



---

Volume 42 (2012)

Pennsylvania Bulletin  
Repository

---

9-15-2012

## September 15, 2012 (Pages 5845-5956)

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: [http://digitalcommons.law.villanova.edu/pabulletin\\_2012](http://digitalcommons.law.villanova.edu/pabulletin_2012)

---

### Recommended Citation

Pennsylvania Legislative Reference Bureau, "September 15, 2012 (Pages 5845-5956)" (2012). *Volume 42 (2012)*. 37.  
[http://digitalcommons.law.villanova.edu/pabulletin\\_2012/37](http://digitalcommons.law.villanova.edu/pabulletin_2012/37)

This September is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 42 (2012) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository. For more information, please contact [Benjamin.Carlson@law.villanova.edu](mailto:Benjamin.Carlson@law.villanova.edu).

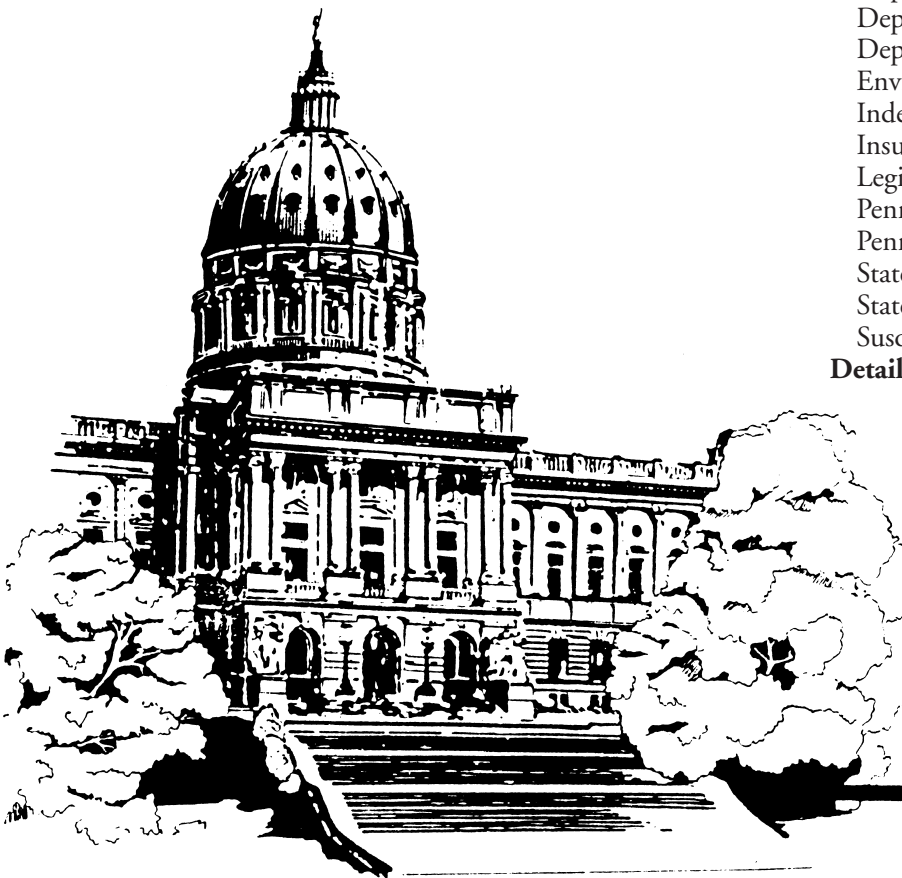
# PENNSYLVANIA BULLETIN

Volume 42  
Saturday, September 15, 2012 • Harrisburg, PA  
Number 37  
Pages 5845—5956

## Agencies in this issue

The Courts  
Department of Agriculture  
Department of Banking  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Labor and Industry  
Environmental Hearing Board  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
State Board of Private Licensed Schools  
State Tax Equalization Board  
Susquehanna River Basin Commission

**Detailed list of contents appears inside.**



**Latest Pennsylvania Code Reporters  
(Master Transmittal Sheets):**

**No. 454, September 2012**

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE  
**CHANGE NOTICE/NEW SUBSCRIPTION**

If information on mailing label is incorrect, please make changes in space provided below and mail to:

**FRY COMMUNICATIONS, INC.**  
Attn: *Pennsylvania Bulletin*  
**800 W. Church Rd.**  
**Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

**FRY COMMUNICATIONS**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, Pennsylvania 17055-3198  
(717) 766-0211 ext. 2340  
(800) 334-1429 ext. 2340 (toll free, out-of-State)  
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

**Fry Communications, Inc.**  
Attn: *Pennsylvania Bulletin*  
800 W. Church Rd.  
Mechanicsburg, PA 17055-3198

Copyright © 2012 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

# CONTENTS

## THE COURTS

<b>DISCIPLINARY BOARD OF THE SUPREME COURT</b>	
Notice of disbarment .....	5855
<b>JUDICIAL SYSTEM GENERAL PROVISIONS</b>	
Promulgation of Consumer Price Index pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); no. 386 judicial administration doc. ....	5855
Promulgation of financial regulations pursuant to 42 Pa.C.S. § 3502(a); no. 387 judicial administration doc. ....	5854
<b>LOCAL COURT RULES</b>	
<b>Westmoreland County</b>	
Adoption of rule of judicial administration WJ110; no. 3 of 2012 .....	5855

## EXECUTIVE AGENCIES

<b>DEPARTMENT OF AGRICULTURE</b>	
<b>Notices</b>	
Direct Farm Sales Grant Program; 2013 project year application period for grants .....	5876
<b>DEPARTMENT OF BANKING</b>	
<b>Notices</b>	
Actions on applications .....	5876
<b>DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES</b>	
<b>Notices</b>	
Request for bids .....	5877
<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>	
<b>Notices</b>	
Applications, actions and special notices .....	5878
Availability of technical guidance .....	5935
Bid opportunity (3 documents) .....	5936
Nutrient Credit Trading Program; notice of certification requests .....	5936
Proposed revision to the State Implementation Plan for the motor vehicle emissions budgets in the Lancaster eight-hour ozone maintenance area; public hearing .....	5937
Public comment period extended for National Pollutant Discharge Elimination System general permit for stormwater discharges associated with construction activities (PAG-02) .....	5938
Request for applications for Watershed Protection and Restoration Grants and Surface Mining Conservation and Reclamation Act Grants through the Growing Greener Plus Program .....	5938
<b>DEPARTMENT OF GENERAL SERVICES</b>	
<b>Notices</b>	
Lease office space to the Commonwealth .....	5939

## DEPARTMENT OF HEALTH

### Notices

Applications for exception:	
The Crozer Keystone Surgical Center at Brinton Lake .....	5939
DuBois Regional Medical Center .....	5939
Frick Hospital .....	5941
Hospital of the University of Pennsylvania .....	5941
Indiana Regional Medical Center .....	5941
Lowry Surgicenter .....	5941
Mt. Pleasant Surgery Center, L.P. ....	5942
The NextGen Endoscopy Center, LLC .....	5942
Physicians Care Surgical Hospital .....	5942
Pinnacle Health—Greater Harrisburg Cancer Center .....	5943
The Reading Hospital and Medical Center .....	5943
Soldiers and Sailors Memorial Hospital .....	5943
28 Pa. Code § 107.62 .....	5940
28 Pa. Code § 127.32 .....	5940
28 Pa. Code § 555.13 .....	5940
28 Pa. Code § 569.35 .....	5940
UPMC McKeesport .....	5943
UPMC Passavant Cranberry .....	5944
Long-term care nursing facilities; request for exception .....	5944
Organ Donation Advisory Committee meeting .....	5944

## DEPARTMENT OF LABOR AND INDUSTRY

### Notices

Prevailing Wage Appeals Board public meeting .....	5945
--	------

## ENVIRONMENTAL HEARING BOARD

### Notices

EME Homer City Generation, LP v. DEP; EHB doc. no. 2012-157-R; 7-26-12—NPDES permit no. PA0005037 (amendment no. 1) .....	5945
---	------

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notices

Notice of filing of final rulemakings .....	5945
---	------

## INSURANCE DEPARTMENT

### Notices

Application for approval to acquire control of Amguard Insurance Company, Norguard Insurance Company, Eastguard Insurance Company and Westguard Insurance Company .....	5946
Federated Mutual Insurance Company; proposed rate increase for small group health products; rate filing .....	5946
Nationwide Property and Casualty Insurance Company; private passenger automobile; Nationwide SmartRide Program; rate filing .....	5946

## LEGISLATIVE REFERENCE BUREAU

### Notices

Documents filed but not published .....	5946
---	------

---

**Now Available Online at <http://www.pabulletin.com>**

---

**PENNSYLVANIA GAMING CONTROL BOARD**

**Rules and Regulations**

Employee and horsemen's organization revisions .. 5857  
 Five Card Hi-Lo; temporary regulations ..... 5865

**Statements of Policy**

Use of funds allocated to horsemen's organizations.. 5875

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Notices**

Global Capacity Group, Inc.; tentative order ..... 5947  
 Implementation order, Act 61; passenger transportation within Allegheny County ..... 5947  
 Notice to all jurisdictional electric distribution companies subject to the Energy Efficiency and Conservation Program requirements at M-2012-2289411 and all other interested parties; 2012 PA total resource cost test; M-2012-2300653 (August 30, 2012) ..... 5948  
 Service of notice of motor carrier applications ..... 5949

Telecommunications (3 documents) ..... 5949, 5950  
 Telecommunications services ..... 5950  
 Wastewater service (2 documents) ..... 5950, 5951  
 Water service (2 documents) ..... 5951

**STATE BOARD OF PRIVATE LICENSED SCHOOLS**

**Proposed Rulemakings**

General provisions ..... 5872

**STATE TAX EQUALIZATION BOARD**

**Notices**

Official certification of the 2011 aggregate market values of taxable real property ..... 5951  
 2009 common level ratios ..... 5952  
 2010 common level ratios ..... 5953

**SUSQUEHANNA RIVER BASIN COMMISSION**

**Notices**

Projects approved for consumptive uses of water (2 documents) ..... 5954, 5955  
 Projects rescinded for consumptive uses of water .. 5956

