw Township, **Warren County** on July 11, 2012. Action is for change in ownership; the potable water supplier will do business as Pleasant Valley Mobile Home Park. The new permit number is 6288501-T2.

**Permit No. 2012504** Public Water Supply

Applicant **John A. McMinn and Karen A. McMinn d/b/a Parkwood Mobile Home Park**

Township or Borough Woodcock Township

County **Crawford**

Type of Facility Public Water Supply

Consulting Engineer Mark J. Corey, P.E.  
 Mark J. Corey & Associates  
 P. O. Box 268  
 Harborcreek, PA 16421

Permit to Construct Issued July 11, 2012

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

*Southwest Regional Office, Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bell Acres Borough	1151 Camp Meeting Road	Allegheny

*Plan Description:* The approved plan amends the Borough's Act 537 Plan. This submission is consistent with the planning requirements given in Chapter 71, of the Rules and Regulations of the Department. The plan revises the original plan approved by the Department on November 19, 2008. It provides for the elimination of four sewage treatment plants. Each treatment plant will be replaced with a pump station and the flow transferred via a network of force mains and existing gravity lines to the existing Charleston Square Pump Station which will be

upgraded to handle the additional flows. This plan also proposes an additional pump station to service existing homes in the Hawthorne Acres area. The Charleston Square Pump Station will convey all the flow to a proposed force main in Leet Township which was submitted for approval by Leet Township. The Planning Module for the force main was approved by the Department by letter dated 7/12/2012. The Leet Township force main will convey the flows to the Leetsdale Sewage Treatment Plant. The Department's review of the Sewage Facilities Plan Update has not identified any significant environmental impacts resulting from this proposal. The required WQM Permits will be obtained in the name of the applicant as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Girard Borough	34 Main Street, Girard PA 16417	Erie

*Plan Description:* The Girard Borough Act 537 Update has been submitted in an effort to address elimination of the hydraulic overload condition at the Sewage Treatment Plant (STP) by July 31, 2015. Project cost is estimated at \$4.7 million with an estimated user fee between \$49 and \$53 per month. The approved plan provides for the construction of a 0.5 MGD below grade equalization storage as well as upgrades at the existing STP. Planned STP upgrades include: retrofitting the existing sprinkler tank with a new high rate trickling filter, recirculating the trickling filter effluent, installation of a new wet well with submersible pumps, clarifier (Nos. 1 and 2) modifications, demolition of the existing chlorine contact tank, wet well, dosing tanks, and primary clarifiers (Nos. 3 and 4), and also includes control building upgrades. The project has been submitted as required under the July 26, 2010 Consent Order and Agreement between the Department and Girard Borough. 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 Girard Borough.

*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>
Hopewell Township	1115 Dorman Road James Creek, PA 16657	Huntingdon County

*Plan Description:* The approved plan provides for construction of a Small Flow Treatment Facility to serve an existing 54 acre lot owned by Larry Day. The proposed sewage flows are 400 gallons per day with a discharge to an unnamed tributary to Shy Beaver Creek. The DEP Code No. is A3-31918-061-3S and the APS Id is 767008. 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 property owner.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Annville Township	1020 North State Route 934 Annville PA 17003	Lebanon

*Plan Description:* The approved plan provides for the implementation of a Township wide on-lot sewage disposal system operation and management program. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Notice of Proposed Interim Response Limekiln PCE HSCA Site Horsham Township, Montgomery County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108, 35 P. S. §§ 6020.101—6020.1305 ("HSCA"), is proposing a response action at the Limekiln PCE HSCA Site (Site) in Horsham Township, Montgomery County, Pennsylvania.

The Department, under the authority of HSCA, has been conducting an environmental investigation of the Site. This investigation included the sampling of private drinking water supply wells located along portions of Limekiln Pike, Grindleton Lane, Davis Grove Road, and Park Road in Horsham Township. Sampling revealed levels of Tetrachloroethylene (PCE) exceeding the Safe Drinking Water Maximum Contaminant Level.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes to implement a response action at the Site under Sections 501(a) of HSCA, 35 P. S. § 6020.501(a). The Department hereby proposes the installation of a public water line, including the extension of nearby mains, and construction of laterals to connect homes to the public water supply. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. Other possible alternatives include no action, supplying bottled water to affected residences, or the installation of point-of-entry whole house carbon filtration systems.

An Administrative Record, which contains more detailed information concerning this proposed response action, is available for public inspection. The Administrative Record may be examined from 8 a.m. until 4 p.m. at the Department's office at 2 East Main Street, Norristown PA 19401. Those interested in examining the Administrative Record should contact Carly Baker at (484) 250-5730 to arrange for an appointment. Additional copies of the Administrative Record are available for review at the Horsham Township Library, 435 Babylon Road, Horsham, PA 19044.

Pursuant to Section 506(d) of HSCA, 35 P. S. § 6020.506(d), the Department shall conduct a public hearing on September 10, 2012 at 7:00 p.m. at the Horsham Township Community Center, located directly behind the Horsham Township Building at 1025 Horsham Road, Horsham, PA 19044. Anyone who would like to present formal oral comments regarding this proposed

response may do so by calling DEP Community Relations Coordinator Lynda Rebarchak, at (484) 250-5820 to register.

Any person with a disability who wishes to attend the public hearing and will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the telephone number listed above or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. Members of the public may also submit written comments regarding the Department's proposed Interim Response action during the period of public comment. In accordance with Section 506(c) of HSCA, 35 P. S. § 6020.506(c), the Department has established a period for public comment that is now open until close of business October 29, 2012. Written comments should be addressed to Carly Baker, Project Officer, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Anyone with questions regarding this notice should contact Carly Baker at (484) 250-5730.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Former Techneglas Property (Interstate Distribution Center)**, 140 Industrial Drive, Jenkins Township, **Luzerne County**. James J. Koval, HDR, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 has submitted a Final Report (on behalf of his client, Pittston Industrial, LLC, 152 W. 57th Street, 60th Floor, New York, NY 10019), concerning the remediation of soil found to have been impacted by VOCs, SVOCs, and metals as a result of historical operations at the site. The report was submitted to document attainment of the Non-Residential Statewide Health Standard for soil, covering VOCs, SVOCs, and metals; and also to meet the Site-Specific Standard, covering metals. A public notice regarding the submission of the Final Report was published in *The Times Leader* on June 29, 2012.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Former Getty Pumping Station**, Muncy Creek Township, **Lycoming County**, SAIC Energy, Environment, and Infrastructure, LLC, 6310 Allentown Boulevard, Harrisburg, Pa 17112 on behalf of C/O Chevron Business Real Estate Services, Global Real Estate Services, 6001 Bollinger Canyon Road, San Ramon, CA 94583 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with various volatile and semi volatile organic compounds associated with petroleum products such as diesel fuel and crude oil. The report is intended to document remediation of the site to meet the Site-specific Standard.

**PHCP Well Pad (PHC 9H Gas Well Pad)**, Lawrence Township, **Clearfield County**. Wilson Ecological Consulting, LLC, 314 Hill Top Lane, Port Matilda, Pa 16870, on behalf of Punxsutawney Hunting Club, Inc., PO Box 27, Punxsutawney, PA 15767 has submitted a Final Report concerning remediation of site groundwater contaminated with Aluminum, Barium, Manganese, Chloride. The report is intended to document remediation of the site to meet the Statewide Health Standard and Background Standard.

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

**Erie County Convention Center Authority Bayfront Site**, City of Erie, **Erie County**. AMEC Environmental & Infrastructure, Inc., 800 N. Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of the Erie County Convention Center Authority 809 French Street, Erie, PA 16501 has submitted a Risk Assessment Report concerning remediation of site soil contaminated with arsenic, chromium, methylcyclohexane, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, chrysene, dibenzo(a,h)anthracene, dibenzofuran, naphthalene, phenanthrene and site groundwater contaminated with iron, aluminum, antimony, arsenic, barium, beryllium, cadmium, calcium, chromium, cobalt, copper, lead, magnesium, manganese, nickel, potassium, selenium, silver, sodium, thallium, vanadium, zinc, mercury, 1,1-biphenyl, 2,4-dimethylphenol, 4-methylphenol, 4-nitroaniline, acenaphthene, acenaphthylene, acetophenone, anthracene, 2-methylnaphthalene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, benzo[k]fluoranthene, bis[2-ethylhexyl] phthalate, butyl benzyl

phthalate, caprolactam, carbazole, chrysene, dibenzo(a,h)anthracene, dibenzofuran, diethyl phthalate, di-n-butyl phthalate, di-n-octyl phthalate, fluoranthene, fluorene, indeno[1,2,3-cd]pyrene, phenanthrene, phenol, pyrene, benzaldehyde, naphthalene, benzene, 1,1-dichloroethane, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, acetone, carbon disulfide, chlorobenzene, chloroethane, chloroform, chloromethane, cis-1,2-dichloroethene, cyclohexane, ethylbenzene, isopropylbenzene, methylcyclohexane, methylene chloride, toluene, trans-1,2-dichloroethene, vinyl chloride, xylenes (total), 2-butanone, and trichloroethene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**ExxonMobil USA Indiana Terminal #2024**, White Township, **Indiana County**. ARCADIS U.S. Inc., One Adams Place, Seven Fields, PA 16046 on behalf of ExxonMobil Environmental Services Company, 1545 Route 22 East, Annandale, NJ 08801 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with petroleum-related constituents.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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**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).**

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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*

**Coatesville Towers**, City of Coatesville, **Chester County**. John Koch, GRS Group, 207 Cedar Street, Newport Beach, CA 92663 on behalf of Eric Zetner, California Commercial Investment Group, 4530 E. Thousands Blvd, Suite 100, Westlake, Village, CA 91362 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on September 26, 2011.

**One Bala Plaza**, Lower Merion Township **Montgomery County**. Jeffery K. Walsh, Penn E&R, Inc. 2755 Bergey Road, Hatfield, PA 19460 on behalf of James Rementer, Bala Plaza Property, Inc. 231 Saint Asaph's Road, Bala Cynwyd, PA 19004 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 December 2, 2010.

**Hartman Residence**, Upper Dublin Township **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ty Gawlik, State Farm Insurance Company PO Box 8061, Ballston Spa, NY 12020-8061 on behalf of Eric and Hillary Hartman, 3335 Camp Hill Road, Fort Washington, PA 19034 has submitted a Final Report concerning the remediation of site soil contaminated with groundwater and soil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 1, 2011.

**Ursinus College**, Collegeville Borough, **Montgomery County**. Gilbert Marshall, Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of Andrew Feick, Ursinus College, 601 Main Street, Collegeville, PA 19426 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with inorganics. The Remedial Investigation Report was disapproved by the Department on June 29, 2012.

**Thalhemi Brothers Inc., Thomas Pecz, Penn E&R, Inc.** 275 Bergey Road, Hatfield, PA 19440, Daryl Bordello, Manko, Gold, Katcher & Fox LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, on behalf of Thalhemi Brothers Inc. 5550 Whitaker Avenue, Philadelphia, PA 19124 has submitted a Remedial Investigation Report/Cleanup Plan Report concerning the remediation of site soil contaminated with chlorinated solvents.

The Remedial Investigation Report/Cleanup Plan was approved by the Department on July 11, 2012.

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

**PPL Distribution Pole No. 64053N52381**, South and Belmont Streets, Waymart Borough, **Wayne County**. Ms. Jennifer Sedora, PPL Electric Utilities Corp., 1639 Church Road (WALO), Allentown, PA 18104 submitted a Final Report, concerning the remediation of soil found to have been impacted by PCBs as a result of a release due to a small leak in an overhead transformer. The report documented attainment of the Statewide Health Standard for soil and was approved on July 16, 2012. The report was originally submitted within 90 days of the release.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Tri State Expedited Services**, White Deer Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of Tri State Expedited Services, Perryburg, OH 43552 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Napthalene, 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 June 29, 2012.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Yellow Transportation Inc., McKees Rocks Allegheny County. GZA GeoEnvironmental, Inc.**, 501 Office Center Drive, Fort Washington, PA 19034 on behalf of YRC North American Transportation, 10990 Roe Avenue, Overland Park, Kansas 66211 has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents at 6 Sexton Road, McKees Rocks Borough, **Allegheny County**. The Baseline Environmental Report was approved by the Department on July 13, 2012. In order to obtain cleanup liability protection, the person undertaking the reuse of a Special Industrial Area shall enter into an agreement with the Department, based on the approved Baseline Environmental Report which outlines cleanup liability of the property.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Draft permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

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

**PAD002312791. Honeywell Resins and Chemicals, LLC**, 4698 Bermuda Street, Philadelphia, PA 19137-1193, City of Philadelphia. Draft permit prepared for renewal of the Honeywell Resins and Chemicals, LLC,—Frankford Plant. Public comment period ends 45 days after date of this publication. Draft permit and fact sheet available at the Southeast Regional Office. Written comments may be sent to the Southeast Regional Office at the address noted. Draft permit issued on July 13, 2012.

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**RESIDUAL WASTE GENERAL PERMITS**


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**Permit Amended Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Number WMGR103.** General Permit Number WMGR103 authorizes processing by (i) grinding, mixing, screening and biological decomposition of tree stumps, roots, leaf waste, stump grindings, and grubbing material for the beneficial use as a mulch material, and (ii) grinding, screening and mixing of freshwater dredged material, spent mushroom substrate, leaf waste, and waste foundry sand (authorized under WMGR019 or WMGR098) with uncontaminated soil for beneficial use as a manufactured topsoil. The general permit has been amended to add a new waste type, water treatment residuals, to those used to manufacture topsoil. General Permit Number WMGR103 by Central Office on July 13, 2012.

The permittees operating under General Permit Number WMGR103 are: Ridgewood Soils, Inc., Angstadt Lane & Route 724, Reading, PA 19606—WMGR103 Berks Soil and Stone, Inc., 63 S Hampden Drive, Wyomissing, PA 19610—WMGR103SC001

Persons interested in reviewing the general permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. 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 and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit Application No. 101679. Blythe Recycling and Demolition Site (BRADS Landfill), Blythe Township, P. O. Box 91, Cumbola, PA 17931.** A permit authorizing the construction and operation of a new municipal waste construction and demolition landfill located on Burma Road, Blythe Township, **Schuylkill County**. The permit was approved in the Regional Office on July 13, 2012.

Persons interested in reviewing the permit may contact William Tomayko, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

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**Applications renewed Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit Application No. 100758. The Harrisburg Authority,** located in Harrisburg City, **Dauphin County**. Permit renewal for Solid Waste Permit No. 100758 for the operation of the Harrisburg Materials, Energy, Recycling, and Recovery Facility, issued in accordance with Article V of the Solid Waste Management Act, 35 P. S. Sections 6018.101, et seq.

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**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.**

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

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

**GP3-10-345A: Allegheny Mineral Corp.—Harrisville East** (102 Van Dyke Road, Harrisville, PA 16038) on June 29, 2012, to operate a Portable Nonmetallic Mineral Processing Plant (KPI Jaw Crusher (450 tph), JCI Vibratory Screen (450 tph) and conveyors (400 tph) (BAQ-GPA-GP-3) in Marion Township, **Butler County**.