# 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).

**SUBSCRIPTION INFORMATION: (717) 766-0211  
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### Printing Format

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

### Fiscal Notes

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

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

### Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

#### § 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

# 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.

<b>4 Pa. Code (Administration)</b>	225 .....	4468
<b>Adopted Rules</b>	401 .....	1861
1 .....	403 .....	1861
5 .....		
6 .....		
7 .....		
7a .....		
	<b>40 Pa. Code (Liquor)</b>	
	<b>Adopted Rules</b>	
	3 .....	388
	11 .....	4465
	<b>Proposed Rules</b>	
	15 .....	1504
<b>Statements of Policy</b>		
1 .....		
9 ....		
68 .....		
	<b>49 Pa. Code (Professional and Vocational Standards)</b>	
	<b>Adopted Rules</b>	
	7 .....	5736
	16 .....	2955, 5484
	17 .....	5484
	18 .....	2955
	21 .....	5486
	27 .....	5182
	33 .....	769, 5736
	35 .....	1376
	43b .....	5493
	<b>Proposed Rules</b>	
	16 .....	1122, 2469, 3597
	18 .....	2469, 3597
	25 .....	2474, 3607
	27 .....	5353
	41 .....	5355
	43b .....	5742
	47 .....	5744
	48 .....	5744
	49 .....	5744
	<b>52 Pa. Code (Public Utilities)</b>	
	<b>Adopted Rules</b>	
	54 .....	5185
	57 .....	9
	59 .....	9
	62 .....	2159
	63 .....	3728
	65 .....	9
	67 .....	9
	1055 .....	777
	<b>Proposed Rules</b>	
	54 .....	796, 3458
	59 .....	3454
	62 .....	2034, 3458
	69 .....	3458, 3458
	72 .....	3458
	1005 .....	2746
	<b>Statements of Policy</b>	
	69 .....	1034, 1044
	<b>55 Pa. Code (Public Welfare)</b>	
	<b>Adopted Rules</b>	
	51 .....	3230
	52 .....	2730
	165 .....	1992
	168 .....	2000
	299 .....	2007
<b>4 Pa. Code (Administration)</b>		
<b>Adopted Rules</b>		
1 .....	1631	
5 .....	3559, 3561, 5146	
6 .....	1633, 3199, 3559, 3561, 3563, 5146	
7 .....	5148	
7a .....	3566, 5148	
<b>Statements of Policy</b>		
1 .....	5506	
9 ....	27, 935, 1246, 2039, 2749, 4181, 4476, 4916, 5239, 5371, 5747	
68 .....	5242	
<b>7 Pa. Code (Agriculture)</b>		
<b>Proposed Rules</b>		
46 .....	5218	
76 .....	5218	
143 .....	1378	
<b>22 Pa. Code (Education)</b>		
<b>Adopted Rules</b>		
4 .....	1859	
10 .....	4574	
<b>Proposed Rules</b>		
73 .....	5872	
<b>Statements of Policy</b>		
731 .....	5752	
<b>25 Pa. Code (Environmental Protection)</b>		
<b>Adopted Rules</b>		
121 .....	4459	
126 .....	4459	
128 .....	4462	
130 .....	4463	
806 .....	2193	
<b>Proposed Rules</b>		
77 .....	553	
86 .....	1228	
93 .....	4367	
105 .....	553	
121 .....	779, 3596, 4363	
123 .....	3596	
129 .....	779	
130 .....	779	
139 .....	3596, 4363	
<b>Statements of Policy</b>		
16 .....	4187	
<b>31 Pa. Code (Insurance)</b>		
<b>Proposed Rules</b>		
161 .....	5629	
163 .....	5628	
<b>34 Pa. Code (Labor and Industry)</b>		
<b>Adopted Rules</b>		
231 .....	2273	
<b>Proposed Rules</b>		
65 .....	2378	



1101 ..... 2010  
 1121 ..... 2015  
 1163 ..... 2023  
 1187 ..... 673, 3733  
 1189 ..... 3733  
 3041 ..... 2000, 2029  
 6211 ..... 3261

**Statements of Policy**

1187 ..... 3748  
 3270 ..... 675  
 3280 ..... 675  
 3290 ..... 675

**58 Pa. Code (Recreation)**

**Adopted Rules**

65 ..... 3445  
 69 ..... 1502  
 71 ..... 1859  
 131 ..... 5213  
 135 ..... 3581  
 139 ..... 3581  
 141 ..... 3588, 3590, 3591, 3592, 3593, 5214  
 143 ..... 5215  
 147 ..... 3594, 4305, 5216  
 401a ..... 2585, 5857  
 423a ..... 5857  
 427a ..... 5857  
 433a ..... 5857  
 435a ..... 5857  
 436a ..... 5857  
 461a ..... 2585, 4305  
 465a ..... 2585  
 467a ..... 2585  
 513a ..... 5857  
 521 ..... 2585, 2629  
 523 ..... 2649  
 524 ..... 2675, 4305  
 525 ..... 2585  
 526 ..... 2629  
 527 ..... 2629  
 528 ..... 2675, 4305  
 529 ..... 2675, 4305  
 531 ..... 2877  
 533 ..... 2877  
 535 ..... 2886  
 537 ..... 2886  
 539 ..... 2886  
 541 ..... 2906  
 543 ..... 2906  
 545 ..... 2906  
 549 ..... 2922, 4320  
 551 ..... 2686  
 553 ..... 2686  
 555 ..... 4320, 4584  
 557 ..... 4333  
 559 ..... 4333  
 561 ..... 2922, 4320  
 563 ..... 4320, 4584  
 565 ..... 4333  
 567 ..... 2877  
 569 ..... 4333  
 571 ..... 2686  
 573 ..... 2686  
 577 ..... 4697  
 579 ..... 5865  
 601a ..... 2629  
 603a ..... 2649  
 605a ..... 2675, 4305  
 609a ..... 2629

611a ..... 2629  
 613a ..... 2675, 4305  
 615a ..... 2675, 4305  
 617a ..... 2877  
 619a ..... 2877  
 621a ..... 2886  
 623a ..... 2886  
 625a ..... 2886  
 627a ..... 2906  
 629a ..... 2906  
 631a ..... 2906  
 633a ..... 2922, 4320  
 635a ..... 2686  
 637a ..... 2686  
 639a ..... 4320, 4584  
 641a ..... 4333  
 643a ..... 4333  
 645a ..... 2922, 4320  
 647a ..... 4320, 4584  
 649a ..... 4333  
 651a ..... 2877  
 653a ..... 4333  
 655a ..... 2686  
 657a ..... 2686

**Proposed Rules**

29 ..... 4720  
 61 ..... 1862  
 65 ..... 3449  
 75 ..... 3449  
 93 ..... 3446  
 99 ..... 3446  
 105 ..... 3446  
 109 ..... 3446  
 115 ..... 4472  
 131 ..... 3268, 5236  
 133 ..... 5238  
 135 ..... 1238, 5235  
 139 ..... 1238, 1864  
 141 ..... 1231, 1232, 1233, 1235, 1236, 3268, 5234  
 143 ..... 3267  
 147 ..... 1244, 3270, 5236  
 401a ..... 2962  
 435a ..... 2962  
 437a ..... 2962  
 441a ..... 2962

**Statements of Policy**

436b ..... 5875

**61 Pa. Code (Revenue)**

**Proposed Rules**

7 ..... 1222  
 117 ..... 2381  
 119 ..... 2381  
 121 ..... 2381  
 901 ..... 1222

**67 Pa. Code (Transportation)**

**Adopted Rules**

231 ..... 25

**Proposed Rules**

17 ..... 5627  
 84 ..... 3746  
 175 ..... 4704  
 441 ..... 5497  
 443 ..... 4702

**Statements of Policy**

190 ..... 2481

**101 Pa. Code (General Assembly)**  
**Statements of Policy**  
 31 ..... 29

**201 Pa. Code (Rules of Judicial Administration)**  
**Adopted Rules**  
 2 ..... 4907  
 5 ..... 4907

**204 Pa. Code (Judicial System General Provisions)**  
**Adopted Rules**  
 29 ..... 5854, 5855  
 81 ..... 1637, 2186, 3127, 3431  
 82 ..... 1638  
 83 ..... 1637, 1639, 2186, 3127, 3431  
 85 ..... 5156  
 87 ..... 5156  
 89 ..... 5156  
 91 ..... 5156  
 93 ..... 5156

**Proposed Rules**  
 213 ..... 658  
 303 ..... 1798, 4846

**210 Pa. Code (Appellate Procedure)**  
**Adopted Rules**  
 1 ..... 2269  
 3 ..... 374, 4693  
 9 ..... 2269  
 11 ..... 2269  
 15 ..... 2269  
 37 ..... 3569  
 67 ..... 1642, 4450  
 69 ..... 4450

**Proposed Rules**  
 1 ..... 1640  
 3 ..... 1360  
 15 ..... 1360  
 19 ..... 1986  
 21 ..... 1640  
 37 ..... 659

**225 Pa. Code (Rules of Evidence)**  
**Adopted Rules**  
 Article VI ..... 1858

**231 Pa. Code (Rules of Civil Procedure)**  
**Adopted Rules**  
 200 ..... 377, 1363  
 1700 ..... 2954  
 1910 ..... 379, 545, 930  
 3000 ..... 4907  
 4000 ..... 3574  
 Part II ..... 4908

**Proposed Rules**  
 200 ..... 377  
 1900 ..... 3722  
 1910 ..... 1642, 3722, 3724, 3726  
 1915 ..... 1660  
 Part II ..... 5730

**234 Pa. Code (Rules of Criminal Procedure)**  
**Adopted Rules**  
 1 ..... 1364, 4140, 5333  
 5 ..... 2465, 4140, 5333  
 6 ..... 545, 4140  
 9 ..... 4140, 5347  
 10 ..... 4140, 5333

**Proposed Rules**  
 1 ..... 380, 5164  
 5 ..... 1369, 4568, 5732  
 6 ..... 380, 1369, 4568, 5732  
 8 ..... 4568

**237 Pa. Code (Juvenile Rules)**  
**Adopted Rules**  
 1 ..... 547, 3203, 5734  
 2 ..... 4908, 4909, 5350  
 3 ..... 3203, 4909, 5350  
 4 ..... 664, 4909, 5350  
 5 ..... 1214, 4909  
 6 ..... 1214  
 8 ..... 4909

**Proposed Rules**  
 1 ..... 5470, 5480, 5734  
 11 ..... 5470, 5480, 5734  
 18 ..... 5470, 5734

**246 Pa. Code (Minor Court Civil Rules)**  
**Adopted Rules**  
 1000 ..... 4913

**Proposed Rules**  
 200 ..... 1116  
 300 ..... 1116

**249 Pa. Code (Philadelphia Rules)**  
 Unclassified ... 1217, 1372, 2186, 2188, 2467, 3130, 4160

**252 Pa. Code (Allegheny County Rules)**  
 Unclassified ..... 930, 2727, 3436, 3437, 3438, 3439, 3440

**255 Pa. Code (Local Court Rules)**  
 Unclassified ..... 8, 203, 550, 551, 669, 670, 671, 762, 766, 768, 934, 1033, 1121, 1219, 1375, 1500, 1661, 1662, 1989, 1990, 1991, 2189, 2270, 2271, 2371, 2372, 2374, 2728, 3134, 3136, 3206, 3228, 3440, 3443, 3576, 3579, 4162, 4164, 4177, 4457, 4570, 4913, 4914, 5167, 5179, 5180, 5482, 5622, 5625, 5626, 5855

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

[ 204 PA. CODE CH. 29 ]

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 387 Judicial Administration Doc.

### Order

*Per Curiam:*

And now, this 29th day of August, 2012, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations. The costs outlined in the Financial Regulations are effective as of January 1, 2013.

To the extent that notice of proposed rule-making may be required by Pa.R.J.A. No.103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. No. 103(b) and is effective immediately.

### Annex A

#### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART II. GENERAL ADMINISTRATION

#### CHAPTER 29. MISCELLANEOUS PROVISIONS

#### Subchapter K. COSTS, FINES AND FEES

#### § 29.401. Scope.

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized by Administrative Order, the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including magisterial district judges, Philadelphia Municipal Court and Philadelphia Traffic Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under 42 Pa.C.S. § 3502(a) of the Judicial Code, the following regulations are adopted to implement Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4)(as amended).

#### § 29.402. 42 Pa.C.S. § 1725.1. Costs.

(a) *Civil cases.*—In calendar year 2013, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

- (1) Actions involving \$500 or less ..... \$49.50
- (2) Actions involving more than \$500 but not more than \$2,000 ..... \$65.50

- (3) Actions involving more than \$2,000 but not more than \$4,000 ..... \$82.00
- (4) Actions involving between \$4,001 and \$12,000 ..... \$123.00
- (5) Landlord-tenant actions involving less than \$2,000 ..... \$74.00
- (6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000 ..... \$90.50
- (7) Landlord-tenant actions involving more than \$4,000 but not more than \$12,000 ..... \$123.00
- (8) Order of execution ..... \$37.00
- (9) Objection to levy ..... \$16.50
- (10) Reinstatement of complaint ..... \$8.50
- (11) Entering Transcript on Appeal or Certiorari. \$4.50

Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) *Custody cases.*—In calendar year 2013, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

- (1) Custody cases, except as provided in section 1725(c)(2)(v) ..... \$7.50

(b) *Criminal cases.*—In calendar year 2013, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases ..... \$47.00
- (2) Summary conviction, motor vehicle cases, other than paragraph (3) ..... \$37.00
- (3) Summary conviction, motor vehicle cases, hearing demanded ..... \$45.00
- (4) Misdemeanor ..... \$53.50
- (5) Felony ..... \$61.50

Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) *Unclassified costs or charges.*—In calendar year 2013, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- (1) Entering transcript of judgment from another member of the minor judiciary ..... \$8.50
- (2) Marrying each couple, making record thereof, and certificate to the parties ..... \$41.00
- (3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) ..... \$16.50
- (4) Issuing a search warrant (except as provided in subsection (d)) ..... \$16.50
- (5) Any other issuance not otherwise provided in this subsection ..... \$16.50

#### § 29.403 42 Pa.C.S. § 3571.

In calendar year 2013, Commonwealth portion of fines, etc.

\* \* \* \* \*

(c) *Costs in magisterial district judge proceedings.*

(2) Amounts payable to the Commonwealth:

(i) Summary conviction, except motor vehicle cases ..... \$16.50

(ii) Summary conviction, motor vehicle cases other than subparagraph (iii) ..... \$16.50

(iii) Summary conviction, motor vehicle cases, hearing demanded ..... \$16.50

(iv) Misdemeanor ..... \$21.40

(v) Felony ..... \$32.80

(vi) Assumpsit or trespass involving:

(A) \$500 or less ..... \$20.60

(B) More than \$500 but not more than \$2,000 ..... \$32.80

(C) More than \$2,000 but not more than \$4,000 ..... \$49.20

(D) Between \$4,001 and \$12,000 ..... \$82.00

(vii) Landlord-tenant proceeding involving:

(A) \$2,000 or less ..... \$32.90

(B) More than \$2,000 but not more than \$4,000 ..... \$41.15

(C) More than \$4,000 but not more than \$12,000 ..... \$57.40

(viii) Objection to levy ..... \$8.25

(ix) Order of execution ..... \$24.70

(x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs)) ..... \$11.55

(xi) Order of possession ..... \$15.00

(xii) Custody cases (except as provided in section 1725(c)(2)(v)) ..... \$6.00

[Pa.B. Doc. No. 12-1789. Filed for public inspection September 14, 2012, 9:00 a.m.]

[ 204 PA. CODE CH. 29 ]

**Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 386 Judicial Administration Doc.**

**Order**

*Per Curiam:*

And now, this 29th day of August, 2012, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2011 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART II. GENERAL ADMINISTRATION**

**CHAPTER 29. MISCELLANEOUS PROVISIONS**

**Subchapter K. COSTS, FINES AND FEES**

**§ 29.401a. Consumer Price Index—costs and fines.**

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2011 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 386 Judicial Administration Docket.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 2011 was 3.0% percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, February 2, 2012.)

[Pa.B. Doc. No. 12-1790. Filed for public inspection September 14, 2012, 9:00 a.m.]

**Title 255—LOCAL COURT RULES**

**WESTMORELAND COUNTY**

**Adoption of Rule of Judicial Administration WJ110; No. 3 of 2012**

**Order**

*And Now This* 23rd day of August, 2012 *It Is Hereby Ordered That* Westmoreland County Rule of Judicial Administration WJ110 is adopted.

*By the Court*

GARY P. CARUSO,  
*President Judge*

**Rule WJ101. Oaths and Acknowledgments.**

All court assistants, whether full-time, part-time or temporary, and all court reporters are authorized to administer oaths and affirmations and to take acknowledgments pursuant to 42 Pa.C.S.A. § 327.

[Pa.B. Doc. No. 12-1791. Filed for public inspection September 14, 2012, 9:00 a.m.]

**DISCIPLINARY BOARD OF THE SUPREME COURT**

**Notice of Disbarment**

Notice is hereby given that Timothy Shawn Gordon, having been disbarred from the practice of law in the State of Maryland by Order of the Court of Appeals of Maryland dated October 3, 2011, the Supreme Court of Pennsylvania issued an Order on August 27, 2012, disbar-

ring Timothy Shawn Gordon from the Bar of this Commonwealth, effective September 26, 2012. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of 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. 12-1792. Filed for public inspection September 14, 2012, 9:00 a.m.]

---

# RULES AND REGULATIONS

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CH. 401a, 423a, 427a,  
433a, 435a, 436a AND 513a ]

#### Employee and Horsemen's Organization Revisions

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(14) and (30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1308, 1311, 1311.1, 1311.2, 1317.2, 1321, 1406 and 1518(a)(13), amends Chapters 401a, 423a, 427a, 433a, 435a, 436a and 513a to read as set forth in Annex A.

#### *Purpose of the Final-Form Rulemaking*

To improve clarity and the effectiveness of the Board's regulations, this final-form rulemaking amends provisions regarding horsemen's organizations, wagering restrictions and other sections of the regulations.

#### *Explanation of Amendments*

Section 427a.3(a) (relating to manufacturer license term and renewal) is amended to specify that the initial license is valid for 1 year from the date of approval by the Board rather than issuance of the license. This amendment will accommodate instances in which a license is approved but not yet issued, such as when the licensee has not yet paid the licensing fee. The renewal date will start from the date of approval by the Board.

Section 433a.9(b) (relating to principal license term and renewal) is amended so only principals of manufacturers and suppliers, eligible for initial licensure, are required to complete an initial annual renewal. Unlike slot machine licensees, licensed manufacturers and suppliers are subject to an initial 1-year renewal. The manufacturer or supplier license, however, can only be renewed if the principals, including the affiliates, intermediaries, subsidiaries, holding companies, officers, directors and owners, also apply for renewal and are investigated. If, however, a person is applying for a principal license with a manufacturer or supplier that has already completed that initial 1-year renewal, the principal would not be subject to an initial annual renewal.

Amendments to § 435a.1 (relating to general provisions) clarify provisions governing which licensed, permitted or registered individuals are prohibited from engaging in gaming as well as the duration and scope of the limitation.

Subsection (k) has been amended to clarify that the prohibition on gaming applies to a holder of a license or permit who is currently employed by or affiliated with a slot machine licensee. The duration of the prohibition was moved into subsection (k) from subsection (n).

Subsection (l) was added restricting employees who are not otherwise required to obtain a permit or registration from wagering in the licensed facility where they work. They may wager at another licensed facility or at the same facility where they worked once their employment has ended.

Subsection (m) applies the wagering restrictions to employees of manufacturers, suppliers and gaming re-

lated gaming service providers who are at the licensed facility in performance of their job duties.

Language was added to § 435a.2 (relating to key employee license) prohibiting a key employee from performing any job functions of a key employee unless the employee has received a temporary or permanent credential. Additionally, the number of copies required to be submitted as part of an application for a key employee license has been reduced from three to one. Because of changes in the Bureau of Licensing's (Bureau) internal procedures, three copies are no longer needed.

Additionally, subsections (g)—(j) regarding waivers of the key employee licensing requirement have been deleted. These provisions were never used. Instead, the Bureau has relied on the definition of "key employee" to determine whether or not licensure is required.

In § 435a.3 (relating to occupation permit), the number of copies required to be submitted as part of an application for an occupation permit has been reduced from three to one. As previously stated, changes to the Bureau's internal procedures now only require one copy of the application. The scope of subsections (a), (e) and (f) has been expanded to cover both registered and certified gaming service providers and certified gaming related gaming service providers.

As was done in §§ 435a.2 and 435a.3, § 435.5 (relating to nongaming employee registration) has been amended to reduce the number of copies required for an application for a nongaming employee registration from three to one and the scope of these provisions has been expanded to cover both registered and certified gaming service providers. The term "licensed entity" was changed to "slot machine licensee" because other types of licensed entities, such as manufacturers and suppliers, do not have nongaming employees. Nongaming employees are specific to slot machine licensees and certified and registered gaming service providers.

In § 435a.7 (relating to emergency credentials), like employees of the slot machine licensee, employees of manufacturers, suppliers, gaming service providers, gaming related gaming service providers and gaming junket enterprises may now also be issued emergency credentials by Board staff.

Section 435a.8(a) (relating to temporary credentials for principals, key employees and gaming employees) was amended to permit the Board to issue temporary credentials to gaming employees as well as principals and key employees. Additionally, the language specifying when the Board may issue a temporary credential has been deleted as there are instances when the investigation has been done but the individual will not be issued a permit. Subsection (d) was added to allow Board staff to add conditions such as restricting the use of a temporary credential for a limited purpose or type of event.

The amendments to Chapter 436a (relating to horsemen's organizations) incorporate the requirements formerly in Chapter 436b, which has been rescinded. Additionally, § 436a.1 (relating to definitions) is amended for clarity and to reflect the terms used in the horsemen's organization regulations. The terms "director" and "officer" are combined in the final-form rulemaking into the definition of "representative." Representatives now include not only the president, vice president, secretary, and the like, but also a person who represents the

horsemen's organization in matters regarding the agreements with a licensed racing entity.

In § 436a.2 (relating to horsemen's organization notification), horsemen's organizations will no longer complete a registration application but will file the notification form with the Bureau. The organization will be required to file an updated notification form within 30 days of a change in information.

In § 436a.3 (relating to permitting of representatives and fiduciaries), amendments were made for clarity and the renewal term for permits was amended from 1 year to 3 years in conformity with amendments to 4 Pa.C.S. Part II (relating to gaming).

In § 436a.4 (relating to responsibilities of horsemen's organizations, representatives and fiduciaries), amendments were made for clarity and this section was reorganized so all reporting requirements are now in subsection (e). Additionally, the cross reference to the audit requirements in Article XVII-O of The Fiscal Code (72 P. S. § 1701-O) was also added to this section.

The reporting requirement in § 436a.5(6) (relating to fiduciaries) was moved to § 436a.4(e).

Section 513a.2 (relating to exclusion requirements) was amended so only those individuals over 21 years of age are permitted on the gaming floor unless the individual is over 18 years of age and authorized to be on the gaming floor for employment purposes. This amendment is consistent with amendments to 4 Pa.C.S. § 1518(a)(13) (relating to prohibited acts; penalties).

#### *Comment and Response Summary*

Notice of proposed rulemaking was published at 41 Pa.B 1903 (April 9, 2011). During the comment period, the Board received comments from the Pennsylvania Horsemen's Benevolent and Protective Association (PHBPA), a joint letter from the Pennsylvania Harness Horsemen's Association (PHHA) and the Meadows Standardbred Owner's Association (MSOA) as well as e-mails from eight members of the general public. On June 8, 2011, the Board received comments from the Independent Regulatory Review Commission (IRRC).

In § 423a.4 (relating to deficient and abandoned applications), IRRC asked how long the Bureau will hold an application before declaring it abandoned and whether the applicant will be notified. A specific time period cannot be designated in this subsection. Typically, the Bureau will declare an application abandoned after attempting, through multiple channels, to contact the individual or entity. The Bureau has closed applications in the past when repeated attempts to have applicants complete applications have been unsuccessful, such as when the company is no longer in business. An applicant is notified of the closure of the application through the Board order which is sent to the last known address. For clarity and to reflect this practice, the Board amended subsections (b)—(d).

The proposed rulemaking added a definition of "publicly traded" to § 433a.1 (relating to definitions). IRRC commented that the definition only addressed one of the three statutory definitions of "publicly traded" and inquired as to why and whether the definition of "publicly traded corporation" in § 401a.3 (relating to definitions) would be updated.