**GP9-10-345B: Allegheny Mineral Corp.—Harrisville East** (102 Van Dyke Road, Harrisville, PA 16038) on June 29, 2012, to operate a Diesel or #2 Fuel-Fired Internal Combustion Engines (Caterpillar Model #C13 (440 bhp) and Caterpillar Model #C6.6 (225 bhp) (BAQ-GPA-GP-9) in Marion Township, **Butler County**.

**GP3-37-325A: Allegheny Mineral Corp.—Rose Point** (Mount Hope Furnace Road, Portersville, PA 16051) on June 29, 2012, to operate a Portable Nonmetallic Mineral Processing Plant (KPI Jaw Crusher (450 tph), JCI Vibratory Screen (450 tph) and conveyors (400 tph) (BAQ-GPA-GP-3) in Slippery Rock Township, **Lawrence County**.

**GP9-37-325B: Allegheny Mineral Corp.—Rose Point** (Mount Hope Furnace Road, Portersville, PA 16051) on June 29, 2012, to operate a Diesel or #2 Fuel-Fired Internal Combustion Engines (Caterpillar Model #C13 (440 bhp) and Caterpillar Model #C6.6 (225 bhp) (BAQ-GPA-GP-9)) in Slippery Rock Township, **Lawrence 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.**

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

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



**46-0158D: Colorcon, Inc.—West Point** (415 Moyer Boulevard, West Point, PA 19486) on July 16, 2012, for the following existing and proposed changes at their (non-Title V) facility, which is in Upper Gwynedd Township, **Montgomery County**, and currently permitted under State Only Operating Permit (“SOOP”) No. 46-00158:

- Particulate matter (“PM”) emissions from the existing lake plant grinders, blenders, and packaging operations were re-routed from a(n) existing wet scrubber, which exhausts into the outdoor atmosphere, to an existing (unpermitted) dust collector, which exhausts into the indoor atmosphere. (The PM emissions from the existing lake plant tanks are still routed to the wet scrubber.)

- PM emissions from the existing dry dispersion area grinders and blenders and existing wet dispersion area mills and blenders are routed to two associated (existing) dust collectors. Colorcon, Inc., has proposed that the language in the permit be changed to allow the dry and wet dispersion area sources to be operated when either one or both of the dust collectors is operated, instead of only when both dust collectors are operated.

- A new central vacuum system and associated dust collector were installed.

The lake plant tanks and associated wet scrubber, as well as the wet and dry dispersion area sources and associated dust collectors, will remain subject to all unaffected conditions in the current SOOP. The plan approval will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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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*

**46-0054B: Abington Memorial Hospital** (1200 Old York Road, Abington, PA 19001) on June 27, 2012, to operate a co-generation unit in Abington Township, **Montgomery County**

**46-0162B: Hammond Lead Products, Inc.** (10 South Grosstown Road, Pottstown, PA 19464) on July 16, 2012, to operate (3) three Barton processes and related equipment in West Pottsgrove Township, **Montgomery County**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**08-399-038D: Global Tungsten & Powders, Corp.** (Hawes Street, North Towanda, PA 18848) on July 16, 2012, to extend the authorization to temporarily operate eleven (11) existing tungsten wire drawing capstan annealing heads and ten (10) existing wire annealing ovens

in department (012) and associated control devices for their facility, in North Towanda Township, **Bradford County** until February 5, 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*

**03-00027B: GenOn Northeast Management Co.** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on July 13, 2012, to extend the period of temporary operation of the Units No. 1 and 2 flue gas desulfurization systems covered under plan approval 03-00027B, until January 13, 2013, at their Keystone Generating Station in Plumcreek Township, **Armstrong County**. The plan approval has been extended.

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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*

**46-00194: Freedom Alloys, Inc.** (155 Railroad Plaza, Royersford, PA 19468) on July 16, 2012, for a non-Title V, State Only Operating Permit renewal, in Royersford Borough, **Montgomery County**. Freedom Alloys, Inc. is a facility that produces Beryllium and Copper Alloy ingots. Beryllium, Nickel, and Particulate Matter pollutants are emitted from the facility. A dust collector and HEPA filter are used as control devices. Freedom Alloys is categorized as natural minor facility. The permit includes monitoring, record keeping and reporting requirements to address all applicable air quality requirements.

**46-00008: Coopers Creek Chemical Corp.** (884 River Road, West Conshohocken, PA 19428) on July 16, 2012, for renewal of a Non-Title V Facility, State-Only, Natural Minor Permit in Upper Merion Township, **Montgomery County**. Coopers Creek Chemical Corporation operates a crude coal tar distillation facility. The sources of emissions include boilers, crude coal tar distillate process tanks, road tar storage tanks, creosote tanks and other road tar product storage vessels. The facility has a potential to emit less than 25 tons per year of Volatile Organic Compounds (VOCs). Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

**48-00031: Dixie Consumer Products, LLC** (605 Kuebler Road, Easton, PA 18040-9281) on July 12, 201, to issue a renewal of a State Only (Synthetic Minor) Operating Permit for their facility in Forks Township, **Northampton County**.

**40-00096: DMS Shredding Inc.** (9 Fellow Avenue, Wilkes-Barre, PA 18706-5231) on June 4, 2012, to operate a metal shredding operation in Hanover Township, **Luzerne County**. The source is a light metal shredder whose emissions are controlled by a cyclone and venture

scrubber. The source is considered a minor source of particulate emissions. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**39-00095: American Atelier, Inc.** (2132 Downyflake Lane, Allentown, PA 18103) on May 31, 2012, to operate a spray coating operation in the City of Allentown, **Lehigh County**. The source consists of eleven spray booths that are considered a minor source of volatile organic compounds (VOCs) emissions. This is a new 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.

**48-00072: Versalift East Inc.** (2706 Brodhead Road, Bethlehem, PA 18020-9411) on July 17, 2012, to operate a spray coating operation in Bethlehem Township, **Northampton County**. The source consists of one spray booth that is considered a minor source of volatile organic compounds (VOCs) emissions. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**26-00477: BAE Systems Land & Armaments LP—Fayette Plant** (2198 University Drive, Lemont Furnace, PA 15456) on July 12, 2012, to issue a State Only Operating Permit for operation of refurbishing of various tracked military vehicles in North Union Township, **Fayette County**. The subject facility consists of two spray booths, various natural gas heaters and one parts washer. The facility also consists of welding, grinding and sandblasting operations that are controlled by a baghouse that exhausts indoors. The facility has the potential to emit less than 10 tons of VOC per year. The facility is required to conduct a daily 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 daily survey performed must be recorded. Records of all VOC containing solvents including volume used, mix ratio, density, percent weight of total volatiles, percent solid and name and identification number of each solvent. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**S10-012: Mercy Hospital of Philadelphia** (501 South 54th Street, Philadelphia, PA 19143) on July 17, 2012, to operate a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 20 MMBTU/hr boiler burning natural gas/#2 oil, two 15 MMBTU/hr Boilers burning natural gas/#2 oil, and three standby generators burning #2 oil.

**S11-029: Philadelphia Tramrail Company** (2207 East Ontario Street, Philadelphia, PA 19134) on July 17, 2012, to manufacture overhead cranes and hydraulic balers and compactors in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include includes three (3) 1.75 MMBTU/hr #2 oil-fired space heaters and three (3) painting stations with filters.

**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.**

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**S10-006: Center for Medicine & Commerce** (1930 S Broad Street, Unit 1, Philadelphia, PA 19145) administratively amended on July 12, 2012 to incorporate a change of ownership to St. Agnes MOB, LLC and to change contact information. The Synthetic Minor operating permit was originally issued on May 11, 2010.

**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*

**62-00032: Ellwood National Forge** (One Front Street, Irvine, PA 16329) for its facility located in Brokenstraw Township, **Warren County**. The De minimis emission increase is for an increase in the limit on slag handling for Source 118 In addition, this source is exempt from plan approval as complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on April 2, 2007.

<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>
7-16-12	Slag Handling increase	0.042				
Total Reported Increases		0.042				
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*

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

**26100101 and NPDES Permit No. PA0251879. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Revision permit issued for additional acreage and allow mining within 100 feet of a portion of the North Road to an existing bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 72.8 acres. Receiving streams: unnamed tributary to Georges Creek and the Monongahela River. Revision application received: December 9, 2011. Permit issued: July 12, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17060113 and NPDES No. PA0256471. Black Cat Coal, LLC** (107 West First Ave., Clearfield, PA 16830). Permit renewal and revision to an existing bituminous surface mine located in Brady Township, **Clearfield County** affecting 60.9 acres. This renewal contains revisions to the existing operation consisting of adding the Middle Kittanning and Lower Kittanning coal seams to be mined and adding auger mining to the permit. Receiving streams: Unnamed Tributaries to Stump Creek and an Unnamed Tributary to Limestone Run classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: February 22, 2012. Permit issued: July 9, 2012

**17980127 and NPDES No. PA023201. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Revision to an existing bituminous surface mine for change in land use from forest land to unmanaged natural habitat in Lawrence Township, **Clearfield County**, affecting 53.0 acres. Receiving streams: Unnamed Tributaries to Hogback Run and West Branch Susquehanna River, classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 18, 2012. Permit issued: July 9, 2012.

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

**54950101R3. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), renewal of an

existing anthracite surface mine and refuse disposal operation in Blythe Township, **Schuylkill County** affecting 246.0 acres, receiving stream: Silver Creek. Application received: November 9, 2012. Renewal issued: July 12, 2012.

**54950101GP104. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54950101 in Blythe Township, **Schuylkill County**, receiving stream: Silver Creek. Application received: April 30, 2012. Permit issued: July 12, 2012.

**40121101GP104. Mineral Reclamation, LLC**, (P. O. Box 866, Pittston, PA 18640), General NPDES Permit for stormwater discharges associated with mining activities on Exploration No. 40121101 in Hanover Township, **Luzerne County**, receiving stream: Susquehanna River. Application received: March 23, 2012. Permit issued: July 12, 2012.

**54121108GP104. Hardway Coal Co.**, (44 Keystoker Lane, Schuylkill Haven, PA 17972), General NPDES Permit for stormwater discharges associated with mining activities on Exploration No. 54121108 in Cass Township, **Schuylkill County**, receiving stream: Pine Hill Mine Pool to West Branch of Schuylkill River. Application received: May 02, 2012. Permit issued: July 13, 2012.

**54121109GP104. Hardway Coal Co.**, (44 Keystoker Lane, Schuylkill Haven, PA 17972), General NPDES Permit for stormwater discharges associated with mining activities on Exploration No. 54121109 in Cass Township, **Schuylkill County**, receiving stream: Pine Hill Mine Pool to West Branch of Schuylkill River. Application received: May 02, 2012. Permit issued: July 13, 2012.

### *Noncoal Permits Actions*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**37090302 and NPDES Permit No. PA0258768. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Revision to an existing large industrial minerals mine to add processing and 4.9 acres to the permit in Slippery Rock Township, **Lawrence County** affecting 84.0 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek. Application received: April 19, 2012. Permit Issued: July 11, 2012.

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

**66112501. Meshoppen Stone, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Meshoppen Township, **Wyoming County** affecting 10.0 acres, receiving stream: unnamed tributary to Meshoppen Creek. Application received: March 4, 2011. Permit issued: July 9, 2012.

**66112501GP104. Meshoppen Stone, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 66112501 in Meshoppen Township, **Wyoming County**, receiving stream: unnamed tributary to Meshoppen Creek. Application received: March 4, 2011. Permit issued: July 9, 2012.

**40070201GP104. Earth Conservancy**, (101 Main Street, Ashley, PA 18706), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40070301 in the City of Nanticoke, **Luzerne County**, receiving stream:

Susquehanna River. Application received: June 5, 2012. Permit issued: July 13, 2012.

**58112512. H.L. Robinson Sand and Gravel, Inc.**, (P. O. Box 121, Candor, NY 13743), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 10.0 acres, receiving stream: Martins Creek. Application received: July 21, 2011. Permit issued: July 13, 2012.

**58112512GP104. H.L. Robinson Sand and Gravel, Inc.**, (P. O. Box 121, Candor, NY 13743), General NPDES Permit for stormwater discharges with mining activities on Surface Mining Permit No. 58112512 in New Milford Township, **Susquehanna County**, receiving stream: Martins Creek. Application received: July 21, 2011. Permit issued: July 13, 2012.

#### 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*

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**37124001. Discovery Acquisition Services** (4141 Katy Hockley Road, Katy, TX 77493). Blasting activity permit for seismic exploration in North Beaver Township, **Lawrence County**. This blasting activity permit will expire on August 12, 2012. Permit Issued: July 11, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**41124109. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507-0528). Blasting for narrow mountain upgrade, well fracking, located in Lewis Township, **Lycoming County**. Permit issued: July 9, 2012. Permit expires: July 3, 2013.

**08124136. Midstream Explosives LLC** (289 Southside Drive, Newville, PA 17241-8951). Blasting for Tennessee Gas Loop 315 pipeline located in Armenia Township, **Bradford County** and Sullivan Township, **Tioga County**. Permit issued: June 25, 2012. Permit expires: June 30, 2012

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

**09124001. Explo-Craft, Inc.**, (P. O. Box 1332, West Chester, PA 19380), construction blasting for the Blichasz Tract Oak Creek in Warrington Township, **Bucks County** with an expiration date of December 31, 2012. Permit issued: July 10, 2012.

**51124001. Explo-Craft, Inc.**, (P. O. Box 1332, West Chester, PA 19380), construction blasting for the Shawmont Site in the City of Philadelphia, **Philadelphia County** with an expiration date of December 31, 2012. Permit issued: July 10, 2012.

**35124103. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Circle Green Development in South Abington Township, **Lackawanna County** with an expiration date of July 31, 2013. Permit issued: July 10, 2012.

**36124136. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for

Regency Park in East Lampeter Township, **Lancaster County** with an expiration date of June 28, 2013. Permit issued: July 10, 2012.

**36124137. Abel Construction Co., Inc.**, (P. O. Box 476, Mountville, PA 17554), construction blasting for Brooklawn Phase I in Manheim Township, **Lancaster County** with an expiration date of June 28, 2013. Permit issued: July 10, 2012.

**36124138. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Kolbacre Ridge in East Lampeter Township, **Lancaster County** with an expiration date of June 29, 2013. Permit issued: July 10, 2012.

**67124103. Douglas Explosives, Inc.**, (P. O. Box 77, Philipsburg, PA 16866), construction blasting for PADOT I-83 029 York County in Springfield Township, **York County** with an expiration date of December 30, 2013. Permit issued: July 10, 2012.

**06124107. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Western Berks Landfill in Cumru Township, **Berks County** with an expiration date of July 10, 2013. Permit issued: July 11, 2012.

**58124156. Doug Wathen, LLC**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Flowers Gas Pad in Springville Township, **Susquehanna County** with an expiration date of July 2, 2013. Permit issued: July 11, 2012.

**58124157. Abel Construction Co., Inc.**, (PO Box 476, Mountville, PA 17554), construction blasting for NE Water System pipeline in Great Bend and Liberty Townships, **Susquehanna County** with an expiration date of June 29, 2013. Permit issued: July 11, 2012.

**58124158. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Range Unit 8 Well Pad in New Milford Township, **Susquehanna County** with an expiration date of July 1, 2013. Permit issued: July 11, 2012.

**58124160. Maine Drilling & Blasting**, (PO Box 1140, Gardiner, ME 04345), construction blasting for Dimock, Jessup and Springville Townships, **Susquehanna County** with an expiration date of July 9, 2013. Permit issued: July 11, 2012.

**38124117. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Elm View Church in Richland Borough and Jackson Township, **Lebanon County** with an expiration date of December 31, 2012. Permit issued: July 12, 2012.

**46124109. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Graterford Prison in Skippack Township, **Montgomery County** with an expiration date of July 7, 2013. Permit issued: July 12, 2012.

**46124110. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for Merck Sewer Project in Upper Gwynedd Township, **Montgomery County** with an expiration date of July 10, 2013. Permit issued: July 12, 2012.

**67124104. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Eagle View Development in Manchester Township, **York County** with an expiration date of July 31, 2013. Permit issued: July 12, 2012.

**15124104. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Eagleview Crossing Upper Uwchlan and Uwchlan Town-

ships, **Chester County** with an expiration date of July 9, 2013. Permit issued: July 13, 2012.

**58124159. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Moore Well Pad in Silver Lake Township, **Susquehanna County** with an expiration date of July 9, 2013. Permit issued: July 13, 2012.

**64124102. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Wal-lenpaupack Lake Estates in Paupack and Salem Townships, **Wayne County** with an expiration date of July 31, 2013. Permit issued: July 16, 2012.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511*

**E45-532. Pavel Belenkiy and Lana Yamnizki**, 44 Trail Oaks Court, Old Bridge, NJ 08857, in Tobyhanna Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

Application for a permit to place fill in 0.10 acre of Exceptional Value, PFO wetlands for the purpose of constructing a single family residential dwelling on Lot 9, Block A-109, Section 5 in the Arrowhead Lakes Residential Community has been denied. The project is located on the corner of Squaw Trail and Lake Shore Drive (Thornhurst, PA Quadrangle, Latitude: 41°9'28"; Longitude: -75°34'33.6")

**E45-540. David and Lorin Halliwell**, HC 88, Box 441, Pocono Lake, PA 18347, in Tobyhanna Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

Application for a permit to place fill in 0.09 acre of Exceptional Value, PEM wetlands for the purpose of constructing a single family residential dwelling on Lot 78, Block A-100, Section 4 in the Arrowhead Lakes Residential Community has been denied. The project is located on Arrowhead Lake and along Lake Shore Drive (Thornhurst, PA Quadrangle, Latitude: 41°9'20"; Longitude: -75°34'0")

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

**E41-621. Transcontinental Gas Pipe Line, LLC**, 2800 Post Oak Blvd, Suite 900, Houston, TX 77056-6147. Water Obstruction and Encroachment Joint Permit Application, Muncy Loop, in Wolf and Penn Townships, **Lycoming County**, ACOE Baltimore District (Picture Rocks, PA Quadrangle N: 41° 16' 7.8"; W: 76° 41' 24").

The Department is giving the applicant consent to construct, operate and maintain 2.22 miles of 42 inch diameter natural gas pipeline within the West Branch of the Susquehanna River watershed (Warm Water Fishery). The project is centered approximately 1 mile south of the Village of Picture Rocks in Lycoming County. Construction of the pipeline loop will require the crossing of the following five (5) watercourses and three (3) wetlands:

<i>Crossing No.</i>	<i>Waterbody</i>	<i>Chapter 93 Designated Use</i>	<i>Latitude</i>	<i>Longitude</i>
1	Gregs Run	CWF	41.2689	76.692
2	Unnamed Tributary to Gregs Run	CWF	41.2692	76.6967
3	Unnamed Tributary to Mill Race	CWF	41.2696	76.7053

<i>Crossing No.</i>	<i>Waterbody</i>	<i>Chapter 93 Designated Use</i>	<i>Latitude</i>	<i>Longitude</i>
4	Muncy Creek	TSF	41.27043	76.71408
5	Pine Run	CWF	41.2711	76.7258
6	Wetland to Gregs Run	CWF	41.26896	76.69217
7	Wetland to Muncy Creek	TSF	41.27043	76.71408
8	Wetland to Pine Run	CWF	41.27104	76.72581

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335 814-332-6860*

**E24-08-002, Dallas Energy, LLC**, 103 South Kendall Avenue, Bradford, PA 16701. Goodman-Petitt Stream Crossings in Foster Township, **McKean County**, Army Corps of Engineers - Pittsburgh District.

The applicant proposes to construct, operate, and maintain:

1). A culvert crossing using two 40 feet long, 7-foot diameter steel culverts and one 40 feet long 5-foot diameter steel culvert to cross perennial Bolivar Run (CWF) adjacent to Bolivar Drive, approximately 2600 feet upstream of Cross Drive (Bradford, PA Quadrangle 41°59'10.3"N 78°39'41.9"W).

2). A culvert crossing using a 42 feet long, 8-foot diameter steel culvert to cross a perennial unnamed tributary of Bolivar Run (CWF) approximately 3600 feet north/northwest of the intersection of Bolivar Drive and Cross Drive (Bradford, PA Quadrangle 41°59'26.6"N 78°39'36.3"W).

The purpose of the proposed crossings is to replace two temporary crossings constructed to access oil and gas well sites. The proposed culvert crossing of the unnamed tributary to Bolivar Run is located approximately 200 feet upstream of the existing temporary crossing.

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

**E5829-024. Chesapeake Appalachia LLC**; 101 North Main Street, Athens, PA 18810; Rush Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) Two 16 inch diameter HDPE waterlines and a timber mat bridge impacting 4,118 square feet of PEM/PSS wetlands and 16 lineal feet of Deer Lick Creek (CWF) (Lawton, PA Quadrangle; Latitude: 41° 45' 49", Longitude: -76° 03' 08"),

2) Two 16 inch diameter HDPE waterlines and a timber mat bridge impacting 1,354 square feet of PEM wetlands (Lawton, PA Quadrangle; Latitude: 41° 45' 51", Longitude: -76° 03' 17"),

3) Two 16 inch diameter HDPE waterlines and a timber mat bridge impacting 1,277 square feet of PEM wetlands (Lawton, PA Quadrangle; Latitude: 41° 45' 51", Longitude: -76° 03' 18"),

4) Two 16 inch diameter HDPE waterlines impacting 22 square feet of PEM wetlands (Lawton, PA Quadrangle; Latitude: 41° 45' 54", Longitude: -76° 03' 22"),

5) Two 16 inch diameter HDPE waterlines and a timber mat bridge impacting 1,675 square feet of PEM wetlands (Lawton, PA Quadrangle; Latitude: 41° 45' 54", Longitude: -76° 03' 27").

The project will result in 16 lineal feet of temporary stream impacts and 0.19 acre of temporary wetland impacts, all for the purpose of installing two 16 inch temporary water conveyance pipelines to provide freshwater for three Marcellus natural gas well pads.

#### **EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX12-015-0138

Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.

Address 100 Ist Center

City, State, Zip Horseheads, NY 14845

County Bradford County

Township(s) North Towanda Township

Receiving Stream(s) and Classification(s) UNT to Sugar Creek, Sugar Creek (Both WWF/MF)

ESCGP-1 # ESX12-081-0088

Applicant Name Inflection Energy, LLC

Contact Person Carla Suszkowski

Address 701 Technology Drive, Suite 250

City, State, Zip Canonsburg, PA 15317

County Lycoming County

Township(s) Upper Fairfield Township

Receiving Stream(s) and Classification(s) East Branch Mill Creek

ESCGP-1 # ESX12-117-0067  
 Applicant Name SWEPI LP  
 Contact Person H. James Sewell  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga County  
 Township(s) Delmar Township  
 Receiving Stream(s) and Classification(s) Trib. To West  
 Branch To Stony Fork (EV/MF)

ESCGP-1 # ESX12-115-0080  
 Applicant Name Carrizo (Marcellus), LLC  
 Contact Person Gary Byron  
 Address 251 Drain Lick Road  
 City, State, Zip Drifting, PA 16834  
 County Susquehanna County  
 Township(s) Bridgewater Township  
 Receiving Stream(s) and Classification(s) UNT to Beebe  
 Creek (CWF)

ESCGP-1 # ESX12-015-0141  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Wilmot Township  
 Receiving Stream(s) and Classification(s) Susquehanna  
 River (WWF/MF)

ESCGP-1 # ESX12-015-0140  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Canton Township  
 Receiving Stream(s) and Classification(s) Alba Creek  
 (CWF/MF)

ESCGP-1 # ESX12-015-0139  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Canton Township  
 Receiving Stream(s) and Classification(s) Beech Flats  
 Creek (CWF/MF);  
 Secondary: Towanda Creek (TSF/MF)

ESCGP-1 # ESX12-033-0038 (01)  
 Applicant Name Energy Corporation of America  
 Contact Person Travis Wendell  
 Address 1280 Route 286 Highway East, Suite 221  
 City, State, Zip Indiana, PA 15701  
 County Clearfield County  
 Township(s) Girard Township  
 Receiving Stream(s) and Classification(s) Deer Creek,  
 West Branch Susquehanna River (CWF)

ESCGP-1 # ESX12-015-0137  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Canton Township  
 Receiving Stream(s) and Classification(s) Williams Hollow  
 Creek (CWF/MF), Trib. 30596 to Beech Flats Creek  
 (CWF/MF)

ESCGP-1 # ESX12-015-0142  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Wilmot Township  
 Receiving Stream(s) and Classification(s) Wolf Run, Trib.  
 29281 to Wolf Run (Both CWF/MF);  
 Secondary: Tributaries to waters above

ESCGP-1 # ESX11-015-0307 (01)  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 33 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Orwell and Warren Townships  
 Receiving Stream(s) and Classification(s) Trout Stream,  
 Pendleton Creek, Wappasening Creek and their Tribs.  
 (All CWF/MF)

ESCGP-1 # ESX12-081-0094  
 Applicant Name PVR Marcellus Gas Gathering, LLC  
 Contact Person Kevin Roberts  
 Address 25 West Third Street, 100 Penn Tower, Suite  
 201-202  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Anthony and Mifflin Townships  
 Receiving Stream(s) and Classification(s) Marsh Run,  
 Larry's Creek, Trib. 20576 and 20577 to Stony Gap  
 Run, Trib. 21079, 20183 and 20184 to Larry's Creek  
 (All EV/MF)

ESCGP-1 # ESX12-015-0113  
 Applicant Name Chief Oil & Gas, LLC  
 Contact Person Christopher Vassallo  
 Address 6051 Wallace Road, Ext., Suite 201  
 City, State, Zip Wexford, PA 15090  
 County Bradford County  
 Township(s) Ulster Township  
 Receiving Stream(s) and Classification(s) UNT to the  
 Susquehanna River (WWF/MF);  
 Secondary: Susquehanna River (WWF/MF)

ESCGP-1 # ESX10-027-0020 (01)  
 Applicant Name Chevron Appalachia, LLC  
 Contact Person Alexander Genovese  
 Address 800 Mountain View Drive  
 City, State, Zip Smithfield, PA 15478  
 County Centre County  
 Township(s) Snow Shoe Township  
 Receiving Stream(s) and Classification(s) Sandy Run  
 (CWF);  
 Secondary: Beech Creek

ESCGP-1 # ESX11-015-0318 (01)  
 Applicant Name Angelina Gathering Company, LLC  
 Contact Person Danny Spaulding  
 Address 2350 N. Sam Houston Parkway E. Suite 125  
 City, State, Zip Houston, TX 77032  
 County Bradford County  
 Township(s) Herrick Township  
 Receiving Stream(s) and Classification(s) All proposed  
 disturbance is to be within the watersheds of Rum-  
 merfield Creek and UNT to Rummerfield Creek (WWF/  
 MF)

ESCGP-1 # ESX12-115-0114  
 Applicant Name WPX Energy Appalachia, LLC  
 Contact Person David Freudenrich  
 Address 6000 Town Center Blvd., Suite 300

City, State, Zip Canonsburg, PA 15090  
 County Susquehanna County  
 Township(s) Choconut and Forest Lake Townships  
 Receiving Stream(s) and Classification(s) UNT's 29941  
 and 28944 to Middle Branch Wyalusing Creek/  
 Wyalusing Creek, Hurley Branch/Choconut Creek  
 (CWF/MF)(WWF, MF);  
 Secondary: Middle Branch Wyalusing Creek (CWF/MF),  
 Choconut Creek (WWF/MF)

*Northwest Region: Oil and Gas Program Manager, 230  
 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX12-053-0031-WT 2993  
 Applicant Swepi LP  
 Contact James Sewell  
 Address 190 Thorn Hill Road  
 City Warrendale State PA Zip Code 15086  
 County Forest Township(s) Howe(s)  
 Receiving Stream(s) and Classification(s) UNT to Rocky  
 Run

ESCGP-1 #ESX12-073-0019-Litwinovich 2002  
 Applicant Swepi LP  
 Contact James Sewell  
 Address 190 Thorn Hill Road  
 City Warrendale State PA Zip Code 15086  
 County Lawrence Township(s) Pulaski(s)  
 Receiving Stream(s) and Classification(s) UNT's to the  
 Shenango River

ESCGP-1 # ESCGP-1 #ESX12-121-0013—Allam 1H Pad  
 Applicant Halcon Operating Co. Inc.  
 Contact Mark Mize  
 Address 1000 Louisiana Street  
 City Houston State TX Zip Code 77002  
 County Venango Township(s) Frenchcreek(s)  
 Receiving Stream(s) and Classification(s) Little Sandy  
 Creek CWF, Sandy Creek—WWF

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## SPECIAL NOTICES

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### General Permit for Short-Term Construction Projects

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

Approval of Registration/Applications under General  
 Permit for Short-Term Construction Project BMR-GP-103.

**26111001. George Stash, Jr.** (354 Georges Road,  
 Uniontown, PA 15401). Authorization to extract stone  
 located in Perry Township, **Franklin County**, to repair a  
 haul road to an oil and gas well pad. Receiving streams:  
 unnamed tributary to Youghiogheny River. Authorization  
 approved: July 10, 2012.

*Moshannon District Mining Office: 186 Enterprise  
 Drive, Philipsburg, PA 16866, 814-342-8200*

**Finney Enterprises, Inc., GFCC No. 17-09-04, Pa-  
 cific Operation**, Woodward Township, **Clearfield  
 County** (Goss Run to Beaver Run to Moshannon Creek  
 —Upper West Branch Susquehanna Watershed): A con-  
 struction contract has been awarded to Finney Enter-  
 prises, Inc., that will result in the reclamation of approxi-  
 mately 11.0 acres of severely subsided abandoned deep  
 mines and the recovery of approximately 21,000 tons of  
 remaining coal reserves. The site will be reclaimed and  
 regraded to approximate original contour. The estimated  
 value of the reclamation work is \$132,000.00 which will  
 be done at no cost to the Commonwealth. As a Best  
 Management Practice (BMP) alkaline addition in the

form of waste lime will be added to the pit floor at a rate  
 of 50 tons/acre. An NPDES permit (PA-0257770) was also  
 issued as part of the construction contract. Blasting and  
 refuse reprocessing are prohibited. The site is located  
 southwest of Brisbin Borough on lands formerly mined  
 and subsequently abandoned by William Flango in the  
 late 1950's.