The definition of "publicly traded corporation" in § 401a.3 is amended to include classes of securities that are listed on a foreign exchange. There is an inconsistency between the definition of "controlling interest,"

which acknowledges both domestic and foreign corporations, and the definition of "publicly traded," which addresses only securities regulated under the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a—78pp). This results in different treatment for foreign versus domestically held, publicly traded stock. For instance, if a person passively owns more than 1% but less than 5% of an entity that is required to be licensed, and that entity is publicly traded on a domestic exchange, that person would not be required to be licensed. However, if the person had the same interest in a security listed on a foreign exchange, that person would currently be required to be licensed as a principal. This presents practical problems because of the nature of publicly traded stock which is exchanged daily.

This amendment treats domestic and foreign stock exchanges equally, provided that the Bureau determines that the foreign exchange has similar listing and reporting requirements as those exchanges regulated under the Securities Exchange Act of 1934. The Bureau has reviewed and determined that exchanges in Canada, Australia and Japan have similar listing and reporting requirements as those regulated under the Securities Exchange Act of 1934.

The definition of "publicly traded" that was proposed to be added to § 433a.1 was deleted as unnecessary.

Proposed § 435a.1(k)—(n) addressed wagering restrictions and prohibited licensed, permitted or registered individuals from wagering at licensed facilities in this Commonwealth. Eight members of the general public, several of whom are currently permit holders in this Commonwealth, commented that the wagering restrictions were too broad and requested that the Board consider lifting the prohibition. IRRC asked the Board to explain the rationale for the prohibition.

Wagering restrictions protect the integrity of gaming and reduce the likelihood of dealer collusion and theft. After careful consideration, a review of the wagering restrictions in other gaming jurisdictions and based on the Board's experience to date, the Board believes that limiting the wagering restrictions to the licensed facilities in which the employee works strikes a fair and appropriate balance while still protecting the integrity of gaming. The Board therefore amended the wagering restrictions so employees of and those associated with (principals) a slot machine licensee can wager in licensed facilities except the licensed facilities in which they are currently employed or affiliated. Additionally, an employee shall wait for 30 days after the person is no longer in a position requiring a license, permit or registration before the person can wager in the licensed facility in which he was previously employed or associated.

The Board also amended the wagering restrictions with respect to manufacturers, suppliers, gaming related gaming service providers and gaming junket enterprises. Employees of manufacturers, suppliers and gaming related gaming service providers may not wager in the licensed facility in which they are installing table games, devices or slot machines while on duty. Employees and qualifiers of gaming junket enterprises are prohibited from wagering in the facility in which the gaming junket enterprise has an ongoing contractual agreement.

Gaming service provider employees and qualifiers (providers of nongaming related goods or services such as construction company employees and owners) may wager in licensed facilities in this Commonwealth.

Section 435a.8(d) specifies that Board staff may impose conditions on a temporary credential. IRRC commented

that the language is vague and does not establish a binding norm. IRRC suggested adding the conditions the Board would impose.

By statute, the Board has the discretion to condition a license, including a temporary license, which by definition is conditional. There are numerous instances in which the Board may issue a temporary credential, all of which have different criteria and conditions for their issuance. For instance: a temporary credential could be issued to dealers of a tournament, which is valid for only a specific event or duration of time; gaming service providers could be issued temporary credentials to complete specific work, which would be a condition of the license; temporary principal credentials expire but can be renewed. Because the conditions imposed vary depending on the type of temporary credential issued, the Board is not adding specific conditions to the temporary credential regulations.

Section 436a.1 contains the definitions used throughout Chapter 436a. PHHA suggested that the Board amend the definition of “representative.” As previously mentioned, the definition was amended to incorporate persons who are authorized to represent a horsemen’s organization. The language in subparagraph (ii) of the definition was taken directly from the definition of “horsemen’s organization representative” with no substantive revisions. The persons that the Board is intending to capture are persons who do not otherwise fall into subparagraph (i) of the definition but do have the authority to represent horsemen’s organizations.

Section 436a.2 was amended to require horsemen’s organizations to complete a notification form instead of a registration. IRRC and PHHA inquired as to what information would be required on the new notification form and recommended that the Board specify in the regulation what type of information would be required.

The Board has not included in the regulations for any other class of applicant all of the information an applicant is required to submit with his application. With respect to horsemen’s organizations, there were no substantive amendments to the application form, which requires submission of the same information as was previously required. The application form was simply renamed a notification instead of a registration because “registration” has specific licensing implications that were not intended for horsemen’s organizations. Additionally, the Board did delete the \$2,000 application fee every 4 years.

Proposed § 436a.4 required horsemen’s organizations to ensure that the funds allocated for thoroughbred jockeys and standardbred drivers are paid in accordance with 4 Pa.C.S. Part II. IRRC recommended that the final-form rulemaking be amended to include a specific citation to 4 Pa.C.S. Part II. The Board agreed and amended the final-form rulemaking accordingly.

Section 436a.6 (relating to health and pension benefit plans) previously required horsemen’s organizations to submit contracts for health and pension benefit plans at least 90 days prior to the expiration. PHHA/MSOA, PHBPA and IRRC commented that 90 days was an unreasonable time period and suggested a 30-day time period. The Board agreed and has amended the final-form rulemaking as requested.

*Affected Parties*

This final-form rulemaking will affect applicants for and holders of licenses, permits and registrations issued by the Board as well as horsemen’s organizations.

*Fiscal Impact*

*Commonwealth.* This final-form rulemaking will not have fiscal impact on the Board or other Commonwealth agencies.

*Political subdivisions.* This final-form rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth.

*Private sector.* Individuals applying for a license, permit or registration will not have to submit as many copies of the applications. The cost and time savings from this change is expected to be negligible. Additionally, horsemen’s organizations will no longer file a registration application but will file a notification form. The cost savings from this change is \$2,000 every 4 years since there is not an application fee associated with the notification form.

*General public.* This final-form rulemaking will not have fiscal impact on the general public.

*Paperwork Requirements*

Individuals applying for a license, permit or registration will have to provide only one copy, instead of three copies, of the applications. Horsemen’s organizations will complete a notification form and file the necessary statements. There will not be a reduction in the amount of paperwork for horsemen’s organizations.

*Effective Date*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 30, 2011, the Board submitted a copy of the notice of proposed rulemaking, published at 41 Pa.B. 1903 (April 9, 2011), to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on July 18, 2012, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on July 19, 2012, and approved the final-form rulemaking.

*Findings*

The Board finds that:

- (1) Public notice of intention to adopt these amendments was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.



Order

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

(a) The regulations of the Board, 58 Pa. Code Chapters 401a, 423a, 427a, 433a, 435a, 436a and 513a, are amended by amending §§ 401a.3, 423a.4, 427a.3, 433a.9, 435a.1, 435a.2, 435a.3, 435a.5, 435a.7, 435a.8, 436a.1, 436a.2, 436a.3, 436a.4, 436a.5, 436a.6 and 513a.2 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: Sections 401a.3, 427a.3 and 435a.7 were not included in the proposed rulemaking published at 41 Pa.B. 1903.)

(Editor's Note: Section 433a.1 included in the proposed rulemaking published at 41 Pa.B. 1903 has not been adopted.)

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

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

WILLIAM H. RYAN, Jr.,  
Chairperson

(Editor's Note: See 42 Pa.B. 5875 (September 15, 2012) for a statement of policy by the Board relating to this final-form rulemaking.)

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 42 Pa.B. 4992 (August 4, 2012).)

**Fiscal Note:** Fiscal Note 125-144 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 401a. PRELIMINARY PROVISIONS**

**§ 401a.3. Definitions.**

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

\* \* \* \* \*

*Publicly traded corporation*—A person other than an individual which:

(i) Has a class or series of securities registered under the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a—78pp) or on a foreign stock exchange determined by the Bureau of Licensing to have similar listing and reporting requirements to exchanges that are regulated under the Securities Exchange Act of 1934.

(ii) Is a registered management company under the Investment Company Act of 1940.

(iii) Is subject to the reporting obligations imposed by section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. § 78o(d)) by reason of having filed a registration statement which has become effective under the Securities Act of 1933 (15 U.S.C.A. §§ 77a—77aa).

\* \* \* \* \*

**Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION**

**CHAPTER 423a. APPLICATIONS**

**§ 423a.4. Deficient and abandoned applications.**

(a) If an application is found to be deficient, Board staff will notify the applicant of the deficiencies in the application and permit the applicant to cure the deficiencies within a time period prescribed by Board staff.

(b) Failure to provide the information necessary to cure the deficiencies required under subsection (a) may result in the denial of the application or in the application being declared abandoned. The Bureau of Licensing may close and declare abandoned an incomplete or deficient application which is not recommended for denial.

(c) An applicant whose application is denied will be subject to the restrictions on filing a new application in § 423a.7 (relating to restriction on application after denial or revocation). An applicant whose application has been declared abandoned may file a new application at any time.

(d) When an application is denied or declared abandoned under subsection (b), the applicant will be given written notice of this action.

**CHAPTER 427a. MANUFACTURERS**

**§ 427a.3. Manufacturer license term and renewal.**

(a) The initial manufacturer license will be valid for 1 year from the date of approval of the license by the Board. Renewals of a manufacturer license will be valid for 3 years from the date of the approval of the renewal of the license by the Board.

(b) A Manufacturer License Renewal Application Form and renewal fee shall be filed at least 2 months prior to the expiration of the current license.

(c) A manufacturer license for which a completed renewal application and fee has been received by the Board will continue in effect for an additional 6 month period or until acted upon by the Board, whichever occurs first.

**CHAPTER 433a. PRINCIPAL LICENSES**

**§ 433a.9. Principal license term and renewal.**

(a) A principal license or renewal will be valid for 3 years from the date on which the license or renewal is approved by the Board.

(b) Notwithstanding subsection (a), a principal of a manufacturer or supplier which is eligible for its initial license shall be subject to an initial annual renewal for each slot machine or table game license held by the manufacturer or supplier. Principal renewals thereafter will be valid for 3 years from the date of the approval of the renewal of the license by the Board.

(c) A renewal application and renewal fee shall be filed at least 2 months prior to the expiration of the current license.

(d) A principal license for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the principal license that the Board has approved or denied the license.

**CHAPTER 435a. EMPLOYEES**

**§ 435a.1. General provisions.**

(a) An individual seeking a key employee license, occupation permit or nongaming employee registration shall apply to the Board as required by this chapter.

(b) In addition to the materials required under §§ 435a.2, 435a.3 and 435a.5 (relating to key employee license; occupation permit; and nongaming employee registration), an applicant shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) An individual who receives a license, permit or registration under this part shall have the continuing duty to report to the Board an arrest, charge, indictment or conviction for:

(1) An offense involving moral turpitude.

(2) An offense under 18 Pa.C.S. (relating to crimes and offenses).

(3) An offense under 75 Pa.C.S. (relating to vehicles) which is punishable by 1 year or more.

(4) An offense under section 13 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § 780-113(a)) regarding prohibited acts; penalties.

(5) Any felony offense.

(6) Comparable offenses in other states or foreign jurisdictions.

(d) The holder of a key employee license, occupation permit, or nongaming employee registration shall provide an updated photograph at the request of the Board.

(e) An individual may not be employed in this Commonwealth by an applicant for or holder of a license, certification or registration under this part in any capacity unless the individual is a citizen of the United States or can demonstrate that he holds a current and valid work authorization and is not restricted from working in the capacity for which employment is sought or held. Authorization to work in the United States may be demonstrated by submitting one of the following:

(1) A permanent resident alien card.