[Pa.B. Doc. No. 12-1417. Filed for public inspection July 27, 2012, 9:00 a.m.]

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### Agricultural Advisory Board Meeting Cancellation

The Agricultural Advisory Board meeting scheduled for  
 August 15, 2012, has been cancelled. The next meeting is  
 scheduled to occur on October 17, 2012, at 10 a.m. in  
 Susquehanna Room A of the Department of Environmen-  
 tal Protection South Central Regional Office Building.

Questions concerning the cancellation of the August 15,  
 2012, meeting or the October 17, 2012, meeting should be  
 directed to Frank X. Schneider, Bureau of Conservation  
 and Restoration, (717) 772-5972, fschneider@pa.gov. The  
 agenda and materials for the October 17, 2012, meeting  
 will be available through the Public Participation Center  
 on the Department of Environmental Protection's (De-  
 partment) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Key-  
 word: Participate).

Persons in need of accommodations as provided for in  
 the Americans with Disabilities Act of 1990 should con-  
 tact the Department at (717) 787-7019 or through the  
 Pennsylvania AT&T Relay Service at (800) 654-5984  
 (TDD) to discuss how the Department may accommodate  
 their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1418. Filed for public inspection July 27, 2012, 9:00 a.m.]

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### Bid Opportunity

**OSM 10(3147)101.1, Abandoned Mine Land Recla-  
 mation Project, Parker Northwest, Parker Town-  
 ship, Butler County.** The principal items of work and  
 approximate quantities include mobilization and demobi-  
 lization; implementation of the Erosion and Sediment  
 Control Plan; clearing and grubbing; grading 144,000  
 cubic yards; and seeding 19 acres. This bid issues on July  
 27, 2012, and bids will be opened on August 28, 2012, 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](mailto:joelmiller@state.pa.us) for more informa-  
 tion on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1419. Filed for public inspection July 27, 2012, 9:00 a.m.]



### Bid Opportunity

**OSM 16(6348)101.1, Abandoned Mine Land Reclamation Project, Shannondale North, Redbank Township, Clarion 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 306,400 cubic yards; roadway surface material 460 tons; gas line relocation; and seeding 35 acres. This bid issues on July 27, 2012, and bids will be opened on August 21, 2012, 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.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1420. Filed for public inspection July 27, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 56(2517)201.1, Abandoned Mine Land Reclamation Project, Railroad Street, Winbur Borough, Somerset County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; grading 7,600 cubic yards; and seeding 4 acres. This bid issues on July 27, 2012, and bids will be opened on August 21, 2012, 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.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1421. Filed for public inspection July 27, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 65(1050)102.1, Abandoned Mine Reclamation Project, Hyde Park, Hyde Park Borough, Westmoreland County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; overburden drilling and casing; steel or PVC 4,416 linear feet; 4" air rotary drilling 15,180 linear feet; furnishing and installing 4" nominal steel or PVC injection casing 15,456 linear feet; supply and delivery, mixing and injection of grouting materials; sealing boreholes 276 each; and site restoration. This bid issues on July 27, 2012, and bids will be opened on August 28, 2012, 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.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1422. Filed for public inspection July 27, 2012, 9:00 a.m.]

### Clean Air Interstate Rule; Final 2016 Annual and Ozone Season CAIR Nitrogen Oxides Allowance Allocations, Final 2016 New Unit Allowance Allocation, Final Redistribution of 2011-2015 Allowances for Certain Facilities and Extension of CAIR Nitrogen Oxides Set-Aside Program for Offsetting Sulfur Dioxide Emissions

In accordance with 25 Pa. Code §§ 145.211(d) and 145.221(d) (relating to timing requirements for CAIR NO<sub>x</sub> allowance allocations; and timing requirements for CAIR NO<sub>x</sub> Ozone Season allowance allocations), the Department of Environmental Protection (Department) is providing notice of finalization of the 2016 annual and ozone season Clean Air Interstate Rule (CAIR) nitrogen oxides (NO<sub>x</sub>) allowance allocations, final 2016 new unit allowance allocations, final redistribution of 2011-2015 allowances for certain facilities and extension of the CAIR NO<sub>x</sub> set-aside program for sulfur dioxide (SO<sub>2</sub>) emissions. Notice of the proposed allocations of 2016 allowances, the final redistribution of 2011-2015 allowances and the extension was published at 42 Pa.B. 2808 (May 19, 2012). No comments were received and no changes to the final allocations were made.

The Commonwealth's 2016 NO<sub>x</sub> budget for the annual CAIR program contains 82,541 NO<sub>x</sub> allowances; 81,429 NO<sub>x</sub> allowances are allocated. A remaining 1,073 (1.3% of the annual CAIR program budget) NO<sub>x</sub> allowances are set aside for future allocation as described as follows. Notice of proposal for 39 vintage year 2016 allowances to new units was published at 42 Pa.B. 1101 (February 25, 2012). No comments were received and no changes to the final new unit allocations were made.

In this notice, the Department is finalizing the extension of the set-aside program described in 25 Pa. Code § 145.212(f)(2)—(4) (relating to CAIR NO<sub>x</sub> allowance allocations) to include a set-aside of 2016 vintage year CAIR NO<sub>x</sub> allowances. The Department is maintaining the 1.3% set-aside for future allocation of additional CAIR NO<sub>x</sub> allowances to offset SO<sub>2</sub> emissions to units exempted by section 405(g)(6)(A) of the Clean Air Act (42 U.S.C.A. § 7651d(g)(6)(A)). This extension is appropriate in light of the continued implementation of the CAIR program that resulted from the court's temporary stay of the Federal Cross State Air Pollution Rule in *EME Homer City Generation, L.P. v EPA*, D.C. Cir. 11-1302. The allocation of additional NO<sub>x</sub> allowances to offset SO<sub>2</sub> emissions may be extended after a 30-day public comment period provided in accordance with 25 Pa. Code § 145.212(f)(5). The comment period ended on June 18, 2012, and no comments were received.

The Commonwealth's NO<sub>x</sub> budget for the ozone season CAIR program contains 35,143 NO<sub>x</sub> allowances; 35,121

CAIR ozone season NO<sub>x</sub> allowances are allocated. Notice of proposal for 22 allowances to new units was published at 42 Pa.B. 1101. No comments were received and no changes to the final allocations were made.

The Commonwealth's CAIR NO<sub>x</sub> Annual Trading Program budget contained 99,049 CAIR NO<sub>x</sub> allowances for 2010; 97,761 CAIR NO<sub>x</sub> allowances were allocated at 40 Pa.B. 297 (January 9, 2010). The remaining 1,288 CAIR NO<sub>x</sub> allowances for 2010 or 1.3% of the Commonwealth's annual 2010 CAIR NO<sub>x</sub> budget were set aside for allocation to units exempted under the Federal Acid Rain Program provisions in section 405(g)(6)(A) of the Clean Air Act. These Acid Rain exempted units did not receive SO<sub>2</sub> allowances under the Acid Rain program, but are subject to the CAIR SO<sub>2</sub> trading program. In 2011 a total of 1,090 of the 1,288 allowances were requested by the owners or operators of these exempted units and the Department published notice of the final NO<sub>x</sub> for SO<sub>2</sub> allocations July 23, 2011. See 41 Pa.B. 1580 (March 19, 2011) and 41 Pa.B. 4047 (July 23, 2011).

The Department is finalizing the distribution of the remaining 198 unutilized 2010 allowances from the 1.3% set-aside back to the regular CAIR units in accordance with 25 Pa. Code § 145.212(f)(4), which requires the unutilized allowances to be allocated to the units under 25 Pa. Code § 145.212(c) during the next allocation cycle.

The Department is finalizing the redistribution of 218 vintage years 2011 through 2015 NO<sub>x</sub> allowances, originally allocated to Trigen Energy Corporation, Edison Station Units 1, 2, 3 and 4. The United States Environmental Protection Agency (EPA) has determined that the Edison Station units are not subject to CAIR. The allowances were transferred into the Department's Primary Reserve account. The Department allocated the allowances applying the methodology required under 25 Pa. Code § 145.212 for each vintage year allocation. The allocations were rerun for each affected year without including the four Edison Station units.

The Department is finalizing the allocation of 27 vintage year 2015 annual NO<sub>x</sub> allowances remaining in the Department's CAIR account due to typographical error in the spreadsheet used to calculate the allocations for 2015. These allowances are also being allocated in accordance with 25 Pa. Code § 145.212.

For each new unit receiving a CAIR NO<sub>x</sub> allocation, Table 1 lists the following information: facility name, county, ORIS code, unit ID, 2011 annual NO<sub>x</sub> emission, 2011 ozone season NO<sub>x</sub> emission, operation date, 2016 annual new unit allowance allocation and 2016 new unit ozone season allowance allocation.

For each CAIR unit and qualifying resource that is being allocated 2016 NO<sub>x</sub> allowances, Tables 2 and 3 as follows list the following: facility name; county; ORIS code; unit ID; either the gross loading, steam loading,

useful thermal energy and total heat energy of steam, or both, converted heat input from the base year and proposed 2016 annual allowance allocation or 2016 ozone season allowance allocation.

Table 4 lists each CAIR unit and qualifying resource that is being allocated vintage 2010 NO<sub>x</sub> allowances from the 198 allowances that remained after the 2011 set-aside allocation.

Table 5 lists each facility CAIR unit and qualifying resource that is being allocated additional NO<sub>x</sub> allowances and the vintage year to which those allowances belong.

Owners and operators of units should be aware that CAIR NO<sub>x</sub> allowances and CAIR NO<sub>x</sub> Ozone Season allowances do not constitute property rights, and that actions at the Federal or State level, including possible court action in *EME Homer City Generation, L.P. v EPA*, D.C. Cir. 11-1302, could affect these allocations, once final.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Questions concerning this notice should be directed to Randy Bordner at (717) 772-3921. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

Table 1: Final 2016 CAIR New Unit Allocations

<b>FACILITY NAME</b>	<b>COUNTY</b>	<b>ORIS CODE</b>	<b>UNIT ID</b>	<b>2011 Annual NO<sub>x</sub> Emission (tons)</b>	<b>2011 Ozone Season NO<sub>x</sub> Emission (tons)</b>	<b>Operation Date (EPA data)</b>	<b>2016 CAIR NEW UNIT Annual NO<sub>x</sub> Allowance Allocation</b>	<b>2016 CAIR NEW UNIT Ozone Season NO<sub>x</sub> Allowance Allocation</b>
Hunlock Creek Energy Center	Luzerne	3176	CT5	17	0	6/2/11	17	0
York Energy Center	York	55524	1	8	8	3/2/11	8	8
York Energy Center	York	55524	2	7.7	7.7	3/2/11	7	7
York Energy Center	York	55524	3	7.5	7.5	3/2/11	7	7

Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 32	0		3,562,683		4,453,354	295
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 33	0		3,869,399		4,836,749	320
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 34	0		3,658,008		4,572,510	303
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 35	0		1,906,106		2,382,633	158
AES Ironwood COUNTY Lebanon ORIS CODE 55337 UNIT ID 1	1,837,887				12,267,896	812
AES Ironwood COUNTY Lebanon ORIS CODE 55337 UNIT ID 2	1,877,221				12,530,448	829
Allegheny Energy Units 1 & 2 COUNTY Allegheny ORIS CODE 55196 UNIT ID 1	41,169				274,802	18
Allegheny Energy Units 1 & 2 COUNTY Allegheny ORIS CODE 55196 UNIT ID 2	44,948				300,025	20
Allegheny Energy Units 3, 4 & 5 COUNTY Allegheny ORIS CODE 55710 UNIT ID 3	259,129				1,729,688	114
Allegheny Energy Units 3, 4 & 5 COUNTY Allegheny ORIS CODE 55710 UNIT ID 4	218,786				1,460,397	97

Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Allegheny Energy Units 8 & 9 COUNTY Fayette ORIS CODE 55377 UNIT ID 8	51,683				344,987	23
Allegheny Energy Units 8 & 9 COUNTY Fayette ORIS CODE 55377 UNIT ID 9	50,110				334,487	22
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 1	14,763				98,543	7
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 2	20,002				133,513	9
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 3	26,170				174,685	12
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 4	30,270				202,052	13
Armstrong Power Station COUNTY Armstrong ORIS CODE 3178 UNIT ID 1	881,379				6,962,890	461
Armstrong Power Station COUNTY Armstrong ORIS CODE 3178 UNIT ID 2	953,675				7,534,036	499
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 1	470,506				3,140,627	208

Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 2	466,565				3,114,322	206
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 3	352,774				2,354,769	156
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 5	529,901				3,537,091	234
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 6	508,463				3,393,990	225
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 7	544,022				3,631,349	240
Bruce Mansfield COUNTY Beaver ORIS CODE 6094 UNIT ID 1	6,697,711				52,911,917	3502
Bruce Mansfield COUNTY Beaver ORIS CODE 6094 UNIT ID 2	5,847,854				46,198,047	3057
Bruce Mansfield COUNTY Beaver ORIS CODE 6094 UNIT ID 3	7,167,640				56,624,356	3747
Brunner Island COUNTY York ORIS CODE 3140 UNIT ID 1	2,446,721				19,329,096	1279
Brunner Island COUNTY York ORIS CODE 3140 UNIT ID 2	2,987,740				23,603,146	1562

Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Brunner Island COUNTY York ORIS CODE 3140 UNIT ID 3	5,589,248				44,155,059	2922
Brunot Island Power Station COUNTY Allegheny ORIS CODE 3096 UNIT ID 2A	2,116				14,124	1
Brunot Island Power Station COUNTY Allegheny ORIS CODE 3096 UNIT ID 2B	2,902				19,371	1
Brunot Island Power Station COUNTY Allegheny ORIS CODE 3096 UNIT ID 3	2,594				17,315	1
Cambria Cogen COUNTY Cambria ORIS CODE 10641 UNIT ID 1	0		4,724,626		5,905,783	391
Cambria Cogen COUNTY Cambria ORIS CODE 10641 UNIT ID 2	0		4,624,237		5,780,296	383
Chambersburg Units 12 & 13 COUNTY Franklin ORIS CODE 55654 UNIT ID 12	48,297				322,384	21
Chambersburg Units 12 & 13 COUNTY Franklin ORIS CODE 55654 UNIT ID 13	56,589				377,732	25
Cheswick COUNTY Allegheny ORIS CODE 8226 UNIT ID 1	1,954,013				15,436,702	1022
Colver Power Project COUNTY Cambria ORIS CODE 10143 UNIT ID AAB01	1,012,604				7,999,572	529

**Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table**

<b>FACILITY DETAILS</b>	<b>GROSS LOAD (Megawatt Hours)</b>	<b>STEAM LOAD (Thousand Lbs of Steam)</b>	<b>Useful Thermal Energy (mmBTU)</b>	<b>Total Heat energy of steam produced by heat recovery steam generator (mmBTU)</b>	<b>2010 Converted Heat Input (mmBTU)</b>	<b>Calculated 2016 CAIR NO<sub>x</sub> Annual Allowance</b>
Conemaugh COUNTY Indiana ORIS CODE 3118 UNIT ID 1	6,985,785				55,187,702	3652
Conemaugh COUNTY Indiana ORIS CODE 3118 UNIT ID 2	5,980,173				47,243,367	3126
Cromby COUNTY Chester ORIS CODE 3159 UNIT ID 1	498,886				3,937,249	261
Cromby COUNTY Chester ORIS CODE 3159 UNIT ID 2	149,040				994,842	66
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 11	1,611				10,753	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 12	1,771				11,821	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 21	2,026				13,524	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 22	1,655				11,047	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 31	2,354				15,713	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 32	2,275				15,186	1

**NOTICES**

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Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 41	2,058				13,737	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 42	1,962				13,096	1
Duke Energy Fayette, II LLC COUNTY Fayette ORIS CODE 55516 UNIT ID CTG1	1,042,702				6,960,036	461
Duke Energy Fayette, II LLC COUNTY Fayette ORIS CODE 55516 UNIT ID CTG2	1,024,045				6,835,500	452
Ebensburg Power Company COUNTY Cambria ORIS CODE 10603 UNIT ID 31	0		4,807,321		6,009,151	398
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 1	993,263				7,846,778	519
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 2	1,126,625				8,900,338	589
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 3	138,591				925,095	61
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 4	125,646				838,687	56
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 1	36,346				287,132	19

Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 2	121,718				961,573	64
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 3	99,833				788,681	52
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 4	385,050				3,041,893	201
FPL Energy Marcus Hook, LP COUNTY Delaware ORIS CODE 55801 UNIT ID 1	1,010,945			3,547	3,454,788	229
FPL Energy Marcus Hook, LP COUNTY Delaware ORIS CODE 55801 UNIT ID 2	975,630			98,832	3,453,364	229
FPL Energy Marcus Hook, LP COUNTY Delaware ORIS CODE 55801 UNIT ID 3	955,241			261,010	3,586,500	237
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 1A	1,609,466				10,743,186	711
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 1B	1,669,200				11,141,910	737
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 2A	1,184,516				7,906,644	523
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 2B	1,187,691				7,927,837	525

Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Fairless Hills Generating Station	167,304				1,116,754	74
COUNTY Bucks ORIS CODE 7701 UNIT ID PHBLR4						
Fairless Hills Generating Station	62,195				415,152	27
COUNTY Bucks ORIS CODE 7701 UNIT ID PHBLR5						
G F Weaton COUNTY Beaver ORIS CODE 50130 UNIT ID 34	262,310				2,072,249	137
G F Weaton COUNTY Beaver ORIS CODE 50130 UNIT ID 35	255,540				2,018,766	134
Gilberton Power Company COUNTY Schuylkill ORIS CODE 10113 UNIT ID 31	0	2,911,333			3,512,706	232
Gilberton Power Company COUNTY Schuylkill ORIS CODE 10113 UNIT ID 32	0	2,720,428			3,282,366	217
Grays Ferry Cogen Partnership COUNTY Philadelphia ORIS CODE 54785 UNIT ID 2	699,347			2,765,252	5,843,437	387
Grays Ferry Cogen Partnership COUNTY Philadelphia ORIS CODE 54785 UNIT ID 25	0		1,627,980		2,034,975	135
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-1A	4,253				28,389	2

Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-1B	4,256				28,409	2
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-2A	7,633				50,950	3
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-2B	7,650				51,064	3
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-3A	6,859				45,784	3
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-3B	6,848				45,710	3
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-4A	7,208				48,113	3
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-4B	7,187				47,973	3
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-5A	7,470				49,862	3
Handsme Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-5B	7,470				49,862	3
Hatfield's Ferry Power Station COUNTY Greene ORIS CODE 3179 UNIT ID 1	3,308,953				26,140,725	1730

Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Hatfield's Ferry Power Station COUNTY Greene ORIS CODE 3179 UNIT ID 2	3,194,648				25,237,718	1670
Hatfield's Ferry Power Station COUNTY Greene ORIS CODE 3179 UNIT ID 3	3,221,294				25,448,221	1684
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TURB2	936				6,248	0
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TURB3	1,133				7,563	1
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TURB4	1,119				7,469	0
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TURBINE	992				6,622	0
Homer City COUNTY Indiana ORIS CODE 3122 UNIT ID 1	3,947,943				31,188,751	2064
Homer City COUNTY Indiana ORIS CODE 3122 UNIT ID 2	4,117,311				32,526,758	2153
Homer City COUNTY Indiana ORIS CODE 3122 UNIT ID 3	3,736,885				29,521,389	1954
Hunlock Creek Energy Center COUNTY Luzerne ORIS CODE 3176 UNIT ID 6	115,854				915,247	61

Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Hunlock Unit 4 COUNTY Luzerne ORIS CODE 56397 UNIT ID 4	9,654				64,443	4
Hunterstown Combined Cycle COUNTY Adams ORIS CODE 55976 UNIT ID CT101	751,319				5,015,052	332
Hunterstown Combined Cycle COUNTY Adams ORIS CODE 55976 UNIT ID CT201	804,064				5,367,129	355
Hunterstown Combined Cycle COUNTY Adams ORIS CODE 55976 UNIT ID CT301	718,201				4,793,992	317
Keystone COUNTY Armstrong ORIS CODE 3136 UNIT ID 1	7,357,668				58,125,577	3847
Keystone COUNTY Armstrong ORIS CODE 3136 UNIT ID 2	7,216,624				57,011,330	3773
Liberty Electric Power Plant COUNTY Delaware ORIS CODE 55231 UNIT ID 1	1,608,518				10,736,858	711
Liberty Electric Power Plant COUNTY Delaware ORIS CODE 55231 UNIT ID 2	1,645,866				10,986,156	727
Lower Mount Bethel Energy COUNTY Northampton ORIS CODE 55667 UNIT ID CT01	1,470,992				9,818,870	650
Lower Mount Bethel Energy COUNTY Northampton ORIS CODE 55667 UNIT ID CT02	1,465,291				9,780,820	647

Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Martins Creek COUNTY Northampton ORIS CODE 3148 UNIT ID 3	520,536				3,474,578	230
Martins Creek COUNTY Northampton ORIS CODE 3148 UNIT ID 4	398,369				2,659,113	176
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 1	2,876				19,197	1
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 2	0				0	0
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 3	2,876				19,195	1
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 33	1,050,032				8,295,250	549
Montour COUNTY Montour ORIS CODE 3149 UNIT ID 1	5,748,794				45,415,473	3006
Montour COUNTY Montour ORIS CODE 3149 UNIT ID 2	4,497,963				35,533,908	2352
Mountain COUNTY Cumberland ORIS CODE 3111 UNIT ID 31	2,548				17,008	1
Mountain COUNTY Cumberland ORIS CODE 3111 UNIT ID 32	2,925				19,524	1

Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Mt. Carmel Cogeneration COUNTY Northumberland ORIS CODE 10343 UNIT ID SG-101	0		3,730,226		4,662,783	309
New Castle COUNTY Lawrence ORIS CODE 3138 UNIT ID 3	221,494				1,749,799	116
New Castle COUNTY Lawrence ORIS CODE 3138 UNIT ID 4	252,876				1,997,722	132
New Castle COUNTY Lawrence ORIS CODE 3138 UNIT ID 5	316,091				2,497,122	165
North East Cogeneration Plant COUNTY Erie ORIS CODE 54571 UNIT ID 1	1,258			662	5,121	0
North East Cogeneration Plant COUNTY Erie ORIS CODE 54571 UNIT ID 2	1,813			896	7,308	0
Northampton Generating Plant COUNTY Northampton ORIS CODE 50888 UNIT ID	874,267				6,906,709	457
Northeastern Power Company COUNTY Schuylkill ORIS CODE 50039 UNIT ID 31	490,007				3,871,055	256
Ontelaunee Energy Center COUNTY Berks ORIS CODE 55193 UNIT ID CT1	1,167,836				7,795,305	516



Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Ontelaunee Energy Center COUNTY Berks ORIS CODE 55193 UNIT ID CT2	1,120,481				7,479,211	495
PEI Power Corporation COUNTY Lackawanna ORIS CODE 50279 UNIT ID 2	31,368				209,381	14
Panther Creek Energy Facility COUNTY Carbon ORIS CODE 50776 UNIT ID 1	372,610				2,943,619	195
Panther Creek Energy Facility COUNTY Carbon ORIS CODE 50776 UNIT ID 2	390,936				3,088,394	204
Piney Creek Power Plant COUNTY Clarion ORIS CODE 54144 UNIT ID 31	288,000				2,275,200	151
Portland COUNTY Northampton ORIS CODE 3113 UNIT ID 1	755,730				5,970,271	395
Portland COUNTY Northampton ORIS CODE 3113 UNIT ID 2	1,056,182				8,343,836	552
Portland COUNTY Northampton ORIS CODE 3113 UNIT ID 5	3,287				21,943	1
Richmond COUNTY Philadelphia ORIS CODE 3168 UNIT ID 91	1,958				13,070	1
Richmond COUNTY Philadelphia ORIS CODE 3168 UNIT ID 92	2,400				16,020	1

Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Schuylkill COUNTY Philadelphia ORIS CODE 3169 UNIT ID 1	18,637				124,402	8
Scrubgrass Generating Plant COUNTY Venango ORIS CODE 50974 UNIT ID 1	404,373				3,194,547	211
Scrubgrass Generating Plant COUNTY Venango ORIS CODE 50974 UNIT ID 2	396,401				3,131,568	207
Seward COUNTY Indiana ORIS CODE 3130 UNIT ID 1	2,253,692				17,804,167	1178
Seward COUNTY Indiana ORIS CODE 3130 UNIT ID 2	2,008,823				15,869,702	1050
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 1	535,841				4,233,144	280
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 2	522,428				4,127,181	273
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 3	823,912				6,508,905	431
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 4	8,368,719				66,112,880	4375
St. Nicholas Cogeneration Project COUNTY Schuylkill ORIS CODE 54634 UNIT ID 1	763,658				6,032,898	399

Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 1A	266,740				2,107,248	139
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 1B	261,471				2,065,621	137
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 2A	276,622				2,185,311	145
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 2B	0				0	0
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 3	477,267				3,770,405	250
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 4	595,931				4,707,852	312
Titus COUNTY Berks ORIS CODE 3115 UNIT ID 1	275,088				2,173,195	144
Titus COUNTY Berks ORIS CODE 3115 UNIT ID 2	253,030				1,998,937	132
Titus COUNTY Berks ORIS CODE 3115 UNIT ID 3	280,612				2,216,835	147

Table 2: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Annual Allowance
Tolna COUNTY York ORIS CODE 3116 UNIT ID 31	1,611				10,753	1
Tolna COUNTY York ORIS CODE 3116 UNIT ID 32	1,315				8,778	1
Veolia Energy Philadelphia- Schuylkill COUNTY Philadelphia ORIS CODE 50607 UNIT ID 23			7,032		8,790	1
Veolia Energy Philadelphia- Schuylkill COUNTY Philadelphia ORIS CODE 50607 UNIT ID 24			2,299		2,874	0
Veolia Energy Philadelphia- Schuylkill COUNTY Philadelphia ORIS CODE 50607 UNIT ID 26			30,004		37,505	2
WPS Westwood Generation, LLC COUNTY Schuylkill ORIS CODE 50611 UNIT ID 31	209,623				1,656,019	110
Warren COUNTY Warren ORIS CODE 3132 UNIT ID 5	0				0	0
Wheelabrator—Frackville COUNTY Schuylkill ORIS CODE 50879 UNIT ID GEN1	0	3,358,645			4,052,415	268
					<b>Total</b>	<b>81,429</b>

NOTICES

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Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 32			1,525,334		1,906,668	118
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 33			1,710,418		2,138,023	132
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 34	0		1,624,078		2,030,098	125
AES Beaver Valley LLC COUNTY Beaver ORIS CODE 10676 UNIT ID 35	0		816,051		1,020,064	63
AES Ironwood COUNTY Lebanon ORIS CODE 55337 UNIT ID 1	963,349				6,430,351	397
AES Ironwood COUNTY Lebanon ORIS CODE 55337 UNIT ID 2	942,315				6,289,953	388
Allegheny Energy Units 1 & 2 COUNTY Allegheny ORIS CODE 55196 UNIT ID 1	32,417				216,382	13
Allegheny Energy Units 1 & 2 COUNTY Allegheny ORIS CODE 55196 UNIT ID 2	33,105				220,978	14
Allegheny Energy Units 3, 4 & 5 COUNTY Allegheny ORIS CODE 55710 UNIT ID 3	166,522				1,111,537	69
Allegheny Energy Units 3, 4 & 5 COUNTY Allegheny ORIS CODE 55710 UNIT ID 4	152,164				1,015,696	63

Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Allegheny Energy Units 8 & 9 COUNTY Fayette ORIS CODE 55377 UNIT ID 8	32,041				213,876	13
Allegheny Energy Units 8 & 9 COUNTY Fayette ORIS CODE 55377 UNIT ID 9	31,204				208,286	13
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 1	6,147				41,031	3
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 2	10,613				70,842	4
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 3	14,545				97,088	6
Armstrong Energy Ltd Partnership, LLLP COUNTY Armstrong ORIS CODE 55347 UNIT ID 4	17,054				113,885	7
Armstrong Power Station COUNTY Armstrong ORIS CODE 3178 UNIT ID 1	398,217				3,145,914	194
Armstrong Power Station COUNTY Armstrong ORIS CODE 3178 UNIT ID 2	403,377				3,186,677	197
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 1	308,822				2,061,389	127

Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 2	312,349				2,084,926	129
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 3	289,853				1,934,772	119
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 5	317,505				2,119,347	131
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 6	319,072				2,129,808	131
Bethlehem Power Plant COUNTY Northampton ORIS CODE 55690 UNIT ID 7	320,673				2,140,494	132
Bruce Mansfield COUNTY Beaver ORIS CODE 6094 UNIT ID 1	2,735,823				21,613,002	1,333
Bruce Mansfield COUNTY Beaver ORIS CODE 6094 UNIT ID 2	2,539,490				20,061,971	1,238
Bruce Mansfield COUNTY Beaver ORIS CODE 6094 UNIT ID 3	2,970,548				23,467,329	1,448
Brunner Island COUNTY York ORIS CODE 3140 UNIT ID 1	970,070				7,663,553	473
Brunner Island COUNTY York ORIS CODE 3140 UNIT ID 2	1,209,943				9,558,550	590

Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Brunner Island COUNTY York ORIS CODE 3140 UNIT ID 3	2,346,330				18,536,007	1,144
Brunot Island Power Station COUNTY Allegheny ORIS CODE 3096 UNIT ID 2A	2,116				14,124	1
Brunot Island Power Station COUNTY Allegheny ORIS CODE 3096 UNIT ID 2B	2,902				19,371	1
Brunot Island Power Station COUNTY Allegheny ORIS CODE 3096 UNIT ID 3	2,594				17,315	1
Cambria Cogen COUNTY Cambria ORIS CODE 10641 UNIT ID 1	0		2,082,507		2,603,134	161
Cambria Cogen COUNTY Cambria ORIS CODE 10641 UNIT ID 2	0		2,155,573		2,694,466	166
Chambersburg Units 12 & 13 COUNTY Franklin ORIS CODE 55654 UNIT ID 12	36,403				242,990	15
Chambersburg Units 12 & 13 COUNTY Franklin ORIS CODE 55654 UNIT ID 13	37,126				247,818	15
Cheswick COUNTY Allegheny ORIS CODE 8226 UNIT ID 1	911,134				7,197,958	444
Colver Power Project COUNTY Cambria ORIS CODE 10143 UNIT ID AAB01	441,498				3,487,834	215



Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Conemaugh COUNTY Indiana ORIS CODE 3118 UNIT ID 1	5,372,820				42,445,278	2,619
Conemaugh COUNTY Indiana ORIS CODE 3118 UNIT ID 2	2,607,353				20,598,089	1,271
Cromby COUNTY Chester ORIS CODE 3159 UNIT ID 1	277,924				2,195,600	135
Cromby COUNTY Chester ORIS CODE 3159 UNIT ID 2	140,687				939,086	58
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 11	1,574				10,506	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 12	1,736				11,588	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 21	2,004				13,377	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 22	1,586				10,587	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 31	2,115				14,118	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 32	2,055				13,717	1

Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 41	1,846				12,322	1
Croydon Generating Station COUNTY Bucks ORIS CODE 8012 UNIT ID 42	1,928				12,869	1
Duke Energy Fayette, II LLC COUNTY Fayette ORIS CODE 55516 UNIT ID CTG1	442,266				2,952,126	182
Duke Energy Fayette, II LLC COUNTY Fayette ORIS CODE 55516 UNIT ID CTG2	446,565				2,980,821	184
Ebensburg Power Company COUNTY Cambria ORIS CODE 10603 UNIT ID 31	0		2,015,924		2,519,905	155
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 1	516,629				4,081,369	252
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 2	636,635				5,029,417	310
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 3	138,095				921,784	57
Eddystone Generating Station COUNTY Delaware ORIS CODE 3161 UNIT ID 4	125,646				838,687	52
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 1	16,716				132,052	8

Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 2	70,086				553,679	34
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 3	68,416				540,486	33
Elrama COUNTY Washington ORIS CODE 3098 UNIT ID 4	193,532				1,528,900	94
FPL Energy Marcus Hook, LP COUNTY Delaware ORIS CODE 55801 UNIT ID 1	421,428			1062.9	1,439,661	89
FPL Energy Marcus Hook, LP COUNTY Delaware ORIS CODE 55801 UNIT ID 2	464,044			36559.4	1,629,482	101
FPL Energy Marcus Hook, LP COUNTY Delaware ORIS CODE 55801 UNIT ID 3	432,894			6518.1	1,485,615	92
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 1A	642,649				4,289,682	265
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 1B	711,544				4,749,556	293
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 2A	550,616				3,675,362	227
Fairless Energy, LLC COUNTY Bucks ORIS CODE 55298 UNIT ID 2B	541,174				3,612,336	223

Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Fairless Hills Generating Station COUNTY Bucks ORIS CODE 7701 UNIT ID PHBLR4	82,260				549,086	34
Fairless Hills Generating Station COUNTY Bucks ORIS CODE 7701 UNIT ID PHBLR5	11,473				76,582	5
G F Weaton COUNTY Beaver ORIS CODE 50130 UNIT ID 34	108,050				853,595	53
G F Weaton COUNTY Beaver ORIS CODE 50130 UNIT ID 35	90,170				712,343	44
Gilberton Power Company COUNTY Schuylkill ORIS CODE 10113 UNIT ID 31	0	1208199.23			1,457,768	90
Gilberton Power Company COUNTY Schuylkill ORIS CODE 10113 UNIT ID 32	0	1090237.75			1,315,440	81
Grays Ferry Cogen Partnership COUNTY Philadelphia ORIS CODE 54785 UNIT ID 2	290,048			771068	1,953,768	121
Grays Ferry Cogen Partnership COUNTY Philadelphia ORIS CODE 54785 UNIT ID 25	0		572,392		715,490	44
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-1A	3,694				24,657	2

Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

<b>FACILITY DETAILS</b>	<b>GROSS LOAD (Megawatt Hours)</b>	<b>STEAM LOAD (Thousand Lbs of Steam)</b>	<b>Useful Thermal Energy (mmBTU)</b>	<b>Total Heat energy of steam produced by heat recovery steam generator (mmBTU)</b>	<b>2010 Converted Heat Input (mmBTU)</b>	<b>Calculated 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation</b>
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-1B	3,687				24,611	2
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-2A	6,680				44,589	3
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-2B	6,697				44,702	3
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-3A	5,817				38,828	2
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-3B	5,806				38,755	2
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-4A	6,170				41,185	3
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-4B	6,149				41,045	3
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-5A	6,466				43,161	3
Handsome Lake Energy COUNTY Venango ORIS CODE 55233 UNIT ID EU-5B	6,466				43,161	3
Hatfield's Ferry Power Station COUNTY Greene ORIS CODE 3179 UNIT ID 1	1,247,319				9,853,821	608

**Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table**

<b>FACILITY DETAILS</b>	<b>GROSS LOAD (Megawatt Hours)</b>	<b>STEAM LOAD (Thousand Lbs of Steam)</b>	<b>Useful Thermal Energy (mmBTU)</b>	<b>Total Heat energy of steam produced by heat recovery steam generator (mmBTU)</b>	<b>2010 Converted Heat Input (mmBTU)</b>	<b>Calculated 2016 CAIR NO<sub>x</sub> Ozone Season Allowance Allocation</b>
Hatfield's Ferry Power Station COUNTY Greene ORIS CODE 3179 UNIT ID 2	1,405,118				11,100,432	685
Hatfield's Ferry Power Station COUNTY Greene ORIS CODE 3179 UNIT ID 3	1,464,277				11,567,790	714
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TURB2	857				5,720	0
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TURB3	963				6,428	0
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TRUB4	1,002				6,688	0
Hazleton Generation COUNTY Luzerne ORIS CODE 10870 UNIT ID TURBI	734				4,899	0
Homer City COUNTY Indiana ORIS CODE 3122 UNIT ID 1	1,486,322				11,741,947	724
Homer City COUNTY Indiana ORIS CODE 3122 UNIT ID 2	1,580,572				12,486,516	770
Homer City COUNTY Indiana ORIS CODE 3122 UNIT ID 3	1,808,060				14,283,671	881
Hunlock Creek Energy Center COUNTY Luzerne ORIS CODE 3176 UNIT ID 6	16,690				131,851	8

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Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Hunlock Unit 4 COUNTY Luzerne ORIS CODE 56397 UNIT ID 4	7,551				50,404	3
Hunterstown Combined Cycle COUNTY Adams ORIS CODE 55976 UNIT ID CT101	437,255				2,918,678	180
Hunterstown Combined Cycle COUNTY Adams ORIS CODE 55976 UNIT ID CT201	452,823				3,022,595	186
Hunterstown Combined Cycle COUNTY Adams ORIS CODE 55976 UNIT ID CT301	461,027				3,077,352	190
Keystone COUNTY Armstrong ORIS CODE 3136 UNIT ID 1	3,255,811				25,720,907	1,587
Keystone COUNTY Armstrong ORIS CODE 3136 UNIT ID 2	3,100,282				24,492,228	1,511
Liberty Electric Power Plant COUNTY Delaware ORIS CODE 55231 UNIT ID 1	726,883				4,851,944	299
Liberty Electric Power Plant COUNTY Delaware ORIS CODE 55231 UNIT ID 2	754,820				5,038,424	311
Lower Mount Bethel Energy COUNTY Northampton ORIS CODE 55667 UNIT ID CT01	814,648				5,437,776	335
Lower Mount Bethel Energy COUNTY Northampton ORIS CODE 55667 UNIT ID CT02	796,813				5,318,725	328

Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Martins Creek COUNTY Northampton ORIS CODE 3148 UNIT ID 3	445,189				2,971,637	183
Martins Creek COUNTY Northampton ORIS CODE 3148 UNIT ID 4	359,339				2,398,588	148
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 1	2,876				19,197	1
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 2	0				0	0
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 3	2,876				19,195	1
Mitchell Power Station COUNTY Washington ORIS CODE 3181 UNIT ID 33	562,799				4,446,109	274
Montour COUNTY Montour ORIS CODE 3149 UNIT ID 1	2,450,495				19,358,911	1,194
Montour COUNTY Montour ORIS CODE 3149 UNIT ID 2	1,433,402				11,323,876	699
Mountain COUNTY Cumberland ORIS CODE 3111 UNIT ID 31	2,286				15,259	1
Mountain COUNTY Cumberland ORIS CODE 3111 UNIT ID 32	2,559				17,081	1



Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Mt. Carmel Cogeneration COUNTY Northumberland ORIS CODE 10343 UNIT ID SG-101	0		1,556,033		1,945,041	120
New Castle COUNTY Lawrence ORIS CODE 3138 UNIT ID 3	123,539				975,954	60
New Castle COUNTY Lawrence ORIS CODE 3138 UNIT ID 4	131,052				1,035,313	64
New Castle COUNTY Lawrence ORIS CODE 3138 UNIT ID 5	169,005				1,335,141	82
North East Cogeneration Plant COUNTY Erie ORIS CODE 54571 UNIT ID 1	548			346	2,303	0
North East Cogeneration Plant COUNTY Erie ORIS CODE 54571 UNIT ID 2	810			511	3,403	0
Northampton Generating Plant COUNTY Northampton ORIS CODE 50888 UNIT ID NGC01	372,634				2,943,809	182
Northeastern Power Company COUNTY Schuylkill ORIS CODE 50039 UNIT ID 31	210,166				1,660,311	102
Ontelaunee Energy Center COUNTY Berks ORIS CODE 55193 UNIT ID CT1	478,663				3,195,076	197
Ontelaunee Energy Center COUNTY Berks ORIS CODE 55193	497,957				3,323,863	205

Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
UNIT ID CT2						
PEI Power Corporation COUNTY Lackawanna ORIS CODE 50279 UNIT ID 2	22,855				152,557	9
Panther Creek Energy Facility COUNTY Carbon ORIS CODE 50776 UNIT ID 1	157,815				1,246,739	77
Panther Creek Energy Facility COUNTY Carbon ORIS CODE 50776 UNIT ID 2	169,901				1,342,218	83
Piney Creek Power Plant COUNTY Clarion ORIS CODE 54144 UNIT ID 31	103,570				818,200	50
Portland COUNTY Northampton ORIS CODE 3113 UNIT ID 1	410,061				3,239,486	200
Portland COUNTY Northampton ORIS CODE 3113 UNIT ID 2	454,416				3,589,886	221
Portland COUNTY Northampton ORIS CODE 3113 UNIT ID 5	3,288				21,946	1
Richmond COUNTY Philadelphia ORIS CODE 3168 UNIT ID 91	1,889				12,609	1
Richmond COUNTY Philadelphia ORIS CODE 3168 UNIT ID 92	2,314				15,446	1

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Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Schuylkill COUNTY Philadelphia ORIS CODE 3169 UNIT ID 1	18,637				124,402	8
Scrubgrass Generating Plant COUNTY Venango ORIS CODE 50974 UNIT ID 1	158,845				1,254,876	77
Scrubgrass Generating Plant COUNTY Venango ORIS CODE 50974 UNIT ID 2	158,935				1,255,587	77
Seward COUNTY Indiana ORIS CODE 3130 UNIT ID 1	1,022,086				8,074,479	498
Seward COUNTY Indiana ORIS CODE 3130 UNIT ID 2	967,384				7,642,334	471
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 1	233,979				1,848,434	114
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 2	254,401				2,009,768	124
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 3	342,721				2,707,496	167
Shawville COUNTY Clearfield ORIS CODE 3131 UNIT ID 4	4,244,325				33,530,168	2,069
St. Nicholas Cogeneration Project COUNTY Schuylkill ORIS CODE 54634 UNIT ID 1	321,896				2,542,978	157

Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 1A	123,564				976,152	60
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 1B	119,932				947,464	58
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 2A	123,809				978,087	60
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 2B	0				0	0
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 3	194,317				1,535,104	95
Sunbury COUNTY Snyder ORIS CODE 3152 UNIT ID 4	334,150				2,639,789	163
Titus COUNTY Berks ORIS CODE 3115 UNIT ID 1	136,050				1,074,795	66
Titus COUNTY Berks ORIS CODE 3115 UNIT ID 2	136,617				1,079,274	67
Titus COUNTY Berks ORIS CODE 3115 UNIT ID 3	152,427				1,204,173	74
Tolna COUNTY York ORIS CODE 3116 UNIT ID 31	1,611				10,753	1

Table 3: Final Pennsylvania 2016 Annual CAIR NO<sub>x</sub> Ozone Season Allowance Allocation Table

FACILITY DETAILS	GROSS LOAD (Megawatt Hours)	STEAM LOAD (Thousand Lbs of Steam)	Useful Thermal Energy (mmBTU)	Total Heat energy of steam produced by heat recovery steam generator (mmBTU)	2010 Converted Heat Input (mmBTU)	Calculated 2016 CAIR NO <sub>x</sub> Ozone Season Allowance Allocation
Tolna COUNTY York ORIS CODE 3116 UNIT ID 32	1,315				8,778	1
Veolia Energy Philadelphia - Schuylkill COUNTY Philadelphia ORIS CODE 50607 UNIT ID 23	0				0	0
Veolia Energy Philadelphia - Schuylkill COUNTY Philadelphia ORIS CODE 50607 UNIT ID 24	0				0	0
Veolia Energy Philadelphia - Schuylkill COUNTY Philadelphia ORIS CODE 50607 UNIT ID 26	0		1,537		1,922	0
WPS Westwood Generation, LLC COUNTY Schuylkill ORIS CODE 50611 UNIT ID 31	115,397				911,638	56
Warren COUNTY Warren ORIS CODE 3132 UNIT ID 5	0				0	0
Wheelabrator - Frackville COUNTY Schuylkill ORIS CODE 50879 UNIT ID GEN1	0	1449018.4			1,748,331	108
					<b>Total</b>	<b>35,121</b>