(2) A temporary employment authorization card.

(3) A document which the Board deems to be sufficient evidence or authorization.

(f) A principal or key employee license will not be issued to an individual who has been convicted of a felony offense in any jurisdiction.

(g) A principal or key employee license will not be issued to an individual who has been convicted of a misdemeanor gambling offense in any jurisdiction, unless 15 years have elapsed from the date of conviction for the offense.

(h) A permit will not be issued to an individual who has been convicted of a felony offense or misdemeanor gambling offense in any jurisdiction unless 15 years have elapsed from the date of conviction for the offense.

(i) When considering an application for a registration from an individual who has been convicted of a felony or misdemeanor gaming offense in any jurisdiction, an application for a permit from an individual who has been convicted of a felony or misdemeanor gaming offense in any jurisdiction when 15 years have elapsed from the date of the conviction for the offense, or an application for a license from an individual who has been convicted of a

misdemeanor gaming offense in any jurisdiction when 15 years have elapsed from the date of the conviction for the offense, Board will consider:

(1) The nature and duties of the applicant's position with the licensed entity.

(2) The nature and seriousness of the offense or conduct.

(3) The circumstances under which the offense or conduct occurred.

(4) The age of the applicant when the offense or conduct was committed.

(5) Whether the offense or conduct was an isolated or a repeated incident.

(6) Evidence of rehabilitation, including good conduct in the community, counseling or psychiatric treatment received and the recommendation of persons who have substantial contact with the applicant.

(j) For purposes of this section, a felony offense is any of the following:

(1) An offense punishable under the laws of this Commonwealth by imprisonment for more than 5 years.

(2) An offense which, under the laws of another jurisdiction, is either:

(i) Classified as a felony.

(ii) Punishable by imprisonment for more than 5 years.

(3) An offense under the laws of another jurisdiction which, if committed in this Commonwealth, would be subject to imprisonment for more than 5 years.

(k) An individual who holds a license, permit or registration and is currently employed by or associated with a slot machine licensee may not wager at any slot machine or table game in the licensed facility in which the licensee, permittee or registrant is currently employed or associated. The licensed, permitted or registered individual shall wait at least 30 days following the date that the individual is no longer employed in a position that requires a license, permit or registration before the individual may wager at the licensed facility.

(l) An employee of a slot machine licensee who is not required to obtain a license, permit or registration may not wager at the licensed facility in which the employee is currently employed.

(m) An individual who holds a license, permit or registration and is currently employed by a manufacturer, manufacturer designee, supplier or gaming related gaming service provider may not wager at any slot machine or table game in the licensed facility in which the individual is servicing or installing table games, table game devices, slot machines or associated equipment while the individual is at the licensed facility in the performance of the individual's job duties.

(n) An individual who is a qualifier of a gaming junket enterprise or an individual who is employed as a gaming junket representative may not wager at any slot machine or table game at the licensed facility at which the gaming junket enterprise has an ongoing contractual agreement.

(o) An individual required to obtain a license or permit by this part shall demonstrate that he is current and not in arrears on any financial obligation owed to the Commonwealth or any subdivision thereof, including court-ordered child-support payments.

(p) An applicant for an occupation permit or nongaming employee registration shall be at least 18 years of age.

(q) Slot machine licensees, manufacturers, manufacturer designees, suppliers, gaming service providers and gaming related gaming service providers that hire an individual who holds a license, permit or registration issued by the Board shall contact the Bureau of Licensing to confirm that the individual's license, permit or registration is in good standing prior to allowing the individual to work in the licensed facility.

**§ 435a.2. Key employee license.**

(a) An individual may not perform duties associated with a position that requires a key employee license prior to receiving a temporary or permanent credential unless otherwise authorized by the Board. An applicant for a key employee license shall submit:

(1) An original and one copy of a completed Multi-Jurisdictional Personal History Disclosure Form.

(2) An original and one copy of a completed Principal/Key Employee Form—Pennsylvania Supplement to the Multi-Jurisdictional Personal History Disclosure Form.

(3) Executed releases requested by the Board, including releases whereby the applicant consents to the release of information requested under section 1 of the Freedom of Information Act (5 U.S.C.A. § 552).

(4) The nonrefundable application fee posted on the Board's web site ([www.pgcb.pa.gov](http://www.pgcb.pa.gov)).

(b) In addition to the materials required under subsection (a), an applicant for a key employee license shall:

(1) Promptly provide information requested by the Board relating to an application and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) In addition to the information under subsections (a) and (b), the Board may require letters of reference from law enforcement agencies under section 1310(b) of the act (relating to slot machine license application character requirements).

(d) An applicant for a key employee license will be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(e) After reviewing the information submitted under subsections (a), (b) and (c), and the results of the applicant's background investigation, the Board may issue a key employee license if the individual has proven that he is a person of good character, honesty and integrity and is eligible and suitable to be licensed as a key employee.

(f) A license issued under this section will be valid for employment with any licensed entity.

**§ 435a.3. Occupation permit.**

(a) An applicant for an occupation permit shall submit:

(1) An original and one copy of the Gaming Employee Application and Disclosure Information Form or an electronic application using the SLOTS Link system. When an application for an occupational permit is filed using SLOTS Link, the additional documents required, including releases, shall be submitted to the Board:

(i) Within 5 days of the submission of the SLOTS Link application by an applicant for or holder of a slot machine license.

(ii) Within 10 days of the submission of the SLOTS Link application by an applicant for or holder of a manufacturer, manufacturer designee, or supplier license or a gaming related gaming service provider certification or gaming service provider registration or certification.

(2) The nonrefundable application fee posted on the Board's web site ([www.pgcb.pa.gov](http://www.pgcb.pa.gov)).

(3) Verification of an offer of employment from a licensed entity.

(b) In addition to the materials required under subsection (a), an applicant for an occupation permit shall:

(1) Promptly provide information requested by the Board relating to his application and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) An applicant for an occupation permit may be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(d) After review of the information submitted under subsections (a) and (b), including a background investigation, the Board may issue a permit if the individual has proven that the individual is a person of good character, honesty and integrity and is eligible and suitable to hold an occupation permit.

(e) An individual who wishes to receive an occupation permit under this chapter may authorize an applicant for or holder of a slot machine, management company, manufacturer, manufacturer designee or supplier license or gaming related gaming service provider certification or gaming service provider registration or certification to file an application on the individual's behalf.

(f) A permit issued under this section shall be valid for employment with any licensed entity, any certified gaming related gaming service provider or any registered or certified gaming service provider.

**§ 435a.5. Nongaming employee registration.**

(a) An applicant for a nongaming employee registration shall submit:

(1) An original and one copy of the Nongaming Employee Registration Form or an electronic application using the SLOTS Link system. When an application for a nongaming employee registration is filed using SLOTS Link, the additional documents required, including releases, shall be submitted to the Board:

(i) Within 5 days of the submission of the SLOTS Link application by an applicant for or holder of a slot machine license.

(ii) Within 10 days of the submission of the SLOTS Link application by an applicant for or holder of a manufacturer, manufacturer designee, or supplier license or an applicant for or holder of a gaming service provider registration or certification.

(2) The nonrefundable application fee posted on the Board's web site ([www.pgcb.pa.gov](http://www.pgcb.pa.gov)).

(b) In addition to the materials required under subsection (a), an applicant for a nongaming employee registration shall:

(1) Promptly provide information requested by the Board relating to his application and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) After review of the information required under subsections (a) and (b), the Board may register the individual if the individual has proven that he is eligible and suitable to be registered under this section.

(d) An individual who wishes to receive a nongaming employee registration under this chapter may authorize an applicant for or holder of a slot machine license or a gaming service provider registration or certification to file an application on the individual's behalf.

(e) A registration issued under this section is valid for employment with any slot machine licensee or registered or certified gaming service provider.

**§ 435a.7. Emergency credentials.**

(a) A principal, key employee, gaming employee or nongaming employee of the slot machine licensee, manufacturer, manufacturer designee, supplier, gaming service provider, gaming related gaming service provider or gaming junket enterprise who does not have the credential issued to him on his person, or whose credential has been stolen, lost or destroyed, may obtain an emergency credential from the Board staff to enable the employee to perform the employee's duties at the licensed facility.

(b) An employee seeking an emergency credential shall present himself to a casino compliance representative at the Board office at the licensed facility. Prior to issuing the emergency credential, the casino compliance representative will verify:

(1) The identity of the individual requesting the emergency credential.

(2) That the employee holds a valid license, permit or registration.

(3) That fewer than 12 emergency credentials have been issued to the employee in the past 12 months.

(c) The following provisions apply to emergency credentials:

(1) They will be valid for a time period not to exceed 72 hours.

(2) They shall be returned to the Board office at the licensed facility.

**§ 435a.8. Temporary credentials for principals, key employees and gaming employees.**

(a) A temporary credential may be issued by the Board to a principal, key employee or gaming employee.

(b) A temporary credential issued under this section is void a maximum of 180 days after the date of its issuance.

(c) The Board may extend the expiration date of a temporary credential if the Board determines additional time is needed to complete an investigation for licensure.

(d) Board staff may impose conditions on the holders of temporary credentials.

**CHAPTER 436a. HORSEMEN'S ORGANIZATIONS**

**§ 436a.1. Definitions.**

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

*Fiduciary*—A person who is entrusted by a horsemen's organization or its members to hold or manage funds received for horsemen under section 1406 of the act (relating to distributions from Pennsylvania Race Horse Development Fund) or who exercises control or discretionary authority over selection or management of a health or pension benefit plan, disposition of its assets or distribution of its funds.

*Health benefits*—A plan, fund or program which is maintained by a horsemen's organization and provides healthcare benefits to horsemen, their families and employees and others designated by the rules and eligibility requirements of the organization consistent with the act.

*Horsemen*—A thoroughbred or standardbred horse owner or trainer who enters and runs a horse at a licensed racing entity in the current or prior calendar year and meets the membership requirements of a horsemen's organization to participate in the receipt of benefits there from.

*Horsemen's organization*—A trade association which represents the majority of horsemen at a licensed racetrack and which exists for the purpose, in whole or in part, of negotiating a horsemen's contract and resolving grievances, disputes or other matters with management of a licensed racing entity.

*Pension benefits*—Any plan, fund or program which is maintained by a horsemen's organization and provides retirement income to horsemen, their families and employees and any others designated by the rules and eligibility requirements of the organization consistent with the act.

*Representative*—

(i) A president, vice president, secretary, treasurer, director, governing body member or any individual routinely performing corresponding functions authorized to act on behalf of the horsemen's organization.

(ii) An individual, not otherwise specified in subparagraph (i), who is authorized to act on behalf of a horsemen's organization or members thereof in matters regarding horsemen's agreements with a licensed racing entity or who promotes, facilitates or otherwise influences the relations between a horsemen's organization and a licensed racing entity.

**§ 436a.2. Horsemen's organization notification.**

(a) A horsemen's organization or affiliate representing horsemen shall file a completed Horsemen's Organization Notification Form and supporting documentation with the Bureau of Licensing within 90 days of selection as a horsemen's organization or affiliate representing horsemen.

(b) A horsemen's organization or affiliate representing horsemen shall file an updated version of the Horsemen's Organization Notification Form and supporting documentation with the Bureau of Licensing within 30 days of a change in the information contained therein.

(c) Horsemen's organization notifications will be valid for 4 years from the date on which the notification is filed with the Bureau of Licensing.

(d) Renewals shall be filed no later than 60 days prior to the expiration of the current notification period.

**§ 436a.3. Permitting of representatives and fiduciaries.**

(a) Every representative or fiduciary shall be permitted in accordance with this section.