**Table 4: Final Additional Vintage 2010 CAIR NO<sub>x</sub> Allowance Allocations**

<b>FACILITY NAME</b>	<b>ORIS CODE</b>	<b>UNIT ID</b>	<b>2010 CAIR NO<sub>x</sub> Allowance Allocation</b>	<b>2012 Reallocation of vintage 2010 Allocations due to 198 extra set-aside Allocations</b>	<b>Additional 2010 vintage CAIR NO<sub>x</sub> Allowance Allocation</b>
AES Beaver Valley LLC	10676	34	293	294	1
AES Ironwood	55337	2	200	201	1
Armstrong Power Station	3178	1	783	785	2
Armstrong Power Station	3178	2	798	800	2
Bruce Mansfield	6094	1	4,641	4,651	10
Bruce Mansfield	6094	2	4,664	4,673	9
Bruce Mansfield	6094	3	4,848	4,858	10
Brunner Island	3140	1	1,752	1,756	4
Brunner Island	3140	2	1,946	1,950	4
Brunner Island	3140	3	4,057	4,065	8
Brunot Island Power Station	3096	3	2	3	1
Cambria Cogen	10641	1	380	381	1
Cambria Cogen	10641	2	368	369	1
Cheswick	8226	1	2,358	2,363	5
Colver Power Project	10143	AAB01	662	664	2
Conemaugh	3118	1	5,197	5,207	10
Conemaugh	3118	2	4,557	4,566	9
Cromby	3159	1	548	549	1
Cromby	3159	2	153	154	1
Ebensburg Power Company	10603	31	536	537	1
Eddystone Generating Station	3161	1	989	991	2
Eddystone Generating Station	3161	2	1,148	1,150	2
Eddystone Generating Station	3161	4	185	186	1
Elrama	3098	2	370	371	1
Elrama	3098	4	564	565	1
Fairless Energy, LLC	55298	1A	262	263	1
Fairless Energy, LLC	55298	2A	249	250	1
Fairless Energy, LLC	55298	2B	266	267	1
Fayette Energy Facility	55516	CTG1	84	85	1
Gilberton Power Company	10113	31	366	367	1
Grays Ferry Cogen Partnership	54785	25	200	201	1
Hatfields Ferry Power Station	3179	1	2,629	2,634	5
Hatfields Ferry Power Station	3179	2	1,352	1,355	3
Hatfields Ferry Power Station	3179	3	2,291	2,296	5
Homer City	3122	1	3,280	3,287	7
Homer City	3122	2	3,541	3,548	7
Homer City	3122	3	3,181	3,187	6
Keystone	3136	1	4,813	4,823	10
Keystone	3136	2	4,391	4,400	9
Lower Mount Bethel Energy	55667	CT01	190	191	1
Lower Mount Bethel Energy	55667	CT02	185	186	1
Martins Creek	3148	1	395	396	1
Martins Creek	3148	3	740	741	1
Martins Creek	3148	4	496	497	1

**Table 4: Final Additional Vintage 2010 CAIR NO<sub>x</sub> Allowance Allocations**

FACILITY NAME	ORIS CODE	UNIT ID	2010 CAIR NO <sub>x</sub> Allowance Allocation	2012 Reallocation of vintage 2010 Allocations due to 198 extra set-aside Allocations	Additional 2010 vintage CAIR NO <sub>x</sub> Allowance Allocation
Mitchell Power Station	3181	33	1,098	1,100	2
Montour	3149	1	3,764	3,772	8
Montour	3149	2	3,545	3,552	7
New Castle	3138	3	340	341	1
New Castle	3138	4	292	293	1
New Castle	3138	5	506	507	1
Northampton Generating Plant	50888	NGC01	641	643	2
Northeastern Power Company	50039	31	345	346	1
Ontelaunee Energy Center	55193	CT1	254	255	1
Ontelaunee Energy Center	55193	CT2	254	255	1
Panther Creek Energy Facility	50776	1	263	264	1
Panther Creek Energy Facility	50776	2	261	262	1
Portland	3113	1	613	614	1
Portland	3113	2	919	921	2
Scrubgrass Generating Plant	50974	1	272	273	1
Seward	3130	1	361	362	1
Seward	3130	2	519	520	1
Shawville	3131	1	507	508	1
Shawville	3131	2	532	533	1
Shawville	3131	3	770	772	2
Shawville	3131	4	584	585	1
St. Nicholas Cogeneration Project	54634	1	720	722	2
Sunbury	3152	1B	123	124	1
Sunbury	3152	3	278	279	1
Titus	3115	1	286	287	1
Titus	3115	2	272	273	1
WPS Westwood Generation, LLC	50611	31	167	168	1
				<b>Total</b>	<b>198</b>

**Table 5: Final Additional CAIR NO<sub>x</sub> Annual and Ozone Season Allocations**

FACILITY NAME	ORIS CODE	UNIT ID	2011 Annual	2013 Annual	2013 Ozone	2014 Annual	2015 Annual	2015 Ozone
AES Beaver Valley LLC	10676	32	0	0	0	0	1	0
AES Beaver Valley LLC	10676	34	0	0	1	0	1	0
AES Beaver Valley LLC	10676	35	0	0	1	0	0	0
AES Ironwood	55337	2	0	1	0	1	0	0
Armstrong Power Station	3178	1	0	1	0	1	0	0
Bethlehem Power Plant	55690	5	0	1	0	0	0	0
Bethlehem Power Plant	55690	6	0	0	0	1	0	0
Bruce Mansfield	6094	1	0	2	2	4	2	1
Bruce Mansfield	6094	2	0	3	1	5	3	1
Bruce Mansfield	6094	3	0	2	1	5	2	0
Brunner Island	3140	1	0	0	0	2	1	0

Table 5: Final Additional CAIR NO<sub>x</sub> Annual and Ozone Season Allocations

FACILITY NAME	ORIS CODE	UNIT ID	2011 Annual	2013 Annual	2013 Ozone	2014 Annual	2015 Annual	2015 Ozone
Brunner Island	3140	2	0	1	0	2	1	0
Brunner Island	3140	3	0	3	1	3	2	0
Cambria Cogen	10641	1	0	0	0	0	0	1
Cambria Cogen	10641	2	0	1	0	0	1	0
Cheswick	8226	1	0	1	0	1	1	0
Conemaugh	3118	1	0	2	1	4	3	1
Conemaugh	3118	2	0	2	1	5	3	0
Cromby	3159	1	0	1	0	1	0	0
Ebensburg Power Company	10603	31	0	1	0	1	0	0
Eddystone Generating Station	3161	1	0	0	0	1	0	0
Eddystone Generating Station	3161	2	0	0	0	1	1	1
Elrama	3098	4	0	1	0	0	0	0
FPL Energy Marcus Hook, LP	55801	2	0	0	0	0	1	0
FPL Energy Marcus Hook, LP	55801	3	0	0	0	1	1	1
Fairless Energy, LLC	55298	1A	0	0	0	0	1	0
Fairless Energy, LLC	55298	1B	0	0	0	1	0	0
Fairless Energy, LLC	55298	2A	0	1	0	1	0	0
Fairless Energy, LLC	55298	2B	0	0	0	1	0	0
Fayette Energy Facility	55516	CTG1	0	0	0	1	0	1
Gilberton Power Company	10113	32	0	1	0	1	0	0
Grays Ferry Cogen Partnership	54785	2	0	0	0	0	0	1
Hatfields Ferry Power Station	3179	1	0	1	0	3	1	0
Hatfields Ferry Power Station	3179	2	0	1	1	3	1	0
Hatfields Ferry Power Station	3179	3	0	1	1	3	1	0
Homer City	3122	1	0	1	1	3	1	0
Homer City	3122	2	0	1	1	3	2	0
Homer City	3122	3	1	2	0	3	2	1
Hunterstown Combined Cycle	55976	CT301	0	0	0	1	0	0
Keystone	3136	1	0	2	2	5	2	1
Keystone	3136	2	0	2	2	5	3	1
Liberty Electric Power Plant	55231	2	0	0	0	0	0	1
Lower Mount Bethel Energy	55667	CT01	0	0	0	1	1	1
Lower Mount Bethel Energy	55667	CT02	0	1	0	1	0	0
Mitchell Power Station	3181	33	0	1	0	1	1	0
Montour	3149	1	0	2	0	3	3	0
Montour	3149	2	0	2	1	4	2	0
New Castle	3138	5	0	1	0	0	0	0
Northampton Generating Plant	50888	NGC01	0	1	0	1	1	0
Ontelaunee Energy Center	55193	CT1	0	1	0	1	1	0
Ontelaunee Energy Center	55193	CT2	0	0	0	0	0	1
Panther Creek Energy Facility	50776	1	0	0	0	1	1	0
Panther Creek Energy Facility	50776	2	0	0	0	0	1	1
Piney Creek Power Plant	54144	31	0	0	1	1	1	0
Portland	3113	1	0	0	1	0	0	0
Portland	3113	2	0	0	0	1	1	0
Scrubgrass Generating Plant	50974	2	0	0	0	1	0	0



**Table 5: Final Additional CAIR NO<sub>x</sub> Annual and Ozone Season Allocations**

FACILITY NAME	ORIS CODE	UNIT ID	2011 Annual	2013 Annual	2013 Ozone	2014 Annual	2015 Annual	2015 Ozone
Seward	3130	1	0	1	0	2	1	0
Seward	3130	2	0	1	0	1	1	0
Shawville	3131	1	0	0	0	1	0	0
Shawville	3131	2	0	1	0	1	0	0
Shawville	3131	3	0	0	0	1	1	0
Shawville	3131	4	0	0	1	1	0	0
St. Nicholas Cogeneration Project	54634	1	0	1	1	1	1	0
Sunbury	3152	1A	0	1	0	0	0	0
Sunbury	3152	1B	0	0	1	0	0	0
Sunbury	3152	3	0	0	0	1	0	0
Sunbury	3152	4	0	0	0	1	0	0
Titus	3115	2	0	0	0	0	0	1
WPS Westwood Generation, LLC	50611	31	0	0	0	1	0	0
<b>Total Allocations</b>			1	50	23	100	55*	16

\* Total reallocated is 27 more than the amount given back by Trigen due to a discovered under-allocation for the 2015 annual NO<sub>x</sub> allocation.

[Pa.B. Doc. No. 12-1423. Filed for public inspection July 27, 2012, 9:00 a.m.]

### State Board for Certification of Sewage Enforcement Officers Meeting

The State Board for Certification of Sewage Enforcement Officers (Board) and the Department of Environmental Protection (Department) have scheduled a meeting to discuss the certification of new sewage enforcement officer (SEO) candidates, the status of the SEO training program, the Board Secretary responsibilities and the nomination of a replacement Board member. The meeting will be held on Tuesday, July 31, 2012, at 10 a.m., in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning this meeting notice can be directed to Janice Vollero at [jvollero@pa.gov](mailto:jvollero@pa.gov) or (717) 783-2941.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2941 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-1424. Filed for public inspection July 27, 2012, 9:00 a.m.]

Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Wednesday, August 15, 2012, from 9 a.m. to 4 p.m. and Thursday, August 16, 2012, from 9 a.m. to 2:30 p.m.

The meetings will be held at the Park Inn Hotel Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department reserves the right to cancel this meeting without prior notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1425. Filed for public inspection July 27, 2012, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317 of the Public

## ENVIRONMENTAL HEARING BOARD

### Mount Pocono Municipal Authority v. DEP; EHB Doc. No. 2012-128-C; 6-11-12—Issuance of NPDES Permit No. PA0044997

Mount Pocono Municipal Authority has appealed the issuance by the Department of Environmental Protection

of an NPDES permit to Mount Pocono Municipal Authority for a facility in Mount Pocono Borough, Monroe 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. 12-1426. Filed for public inspection July 27, 2012, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Final Plan Implementing PHARE Act Funding and Request for Proposals for Funding

The Pennsylvania Housing Affordability and Rehabilitation Enhancement Fund (PHARE Fund) was established by the act of November 23, 2010 (P. L. 1035, No. 105) to provide a structure by which certain State and Federal funds may be used to support affordable housing throughout this Commonwealth. The Housing Finance Agency (Agency) administers the PHARE Fund. Under the recent

enactment of the Marcellus Shale Impact Fee legislation, the act of February 14, 2012 (P. L. 87, No. 13), funds are expected to become available to the PHARE Fund for this calendar year. The Agency released its Preliminary Plan for public comment at 42 Pa.B. 1199 (March 3, 2012). A copy of the public comments received by the Agency is available for public inspection on its web site at [www.phfa.org](http://www.phfa.org).

On July 12, 2012, the Agency adopted the Final Plan to administer the PHARE Fund.

By this notice, the Agency is advising the public that the Final Plan and related materials are available on its web site at [www.phfa.org](http://www.phfa.org).

On August 1, 2012, the Agency will make available a Request for Proposals (RFP) on its web site for eligible applicants to seek funding under the Final Plan. Interested applicants should visit the web site to review the Final Plan, the RFP and any related supplemental materials. Informational sessions relating to the RFP may be announced in upcoming weeks and details of the meetings will be available at the web site.

Applications will be due as outlined in the RFP no later than November 2, 2012.

Questions may be sent, in writing only, to Bryce Maretzki at [bmaretzki@phfa.org](mailto:bmaretzki@phfa.org). Questions and answers may be made available and all applicants are advised to monitor the Agency web site from time to time for information.

The Agency reserves the right to amend, supplement and withdraw this RFP at any time. Materials submitted to the Agency will be the property of the Agency. Funding awards will be subject to the availability of funds in the PHARE Fund and to satisfaction of all requirements of the Agency, including specifically, the laws governing the PHARE Fund and the Marcellus Shale Impact fee.

BRIAN A. HUDSON, Sr.,  
*Executive Director*

[Pa.B. Doc. No. 12-1427. Filed for public inspection July 27, 2012, 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 regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
126-2	Philadelphia Parking Authority Electronic Testimony at Administrative Hearings 42 Pa.B. 2746 (May 19, 2012)	6/18/12	7/18/12

**Philadelphia Parking Authority Regulation  
#126-2 (IRRC #2943)**

**Electronic Testimony at Administrative Hearings**

July 18, 2012

We submit for your consideration the following comments on the proposed rulemaking published in the May 19, 2012 *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 Philadelphia Parking Authority (PPA) to respond to all comments received from us or any other source.

**1. § 1005.114—Determination of whether the regulation is in the public interest; Economic impact; Feasibility and reasonableness of the regulation; Need; Clarity.**

Section 5.2 of the Regulatory Review Act directs the Independent Regulatory Review Commission (IRRC) to determine whether a regulation is in the public interest. See 71 P. S. § 745.5b. When making this determination, IRRC considers criteria such as economic or fiscal impact, clarity, reasonableness and need. IRRC must also analyze the text of the Preamble and proposed regulation and the reasons for the new or amended language, and consider the information a promulgating agency is required to provide under Section 5(a) of the Act. See 71 P. S. § 745.5(a).

In the Preamble, PPA states that it can be difficult for a “primary complainant” who does not reside in the Philadelphia area “to take time away from work or family to appear at an administrative hearing.” Witnesses for drivers who are accused of improper behavior may also be unavailable to appear. Therefore, PPA explains, the use of electronic testimony may ease the burden of the parties.

Paragraph (a)(3) states this section applies to witnesses in enforcement actions. Paragraph (a)(4) excludes PPA employees and parties to an enforcement action (including drivers) and their employees, so they must always physically appear at a hearing. Does the term witness refer to anyone who testifies, including a party, non-party, petitioner or respondent? Who would be considered a non-party witness, as referenced throughout the Regulatory Analysis Form? Is a member of the public who files a complaint considered to be a petitioner, and therefore required to appear in person at an administrative hearing, or is that person just a witness? Would PPA ever be the party in an enforcement action in lieu of a member of the public who files a complaint? We recommend PPA define and clarify the term “witness.”

Under PPA’s existing regulations, if a driver who is the subject of an enforcement action is found to be in violation of the Parking Authorities Law, that driver could face a monetary penalty in the range of \$25 to \$1,000 or a suspension or cancellation of his operating rights. See 52 Pa. Code § 1001.61. Consequently, the outcome of an enforcement action may have a significantly negative impact on an accused party, ranging from the payment of a large penalty to unemployment. PPA should explain how allowing a witness to testify by telephone against a driver is feasible, reasonable and in the public interest, particularly when a driver is facing a monetary penalty or a loss of livelihood.

**2. § 1005.114(a)(3)—Clarity.**

The existing regulations at Section 1001.10(a) define the phrase “enforcement proceeding” but not “enforcement

actions” as used in this section. For clarity and consistency, PPA should either define “enforcement action” or use the defined term.

**3. § 1005.114(b)(1)—Feasibility; Reasonableness; Need; Implementation procedures.**

Paragraph (b)(1) states that PPA or the presiding officer may schedule electronic testimony on its own motion when the witness is located at least 25 miles from the hearing location. Conversely, paragraph (b)(2) provides that electronic testimony may only be scheduled at the request of a party when both parties consent, the witness is unable to appear in person for a specified reason, or the witness is a police officer testifying for a limited purpose. We have three concerns.

First, can a party object to the use of electronic testimony that was scheduled on the motion of PPA or a presiding officer? If not, why? If so, must a party have compelling grounds for requesting that the witness physically appear at the hearing instead of providing electronic testimony, or can a party simply object? The same questions relate to paragraph (b)(4). We recommend that PPA amend the language in the final-form regulation to address these questions.

Second, how will the presiding officer verify that a witness participating by telephone is in fact the actual witness to the events alleged in the complaint? This concern also applies to paragraph (d)(2). Similarly, how can the presiding officer or a party determine the veracity of a witness if that person cannot be seen?

Third, on what basis did PPA determine that 25 miles is a reasonable distance from which to allow witnesses to testify electronically on the motion of PPA or presiding officer?

**4. § 1005.114(b)(4)—Clarity; Reasonableness.**

Paragraph (b)(4) refers to a “reasonable attempt” to inform the parties of a request for electronic testimony and their rights to object. What constitutes a “reasonable attempt?” This phrase also appears in paragraph (c)(3). PPA should amend the final-form regulation to clarify this term.

**5. § 1005.114(c)(1)—Clarity; Reasonableness.**

Under paragraph (c)(1), PPA or the presiding officer will allow a party to withdraw consent to electronic testimony if the consent was not given freely and knowingly. Would a withdrawal be permitted if there are other valid reasons for a party to make the request? For example, what if a party is challenging whether the person actually witnessed the events alleged in a complaint and the person’s physical presence would be necessary for identification purposes? We recommend that PPA consider revising the language in the final-form regulation to provide clarity.

**6. § 1005.114(c)(4)—Clarity; Reasonableness; Need.**

Paragraph (c)(4) provides that if an objection to the use of electronic testimony is sustained, then PPA will reschedule the hearing at a later date, “either in person or by telephone or audio-visual . . .” This provision is unclear. Why would PPA reschedule electronic testimony when an objection to such testimony was sustained?

**7. § 1005.114(d)(1)—(4)—Clarity.**

Paragraphs (d)(1)—(4) refer to parties and witnesses who testify or appear by telephone or through audio-visual means. However, paragraph (a)(3) limits electronic testimony to enforcement actions, and subparagraph (a)(4)(ii) states that the use of electronic

testimony does not apply to proposed witnesses who are “parties to an enforcement action.” PPA should explain why these provisions refer to both parties and witnesses who may testify electronically.

**8. § 1005.114(d)(4)—Clarity; Reasonableness; Need; Implementation procedures.**

Paragraph (d)(4) states that the oath or affirmation administered to parties or witnesses testifying electronically shall indicate that the parties or witnesses will not testify from documents that are not in the record. How can the presiding officer verify that a party or witness participating by telephone is not testifying from documents that are not in the record?

**9. Implementation procedures.**

We ask PPA to explain how the regulation would be implemented in terms of notification requirements, which are not included in the proposed language. How and when would notice be given to a driver that a witness will be testifying electronically? How and when would a driver be notified of what documents that witness intends to use? The final-form regulation should set forth the notice requirements.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-1428. Filed for public inspection July 27, 2012, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Amendment to Application for Approval to Acquire Control of Highmark, Inc. and its Pennsylvania Domiciled Insurance Subsidiaries; Reopening of Public Comment Period**

On July 13, 2012, UPE filed an amendment to its application seeking approval of the acquisition of control of Highmark, Inc. and its Pennsylvania domiciled insurance company subsidiaries. The Insurance Department (Department) published notice of receipt of the initial application at 41 Pa.B. 6310 (November 19, 2011). The notice afforded persons the opportunity to provide written comments on the filing to the Department on the grounds of public or private interest for a period that was later noticed to expire on June 1, 2012 (see 42 Pa.B. 2352 (April 28, 2012)). The Department is reopening the public comment period for an indefinite period of time to afford the public the opportunity to comment on the amended application.

The filing and related materials are available on the Department’s web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). After first scheduling an appointment, consumers may also view the application and supplemental documents at the Department’s Harrisburg office, (717) 787-0877.

Persons wishing to comment on the filing on the grounds of public or private interest in the filing are invited to submit a written statement on the filing to the Department. The public comment period will remain open for an indefinite period of time to afford persons ample opportunity to provide written comments on the filing to the Department. A subsequent notice will appear in the *Pennsylvania Bulletin* to announce the closing of the public comment period. Written statements must include the name, address and telephone number of the person making the statement; identification of the application to

which the statement is addressed; and a concise statement with sufficient details and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [rbrackbill@pa.gov](mailto:rbrackbill@pa.gov).

Comments received will be part of the public record regarding the filing and will be made available on the Department’s web site. Additionally, copies of the comments received will be forwarded to the applicant for appropriate response. The applicant’s responses will also be made available on the Department’s web site.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1429. Filed for public inspection July 27, 2012, 9:00 a.m.]

**Application and Request for Approval to Redomesticate from Philadelphia Insurance Company**

Philadelphia Insurance Company, a domestic stock property insurance company, has filed an application for approval of a plan of redomestication whereby the state of domicile would change from Pennsylvania to Delaware. The initial filing was made under 15 Pa.C.S. §§ 4161 and 4162 (relating to domestication; and effect of domestication).

Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department’s (Department) order approving the redomestication are invited to submit a written statement to the Department within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [rbrackbill@pa.gov](mailto:rbrackbill@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1430. Filed for public inspection July 27, 2012, 9:00 a.m.]

**Application for Voluntary Surrender of Pennsylvania Certificate of Authority Filed by Eternal Care Insurance Company**

Eternal Care Insurance Company, a domestic stock property insurance company, has submitted an application for approval to surrender its Insurance Department Certificate of Authority.

Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement

must include the name, address and telephone number of the writer; identification of the application to which the comment is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based.

Written statements should be directed to Robert Brackbill, Company Licensing Division, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1431. Filed for public inspection July 27, 2012, 9:00 a.m.]

### First Priority Health; BlueCare HMO Individual Conversion; Rate Filing

On July 10, 2012, First Priority Health HMO submitted a rate filing (No. 1775-HMO/ICC-Rate) to increase the rates for the BlueCare Conversion HMO product by 9.9%. This will affect approximately 618 members and will produce additional premium income of \$363,000. The requested effective date is January 1, 2013.

Unless formal administrative action is taken prior to October 10, 2012, 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."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1432. Filed for public inspection July 27, 2012, 9:00 a.m.]

### First Priority Life Insurance Company; BlueCare Direct PPO; Rate Filing

On July 10, 2012, First Priority Life Insurance Company submitted a rate filing (No. 1785-FP-25-PPO-S-Rate) to increase the rates for the BlueCare Direct product by 2.9%. This will affect approximately 2,528 members and will produce additional premium income of \$192,000. The requested effective date is January 1, 2013.

Unless formal administrative action is taken prior to October 10, 2012, 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."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1433. Filed for public inspection July 27, 2012, 9:00 a.m.]

### Health Maintenance Organization Certificate of Authority Application Filed by Humana Medical Plan of Pennsylvania, Inc.

On March 27, 2012, Humana Medical Plan of Pennsylvania, Inc. filed an application with the Department of Health and the Insurance Department for a certificate of authority to establish, operate and maintain a health maintenance organization (HMO) under the provisions of the Health Maintenance Organization Act (40 P. S. §§ 1551—1567), Department of Health HMO regulations (28 Pa. Code § 9.632(b) (relating to HMO certificate of authority review by the Department)) and the Insurance Department HMO regulations (31 Pa. Code §§ 301.1—301.204).

The proposed service area of the applicant is Lancaster, Bucks, Chester, Montgomery, Lackawanna and Luzerne Counties.

A copy of the application is available for public inspection, by appointment only, at the following locations:

Department of Health Bureau of Managed Care Room 912, Health and Welfare Building Harrisburg, PA 17109-0900 (717) 787-5193	Insurance Department Company Licensing Division 1345 Strawberry Square Harrisburg, PA 17120 (717) 787-2735
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Interested parties are invited to submit written comments to William Wiegmann, Department of Health or Robert Brackbill, Insurance Department at the previously listed addresses.

Persons who wish to submit written comments regarding the application may do so within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Persons with disabilities may submit information and comments through alternative formats, such as by audio tape, Braille or using the Department of Health TDD (717) 783-6514. Persons with a disability requesting alternative forms may contact William Wiegmann so that he may make the necessary arrangements.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1434. Filed for public inspection July 27, 2012, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 13, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2012-2297392. Barbara Hughes** (614 Smith Road, Port Matilda, Centre County, PA 16870)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Centre, to points in Pennsylvania, and return.

**A-2012-2301558. Daniel Z. Martin, t/a D. Z. Martin** (5581 Meadville Road, Gap, Lancaster County, PA 17527)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

**A-2012-2301745. Terry Suter** (2123 Old Philadelphia Pike, Lancaster, Lancaster County, PA 17602)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

**A-2012-2303837. Scranton Transportation, LLC** (1102 South Main Avenue, Scranton, PA 18509) for the right to begin to transport, as a common carrier, by motor vehicle, persons, upon call or demand, to and or from points within Lackawanna County. *Attorney:* John P. Rodgers, Esquire, 15 Public Square, Suite 210, Wilkes-Barre, PA 18701.

*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Gur Parshad Inc;  
Doc. No. C-2011-2255900 A-00118542*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Gur Parshad Inc, Respondent, maintains a principal place of business at 4421 Aramingo Avenue, Philadelphia, PA 19124.

2. That Respondent was issued a certificate of public convenience by this Commission on February 22, 2002, at A-00118542.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

*Wherefore*, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ 9/29/11 \_\_\_\_\_

Michael E. Hoffman, Manager

### NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the

revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your filing of the report is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the filing, the complaint proceeding shall be closed and no fine will be imposed. Blank Assessment Report Forms are also available at [www.puc.state.pa.us](http://www.puc.state.pa.us).

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1435. Filed for public inspection July 27, 2012, 9:00 a.m.]

### Telecommunications

**A-2012-2313542. T-Mobile U.S.A., Inc. and Deposit Telephone Company, Inc.** Joint petition of T-Mobile U.S.A., Inc. and Deposit Telephone Company, Inc. for approval of an intercarrier compensation amendment to Multi-State Wireless Traffic Exchange Agreement under section 252(e) of the Telecommunications Act of 1996.

T-Mobile U.S.A., Inc. and Deposit Telephone Company, Inc. by its counsel, filed on July 11, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an intercarrier compensation amendment to Multi-State Wireless Traffic Exchange Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the T-Mobile U.S.A., Inc. and Deposit Telephone Company, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1436. Filed for public inspection July 27, 2012, 9:00 a.m.]

### Telecommunications

**A-2012-2313544. T-Mobile U.S.A., Inc. and Mahanoy and Mahantango Telephone Company.** Joint petition of T-Mobile U.S.A., Inc. and Mahanoy and Mahantango Telephone Company for approval of an intercarrier compensation amendment to Multi-State Wireless Traffic Exchange Agreement under section 252(e) of the Telecommunications Act of 1996.

T-Mobile U.S.A., Inc. and Mahanoy and Mahantango Telephone Company by its counsel, filed on July 11, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an intercarrier compensation amendment to Multi-State Wireless Traffic Exchange Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the T-Mobile U.S.A., Inc. and Mahanoy and Mahantango Telephone Company joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1437. Filed for public inspection July 27, 2012, 9:00 a.m.]

### Telecommunications

**A-2012-2313545. T-Mobile U.S.A., Inc. and Sugar Valley Telephone Company.** Joint petition of T-Mobile U.S.A., Inc. and Sugar Valley Telephone Company for approval of an intercarrier compensation amendment to Multi-State Wireless Traffic Exchange Agreement under section 252(e) of the Telecommunications Act of 1996.

T-Mobile U.S.A., Inc. and Sugar Valley Telephone Company by its counsel, filed on July 11, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for the approval of an intercarrier compensation amendment to Multi-State Wireless Traffic Exchange Agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the T-Mobile U.S.A., Inc. and Sugar Valley Telephone Company joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1438. Filed for public inspection July 27, 2012, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Projects No. 12-057.1, Pier 78 and 82 Guardhouse, Access Control Improvements and No. 12-061.3, Pier 78 and 82 Guardhouse, Plumbing and No. 12-062.4, Pier 78 and 82 Guardhouse, Control Equipment and Power, until 2 p.m. on Thursday, August 23, 2012. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-1439. Filed for public inspection July 27, 2012, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimant's request concerning the indicated account.

The hearings will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

September 19, 2012	Susan A. Wilson (Multiple Service Membership)	1 p.m.
October 3, 2012	Icilyn A. Wilson Greene (TD Membership)	1 p.m.
October 17, 2012	Vlacia Z. Campbell (Purchase of Credit for Employment Rendered with BCIU)	1 p.m.

Persons with a disability who wish to attend the previously listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barb Book, Assistant to the Executive Director at (717) 720-4617 to discuss how the System may best accommodate their needs.

Parties 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 22 Pa. Code § 201.1 (relating to applicability of general

rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 12-1440. Filed for public inspection July 27, 2012, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Denise Marie Bradley; Doc. No. 2170-51-11

On May 1, 2012, Denise Marie Bradley, license no. PN275771, of Philadelphia, Philadelphia County, had her practical nursing license indefinitely suspended based on findings that she is addicted to alcohol or is addicted to hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so long as dependence shall continue.

Individuals may obtain a copy of the order by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

JOSEPH J. NAPOLITANO, PhD, MPH, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 12-1441. Filed for public inspection July 27, 2012, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

August 23, 2012	L. Scott Vogin Discontinued Disability Retirement Benefits	1 p.m.
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Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing 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. 12-1442. Filed for public inspection July 27, 2012, 9:00 a.m.]