(b) Every representative or fiduciary shall file a completed Horsemen's Permit Application Form with the permit fee posted on the Board's web site (www.pgcb.pa.gov).

(c) Applicants and permittees under this section shall be subject to the general application requirements of Chapters 421a and 423a (relating to general provisions; and applications).

(d) Permits issued under this section will be valid for 3 years from the date on which the permit is approved by the Board.

(e) Renewals will be valid for 3 years and shall be filed at least 60 days prior to the expiration of the current permit.

(f) A permit for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the permittee that the Board has approved or denied the renewal of the permit.

(g) If a representative or fiduciary is denied a permit required by this section, that representative or fiduciary shall be precluded from engaging in any activity involving gaming funds allocated to, received by or distributed from the horsemen's organization.

(h) A person who is a third-party provider of a health or pension benefit plan to a horsemen's organization shall be exempt from the requirements of this section.

**§ 436a.4. Responsibilities of horsemen's organizations, representatives and fiduciaries.**

(a) Horsemen's organizations, representatives and fiduciaries shall ensure that the funds allocated to the horsemen and horsemen's organizations are used for the benefit of all horsemen of this Commonwealth.

(b) Funds allocated to horsemen's organizations for benevolent programs must be kept separate and apart from funds acquired from other sources and may not be used for the personal benefit of any representative or fiduciary of a horsemen's organization except to the extent that the representative or fiduciary is a participant in the benevolent programs on the same basis as other eligible program participants.

(c) Horsemen's organizations shall ensure that the funds allocated for thoroughbred jockeys and standardbred drivers are paid in accordance with section 1406(a) of the act (relating to distributions from Pennsylvania Race Horse Development Fund) and that the distribution of these proceeds is reflected in the annual audit required under section 1406(e) of the act and Article XVII-O of The Fiscal Code (72 P. S. § 1701-O).

(d) Horsemen's organizations shall maintain adequate records of receipts and distributions of the funds allocated to them under the act.

(e) Horsemen's organizations shall file with the Board:

(1) A quarterly report, due by the 20th day of the month following the end of each calendar quarter, which shall account for:

(i) The amounts received from the Pennsylvania Race Horse Development Fund through the Category 1 licensee conducting live racing into the account established by and for the benefit of the horsemen under section 1406(a) of the act.

(ii) The amounts distributed for purse supplements from the account established by and for the benefit of the horsemen under section 1406(a) of the act.

(iii) The amounts received for health and pension benefits under section 1406(a) of the act.

(2) Two copies of the audited financial statements of the horsemen's organization and its affiliates, which comply with the requirements of section 1406(e) of the act and Article XVII-O of The Fiscal Code. Audited financial statements shall be filed within 90 days after the end of the organization's fiscal year and reflect funds received from the Pennsylvania Race Horse Development Fund which are used or intended to be used for purse supplements and health and pension benefits under section 1406(a) of the act. These filings will be available for public inspection during the normal operating hours of the Board at its Harrisburg office.

**§ 436a.5. Fiduciaries.**

Fiduciaries shall:

(1) Ensure that the funds received for the benefit of the horsemen are distributed pursuant to the act.

(2) Manage all health and pension benefit plans for the exclusive benefit of participants and beneficiaries.

(3) Carry out their duties in a prudent manner and refrain from conflict-of-interest transactions.

(4) Comply with limitations on certain plans' investments in particular securities and properties.

(5) Fund benefits in accordance with applicable law and plan rules.

(6) Provide documents to the Board as may be requested in the conduct of investigations or to ensure compliance with the act and this chapter.

**§ 436a.6. Health and pension benefit plans.**

(a) Contracts for health and pension benefit plans established for the benefit of members of a horsemen's organization shall be submitted to the Board at least 30 days prior to the proposed effective date of the contract. Contracts are not effective until approved by the Board.

(b) Administrative and overhead costs incurred by the horsemen's organization for the administration of health and pension benefit plans must be reasonable. Administrative costs that do not exceed 15% of the statutory allocation are considered reasonable.

**Subpart J. EXCLUSION OF PERSONS**

**CHAPTER 513a. UNDERAGE GAMING**

**§ 513a.2. Exclusion requirements.**

(a) An individual under 21 years of age may not enter or be on the gaming floor of a licensed facility except that an individual 18 years of age or older who is employed by a slot machine licensee, a gaming service provider, the Board or other regulatory or emergency response agency may enter and remain in that area while engaged in the performance of the individual's employment duties.

(b) An individual under 21 years of age, whether personally or through an agent, may not operate, use, play or place a wager on, a slot machine in a licensed facility.

(c) An individual under 21 years of age may not receive check cashing privileges, be rated as a player, or receive any complimentary service, item or discount as a result of, or in anticipation of, gaming activity.

(d) An individual under 21 years of age may not collect in any manner or in any proceeding, whether personally or through an agent, winnings or recover losses arising as a result of any gaming activity.

(e) Winnings incurred by an individual under 21 years of age shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

(f) For the purposes of this section, winnings issued to, found on or about or redeemed by an individual under 21 years of age shall be presumed to constitute winnings and be subject to remittance to the Board.

[Pa.B. Doc. No. 12-1793. Filed for public inspection September 14, 2012, 9:00 a.m.]

**PENNSYLVANIA GAMING CONTROL BOARD**  
**[ 58 PA. CODE CH. 579 ]**  
**Five Card Hi-Lo; 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 579 (relating to Five Card Hi-Lo) to read as set forth in Annex A.

*Purpose of the Temporary Rulemaking*

This temporary rulemaking adds Five Card Hi-Lo to the complement of games that are authorized for play in this Commonwealth.

*Explanation of Chapter 579*

Section 579.1 (relating to definitions) contains the definitions for terms used in Five Card Hi-Lo. Section 579.2 (relating to Five Card Hi-Lo table; physical characteristics) contains the requirements pertaining to the table and other equipment used in the play of the game.

Section 579.3 (relating to cards; number of decks) addresses the number of decks that are used in Five Card Hi-Lo and the frequency with which the decks are to be changed. Sections 579.4 and 579.5 (relating to opening of the table for gaming; and shuffle and cut of the cards) set forth the procedures for the inspection, shuffling and cutting of the cards before they are dealt.

Sections 579.6 and 579.7 (relating to Five Card Hi-Lo rankings; and wagers) set forth the rank of the cards for the purpose of determining a winning hand and specify which wagers are authorized for use at the game and when those wagers are to be placed.

Sections 579.8, 579.9 and 579.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) specify the procedures for the dealing of the cards to each patron and the dealer. Section 579.11 (relating to procedures for completion of each round of play) addresses how the dealer is to evaluate if a patron's hand is a winning hand. This section also addresses the procedures for collecting cards, collecting losing wagers and paying out winning wagers.

Section 579.12 (relating to payout odds) addresses the payout odds for all permissible wagers and § 579.13 (relating to irregularities) specifies how irregularities in the play of the game are to be handled.

*Affected Parties*

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

*Fiscal Impact*

*Commonwealth.* The Board does not expect that this temporary rulemaking will have fiscal impact on the Board or other Commonwealth agencies. 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 of 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 the 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 # 125-164.

*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 §§ 579.1—579.13 to read as set forth in Annex A.

(2) The temporary regulations are effective September 15, 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:** 125-164. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART VII. GAMING CONTROL BOARD

#### Subpart K. TABLE GAMES

#### CHAPTER 579. FIVE CARD HI-LO

Sec.	
579.1.	Definitions.
579.2.	Five Card Hi-Lo table; physical characteristics.
579.3.	Cards; number of decks.
579.4.	Opening of the table for gaming.
579.5.	Shuffle and cut of the cards.
579.6.	Five Card Hi-Lo rankings.
579.7.	Wagers.
579.8.	Procedures for dealing the cards from a manual dealing shoe.
579.9.	Procedures for dealing the cards from the hand.
579.10.	Procedures for dealing the cards from an automated dealing shoe.
579.11.	Procedures for completion of each round of play.
579.12.	Payout odds.
579.13.	Irregularities.

#### § 579.1. Definitions.

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

*High hand*—The three-card hand that is formed from the five cards dealt so as to have a point value higher than the two-card low hand.

*Low hand*—The two-card hand that is formed from the five cards dealt so as to have a point value lower than the three-card high hand.

*Setting the hands*—The process of forming a high hand and low hand from the five cards dealt.

#### § 579.2. Five Card Hi-Lo table; physical characteristics.

(a) Five Card Hi-Lo shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Five Card Hi-Lo 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) A separate betting area designated for the placement of the Ante Wager for each player.

(3) A separate betting area designated for the placement of the Play Wager for each player.

(4) Two separate areas designated for the placement of the high and low hands of each player.

(5) If the certificate holder offers the optional Tie Wager authorized under § 579.7(e)(1) (relating to wagers), a separate area designated for the placement of the Tie Wager for each player.

(6) If the certificate holder offers the optional Poker Bonus Wager authorized under § 579.7(e)(2), a separate area designated for the placement of the Poker Bonus Wager for each player.

(7) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Five Card Hi-Lo table.

(c) Each Five Card Hi-Lo table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Five Card Hi-Lo table must have a discard rack securely attached to the top of the dealer's side of the table.

#### § 579.3. Cards; number of decks.

(a) Except as provided in subsection (b), Five Card Hi-Lo shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Five Card Hi-Lo may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Five Card Hi-Lo shall be changed at least every:

- (1) Four hours if the cards are dealt by hand.
- (2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

**§ 579.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 579.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 579.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by the floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 579.8, § 579.9 or § 579.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before the cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Five Card Hi-Lo table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 579.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards, provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval), prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(f) do not apply.

**§ 579.6. Five Card Hi-Lo rankings.**

(a) Each card dealt must have a point value. The point value of all face cards is their denomination. Jacks, queens and kings have a point value of 10. Aces have a point value of 11 if played in the high hand and a point value of 1 if played in the low hand.

(b) If the certificate holder offers the Poker Bonus Wager, authorized under § 579.7(e) (relating to wagers), the winning five-card Poker hands must be:

- (1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.
- (2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking.
- (3) A four-of-a-kind, which is a hand consisting of four cards of the same rank.
- (4) A full house, which is a hand consisting of a three-of-a-kind and a pair.
- (5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order.
- (6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank.
- (7) A three-of-a-kind, which is a hand consisting of three cards of the same rank.
- (8) Two pairs, which is a hand consisting of two pairs.
- (9) One pair of 6s, 7s or better, depending on the payable selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions), which is a hand consisting of two cards of the same rank.

(c) For purposes of subsection (b), an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example: queen, king, ace, 2 and 3).



**§ 579.7. Wagers.**

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

(b) Only players who are seated at a Five Card Hi-Lo table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers at Five Card Hi-Lo shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 579.8, § 579.9 or § 579.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play and compete against the dealer's high and low hands, a player shall place an Ante Wager.

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed an Ante Wager, in accordance with subsection (d), the option of placing the following additional wagers:

(1) A Tie Wager that the total point value of either the high hand or the low hand of the player, or both, will tie the high or low hand of the dealer.

(2) A Poker Bonus Wager that the five cards dealt to the player will form a five-card Poker hand with a rank of a pair of 6s or better or a pair of 7s or better, as described in § 579.6(b) (relating to Five Card Hi-Lo rankings), depending on the pay table selected by the certificate holder.

(f) A certificate holder may, if specified in its Rules Submission under § 601a.2, permit a player to wager on two adjacent betting areas at a Five Card Hi-Lo table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

**§ 579.8. Procedures for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 579.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce "no more bets."

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager in accordance with § 579.7(d) (relating to wagers) and to the dealer until each player and the dealer have five cards.

(e) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 579.9. Procedures for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 579.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets."

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager in accordance with § 579.7(d) (relating to wagers) and to the dealer until each player and the dealer have five cards.

(c) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the

manual dealing shoe and, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 579.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 579.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets."

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager in accordance with § 579.7(d) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer's cards.

(c) After each stack of five cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards is still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards

were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 579.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 579.8, § 579.9 or § 579.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at a Five Card Hi-Lo table shall be responsible for setting his own hands and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(3) Once each player has set a high and low hand and placed the two hands face down on the appropriate area of the layout, the player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to forfeit the Ante Wager and end his participation in the round of play or make a Play Wager in an amount equal to the player's Ante Wager. If a player:

(1) Has placed an Ante and a Tie Wager but does not make a Play Wager, the player shall forfeit both wagers.

(2) Has placed an Ante Wager and a Poker Bonus Wager but does not make a Play Wager, the player shall forfeit the Ante Wager but does not forfeit the Poker Bonus Wager.

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his wagers and hand, the dealer shall collect all forfeited wagers and associated cards and shall place the cards in the discard rack. If a player has placed a Poker Bonus Wager but did not place a Play Wager, the dealer shall leave the player's cards and the Poker Bonus Wager on the table until the wager is resolved in accordance with subsection (j).

(d) Each player who placed a Play Wager shall then set his hands by arranging the cards into a high hand and a low hand. When setting the two hands, the player shall add the point value of the cards placing the three higher value cards in the high hand and the two lower value cards in the low hand, provided that a player may place up to one ace in his low hand. For example, if a player is dealt an ace, jack, 10, 9 and 2, the high hand may contain the jack, 10 and 9 for a total point value of 29 and the two-card low hand would contain the ace and 2 for a total point value of 3.

(e) After all players have set their hands and placed the cards on the table, the five cards of the dealer shall be turned over and the dealer shall set his hands by arranging the cards into a high and low hand, provided that aces shall be placed in the dealer's high hand unless the dealer was dealt four aces. The dealer shall then place the two hands face up on the appropriate area of the layout.

(f) After the dealer has set a high hand and a low hand, the dealer shall reveal both hands of each player, beginning with the player farthest to the dealer's right

and continuing around the table in a counterclockwise direction. The dealer shall compare the total point value of the high and low hand of each player to the high and low hand of the dealer and shall announce if the Ante and Play Wagers of that player win, lose or are a tie.

(g) Ante and Play Wagers must:

(1) Win if the high hand of the player is higher in point value than the high hand of the dealer and the low hand of the player is lower in point value than the low hand of the dealer. The dealer shall pay the winning Ante and Play Wagers in accordance with the payout odds in § 579.12(a) (relating to payout odds).

(2) Lose and will immediately be collected if the high hand of the player ties or is lower in point value than the high hand of the dealer and the low hand of the player ties or is higher in point value than the low hand of the dealer.

(3) Tie and will be returned to the player if:

(i) The high hand of the player is higher in point value than the high hand of the dealer, but the low hand of the player is identical in point value or higher in point value than the low hand of the dealer.

(ii) The high hand of the player is identical in total point value to the high hand of the dealer or lower in total point value than the high hand of the dealer, but the low hand of the player is lower in total point value than the low hand of the dealer.

(h) A player may also qualify for an additional Ante Bonus Payout, regardless of the outcome of the player's Ante and Play Wagers in subsection (g), if a player has three or more aces in the player's hand. Ante Bonus Payouts shall be paid in accordance with § 579.12(b).

(i) Except as provided in subsection (j), after settling the player's Ante and Play Wagers, the dealer shall place the cards of the player in the discard rack.

(j) After settling the player's Ante and Play Wagers, the dealer shall settle the player's optional wagers as follows:

(1) If a player placed a Tie Wager in accordance with § 579.7(e)(1) (relating to wagers), the dealer shall:

(i) Pay winning Tie Wagers in accordance with § 579.12(c) if the high hand or low hand, or both, of the player is identical in point value with the high hand, low hand, or both, of the dealer.

(ii) Collect all losing Tie Wagers if the high hand or low hand of the player is not identical in point value with the high hand or low hand of the dealer.

(2) If a player placed a Poker Bonus Wager in accordance with § 579.7(e)(2), the dealer shall rearrange the five cards of the player to form the highest ranking Poker hand in accordance with § 579.6(b) (relating to Five Card Hi-Lo rankings). After rearranging the player's five cards, the dealer shall settle the player's Poker Bonus Wager as follows:

(i) If a player has a pair of 6s or better or a pair of 7s or better, depending on the payable selected by the certificate holder, the dealer shall pay the winning Poker Bonus Wager in accordance with § 579.12(d).

(ii) If a player does not have a pair of 6s or better or a pair of 7s or better, depending on the payable selected by the certificate holder, the dealer shall collect the Poker Bonus Wager.

(k) If a player has placed more than one optional wager, the dealer shall settle all of the player's optional wagers before placing the player's cards in the discard rack.

(l) All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

#### § 579.12. Payout odds.

(a) A certificate holder shall pay each winning Ante and Play Wager at odds of 1 to 1.

(b) The certificate holder shall pay an Ante Bonus Payout based on the amount of the player's Ante Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four aces and one 2	1,000 for 1	500 for 1
Four aces	100 for 1	50 for 1
Three aces	10 for 1	5 for 1
<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Four aces and one 2	200 for 1	100 for 1
Four aces	50 for 1	50 for 1
Three aces	5 for 1	5 for 1

(c) The certificate holder shall pay out winning Tie Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Low hands tie	4 to 1
High hands tie	4 to 1
Both high and low hands tie	20 to 1

(d) The certificate holder shall pay out winning Poker Bonus Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Royal flush	250 to 1	500 to 1
Straight flush	50 to 1	100 to 1
Four-of-a-kind	25 to 1	40 to 1
Full house	15 to 1	15 to 1
Flush	10 to 1	8 to 1
Straight	8 to 1	6 to 1
Three-of-a-kind	5 to 1	4 to 1
Two pair	3 to 1	3 to 1
Pair of 7s or better	1 to 1	
Pair of 6s or better		1 to 1

#### § 579.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(e) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards

shall be removed from the device and reshuffled with any cards already dealt.

(f) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

[Pa.B. Doc. No. 12-1794. Filed for public inspection September 14, 2012, 9:00 a.m.]

\_\_\_\_\_

# PROPOSED RULEMAKINGS

## STATE BOARD OF PRIVATE LICENSED SCHOOLS

[ 22 PA. CODE CH. 73 ]

### General Provisions

The State Board of Private Licensed Schools (Board), under the authority of the Private Licensed Schools Act (act) (24 P. S. §§ 6501—6518), proposes to amend Chapter 73 (relating to general provisions) to read as set forth in Annex A.

#### *Description of Proposed Amendments*

The proposed amendment to § 73.54(b) (relating to surety) raises the minimum surety from \$10,000 to \$25,000 with the maximum surety raised from \$100,000 to \$250,000. Rising tuition costs and school closure rates require higher surety levels to protect students when schools close without delivering the instruction for which the students have paid.

The proposed amendment to § 73.104(b) (relating to instructor) deletes “Demonstrated competency in the specific field for which training is offered” as a basis to determine that an instructor is qualified. This qualification enabled a school to subjectively determine that an instructor is qualified to teach any course, which has resulted in substantiated student complaints regarding instructor quality. The proposed amendment also updates and tightens the instructor qualification language by substituting “program” for “field” and changing “journeyman’s license” to “industry-recognized certification.”

The proposed amendment to § 73.112 (relating to statement of reasonable service and business ethics) clarifies that failure to abide by the ethics agreement is a violation of Chapter 73.

The proposed amendment to § 73.135 (relating to termination date) clarifies options for a school to determine a student’s last date of recorded attendance.

The proposed amendment to § 73.136 (relating to period of refund) clarifies that the date to be used for purposes of calculating the refund due to a student is the same date to be used to determine the beginning of the time period during which the refund shall be made. The proposed amendment also extends the length of time that a school has to make a refund from 30 days to a more reasonable time frame of 45 days, thereby allowing for greater compliance.

The proposed amendment to § 73.173(k) (relating to advertisements and representations) changes “endorsements” to “inducements,” which is a correction of a mistake in the original language.

The proposed amendment to § 73.189(b) (relating to guidelines for civil penalties) deletes tiered fines for first, second and third violations and establishes fines at the statutory limit of \$1,000 per violation, thereby bringing the regulations into line with the maximum fine allowed under the Board’s statutory authority.

#### *Fiscal Impact*

There is minimal fiscal impact from the proposed rulemaking. The schools that currently maintain surety at a level below the proposed new levels will be required to pay the additional costs associated with increasing the coverage.

Minimal additional revenues may be generated by the deletion of the tiered fine structure depending on the number of successful enforcement actions brought before the Board. These additional revenues are estimated to be approximately \$4,000, again depending on the number of actual violations. The increased fines are designed as a deterrent to statutory and regulatory violations, rather than a revenue enhancement.

#### *Paperwork Requirement*

Changes are not anticipated in paperwork requirements. Additional forms or reporting are not required by the regulated schools or the Commonwealth.

#### *Effective Date*

This proposed rulemaking will take effect upon final-form publication in the *Pennsylvania Bulletin*. The Board’s objective was to have the amendments to Chapter 73 in effect by July 1, 2012.

#### *Sunset Date*

The act requires that the Board monitor its revenues and costs on a biennial basis and revise its regulations as necessary. Therefore, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 27, 2012, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. 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 Board, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *Public Comments and Contact Person*

Interested persons are invited to submit to the Board written comments, suggestions or objections regarding this proposed rulemaking within 30 days following publication in the *Pennsylvania Bulletin*. Written comments, suggestions or objections for Board consideration should be sent to Patricia A. Landis, Coordinating Secretary, State Board of Private Licensed Schools, 333 Market Street, Harrisburg, PA 17126-0333, (717) 783-8228, TTY (717) 783-8445.

PATRICIA A. LANDIS,  
*Coordinating Secretary*

**Fiscal Note:** 6-324. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 22. EDUCATION

#### PART III. STATE BOARD OF PRIVATE LICENSED SCHOOLS

#### CHAPTER 73. GENERAL PROVISIONS

#### APPLICATION FOR SCHOOL LICENSE OR REGISTRATION

#### § 73.54. Surety.

\* \* \* \* \*

(b) *Levels of surety.* Regardless of the form of surety selected by the school, surety shall be demonstrated to exist at the following levels:

(1) For a prospective licensee applying for an original license, the required minimum surety level is [ \$10,000 ] \$25,000.

(2) For a licensee applying for a renewal license, the required minimum surety level is [ \$10,000 ] \$25,000 for licensees with gross tuition collected during the previous fiscal year of \$500,000 or less. For licensees with gross tuition collected during the previous fiscal year in excess of \$500,000, the minimum surety level is [ \$10,000 ] \$25,000 plus \$25,000 for each \$500,000 or portion thereof of gross tuition in excess of \$500,000 collected during the previous fiscal year. Licensees licensed prior to January 1, 2012, with tuition revenue of \$500,000 per year or less may remain licensed with a minimum surety level of \$10,000.

(3) For a licensee applying for a renewal license, the maximum surety level is [ \$100,000 ] \$250,000.

(4) For a registered school, the minimum surety level is [ \$10,000 ] \$25,000, with subsequent surety levels to be based on tuition generated by residents of this Commonwealth in accordance with the formula in paragraph (2). The maximum required amount is [ \$100,000 ] \$250,000.

\* \* \* \* \*

ADMINISTRATORS, SUPERVISORS AND INSTRUCTORS

§ 73.104. Instructor.

\* \* \* \* \*

(b) *Qualifications.* An instructor shall have one of the following:

(1) A baccalaureate degree with a major in the specific [ field ] program of instruction.

(2) At least 2 years' relevant work experience in the specific [ field ] program of instruction [ which is acceptable to the Director ].

(3) Two years' teaching experience in the specific [ field ] program of instruction.

(4) [ A journeyman's ] An industry-recognized certification or license relevant to the specific [ field ] program of instruction.

(5) [ Demonstrated competency in the specific field for which training is offered. ] Competency in the specific program of instruction and the ability to teach the program in accordance with Board policy.

(6) Vocational education certification in the specific [ field ] program of instruction.

REASONABLE SERVICE AND BUSINESS ETHICS

§ 73.112. Statement of reasonable service and business ethics.

(a) A school shall sign and submit the following statement:

“Recognizing that a strong private school system is an important part of the educational continuum and that a unique relationship is established between student and school, I/we agree to the following:

In addition to my/our compliance in all respects with the provisions of Act 174, Private Licensed Schools Act and the regulations of the State Board of Private Licensed Schools, I/we will:

Develop and present an educational program which affords students the opportunity to develop program competencies.

Provide a place of instruction, equipment adequate to the number of students enrolled and other facilities which will support the educational objectives of the school.

Maintain school facility in compliance with all applicable health and safety regulations.

Recruit and support a faculty and staff which is committed to student development and learning and supply this faculty and staff with the resources necessary to satisfy student learning objectives.

Honestly promote the school and its programs by ensuring that all student publications, advertising and printed materials contain full and accurate information and that all admissions representatives are completely trained and familiar with the school and its programs.

[ Monitor ] Ensure that the activities of admissions representatives [ on a regular basis ] comply with all requirements of the regulations and accurately and honestly represent the school and its programs.

Adhere to all legal requirements concerning the student's education.

Ensure the delivery of the educational program contracted for as long as students fulfill their contracted obligations to the school.

Cooperate with the State Board of Private Licensed Schools and the Pennsylvania Department of Education to promote and advance the quality of education offered by all schools.

“I/We \_\_\_\_\_, \_\_\_\_\_ do hereby (names) (titles)

affirm \_\_\_\_\_ (name of school)

adherence to the State Board of Private Licensed School's Policy on Reasonable Service and Business Ethics set forth above.”

(b) Failure to comply with the terms of the ethics statement constitutes a violation of this chapter.

TUITION AND FEES; REFUND AND WITHDRAWAL POLICIES; SCHOLARSHIP

§ 73.135. Termination date.

The termination date for refund computation purposes is the last date of recorded attendance of the resident student or the date the nonresident student requests cancellation. Recorded attendance may be documented by attendance records or a test, quiz, homework or lab assignment, tutoring session or other academic record. If a resident student fails to enter the program, the termination date is the date the program begins.

§ 73.136. Period of refund.

Refunds shall be made within [ 30-calender ] 45-  
calendar days of the termination date [ the student  
fails to enter, leaves the program or fails to return  
from a leave of absence ].

REQUIREMENTS FOR LICENSURE AND  
OPERATION

§ 73.173. Advertisements and representations.

\* \* \* \* \*

(k) A school may not offer premiums, special [ en-  
dorsements ] inducements or discounts to prospective  
students.

\* \* \* \* \*

ENFORCEMENT, REFUSAL, SUSPENSION OR  
REVOCAION OF LICENSE

§ 73.189. Guidelines for civil penalties.

\* \* \* \* \*

(b) [ For a first violation, a penalty of not more  
than \$500 may be assessed. For a second violation  
within 3 years, a penalty of not more than \$750 may  
be assessed. For a third violation within 3 years, a  
penalty of not more than \$1,000 may be assessed. ]  
The Board may levy a fine up to \$1,000 per student  
per day for each instance of a violation.

\* \* \* \* \*

[Pa.B. Doc. No. 12-1795. Filed for public inspection September 14, 2012, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CH. 436b ]

#### Use of Funds Allocated to Horsemen's Organizations

On May 23, 2012, the Pennsylvania Gaming Control Board (Board) approved final-form rulemaking 125-144 which incorporates the statements of policy in Chapter 436b into Chapter 436a (relating to horsemen's organizations). Chapter 436b will be superseded when final-form rulemaking 125-144 is published in the *Pennsylvania Bulletin*.

#### Contact Person

The contact person for questions about this statement of policy is Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, (717) 346-8324.

#### Effective Date

The deletion of this statement of policy will be effective upon publication of final-form rulemaking 125-144.

WILLIAM H. RYAN, Jr.,  
Chairperson

*(Editor's Note:* Title 58 of the *Pennsylvania Code* is amended by deleting statements of policy in §§ 436b.1—436b.6 to read as set forth in Annex A.)

*(Editor's Note:* See 42 Pa.B. 5857 (September 15, 2012) for a final-form rulemaking by the Board relating to this statement of policy.)

**Fiscal Note:** 125-165. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 58. RECREATION

#### PART VII. GAMING CONTROL BOARD

#### Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

#### CHAPTER 436b. (Reserved)

Sec.  
436b.1—436b.6. (Reserved).

[Pa.B. Doc. No. 12-1796. Filed for public inspection September 14, 2012, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF AGRICULTURE

### Direct Farm Sales Grant Program; 2013 Project Year Application Period for Grants

An application period for grants under the Direct Farm Sales Grant Program (Program) administered by the Department of Agriculture (Department), Bureau of Food Distribution (Bureau) has begun. For the 2013 Project Year, the application period is September 17, 2012, to November 9, 2012. Information about the Program and application forms can be accessed at the Department's web site at [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us) under the Bureau or by contacting Sandy Hopple, (800) 468-2433.

The Program provides funds to Commonwealth-based businesses that manage or operate a farm stand or farmers' markets, nonprofit organizations, farmers and local governments for projects intended to promote new or existing farmers' markets. Projects must pertain to the increased consumption of specialty crops. The maximum grant amount per farm stand or farmers' market location shall be \$7,500 and applicants shall be expected to

provide 25% of the approved grant amount in matching funds or in-kind goods or services. The anticipated date for the award of grants and notice thereof is expected to be on or before February 1, 2013. The application, work plan and budget will reflect March 1, 2013, as the project start date and the project completion date will be September 30, 2013.

Applications for the Program will be accepted by the Department beginning Monday, September 17, 2012, and continue through Friday, November 9, 2012. Hand-delivered applications must be received in the Bureau by 4 p.m. on Friday, November 9, 2012. Applications which are mailed must be postmarked no later than Friday, November 9, 2012, and received no later than November 19, 2012.

Completed applications should be addressed to or delivered to Department of Agriculture, Bureau of Food Distribution, Direct Farm Sales Grant Program, 2301 North Cameron Street, Room 401, Harrisburg, PA 17110-9408.

GEORGE D. GREIG,  
*Secretary*

[Pa.B. Doc. No. 12-1797. Filed for public inspection September 14, 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 August 28, 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

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-24-2012	First Priority Financial Corp. Malvern Chester County	Filed
	Application for approval to acquire 100% of Affinity Bancorp, Inc., Wyomissing, and thereby indirectly acquire 100% of Affinity Bank of Pennsylvania, Wyomissing.	

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-24-2012	First Priority Bank Malvern Chester County	Filed
	Application for approval to merge Affinity Bank of Pennsylvania, Wyomissing, with and into First Priority Bank, Malvern.	

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-20-2012	Susquehanna Bank Lititz Lancaster County	125 South Ridge Plaza State College Centre County	Opened
8-28-2012	Valley Green Bank Philadelphia Philadelphia County	1534-1542 Broad Street Philadelphia Philadelphia County	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
7-12-2012	First Cornerstone Bank King of Prussia Montgomery County	Approved and Effective
Amendment to Article Fifth, subsection A of the institution's Articles of Incorporations provides for a change to increase the number of authorized shares of Class A common stock.		

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

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. 12-1798. Filed for public inspection September 14, 2012, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**Request for Bids**

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

**FDC-012-3749.1R—Structure Replacement—Bridge No. 12-0047, Zinck Fork Road over Upper Pine Bottom Run, Forest District 12, Tiadaghton State Forest, Cummings Township, Lycoming County.** Work included under this contract consists of removing an existing deteriorating 60" corrugated metal pipe and providing and installing a new 14' x 6' precast reinforced concrete box culvert, including associated driving surface aggregate approaches. The new structure will have weathering steel guide rail. Bid documents will be available on or after September 19, 2012. The bid opening will be held on October 23, 2012.

**FDC-012-3796.1—Structure Replacement—Bridge A: No. 12-9006, Slate Run Road over Daugherty Run, Bridge B: No. 12-0041, Slate Run Road over Manor Fork, Bridge C: No. 12-9028, Slate Run Road over Tributary to Slate Run, Forest District 12, Tiadaghton State Forest, Brown Township, Lycoming County.** Work included under this contract consists of all site work to suit project preparation, execution and completion. This includes demolition of existing structure Slate Run Road over Daugherty Run (#41-7935-5112-9006). It will be replaced with a precast reinforced concrete box culvert with precast concrete end sections and an 18-foot clear roadway width; 18-foot span and 5-foot rise. Also included is demolition of existing

structure Slate Run Road over Manor Fork (#41-7935-5112-0041). It will be replaced with a precast reinforced concrete box culvert with precast concrete end sections and a 20-foot clear roadway width, 18-foot span and 8-foot rise. Also included is demolition of existing structure Slate Run Road over Tributary to Slate Run (#41-7935-5112-9028). It will be replaced with a precast reinforced concrete box culvert with precast concrete wings and a 24-foot clear roadway width, 5-foot span and 5-foot rise. Also included will be rock lining, paving, driving surface aggregate, architectural surface treatment, guiderail installation at two sites and approximately 100 linear feet of slope stabilization using micropile walls. Bid documents will be available on or after September 19, 2012. The bid opening will be held on October 23, 2012.

**FDC-012-7363.1—Structure Replacement—Bridge No. 12-0027, Cove Road over Fourth Gap, Forest District 12, Tiadaghton State Forest, Washington Township, Lycoming County.** Work included under this contract consists of demolition of the existing structure and installation of a new precast reinforced concrete box culvert (22' span and a 4' 6" underclearance). Replacement shall include driving surface aggregate, rip-rap and architectural surface treatment. Bid documents will be available on or after September 19, 2012. The bid opening will be held on October 23, 2012.

**FDC-012-7459.1—Pump Station, Groomer Storage Building Addition, Forest District 12, Tiadaghton State Forest, Brown Township, Lycoming County.** Work included under this contract consists of a wood frame addition to an existing storage building. Bid documents will be available on or after September 19, 2012. The bid opening will be held on October 23, 2012.

RICHARD J. ALLAN,  
*Secretary*

[Pa.B. Doc. No. 12-1799. Filed for public inspection September 14, 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

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

<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>
PA0056511 (Sewage)	Eves SRSTP 47 Bishop Road Pottstown, PA 19465	Chester County East Coventry Township	Unnamed Tributary to Pigeon Creek (3-D)	Y

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

<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>
PA0065188 (Sewage)	Wayne Economic Development Corp. Sterling Business Park Intersection Of Sr 191 & Sr 196 Sterling Twp, PA 18431	Wayne County Sterling Township	West Branch Wallenpaupack Creek (1-C)	N
PA0062481 (Sewage)	Carisch/Bernasconi Residence 20 Canal Road Easton, PA 18042	Northampton County Williams Township	Delaware River (2-D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0085120 (IW)	Altoona Water Authority 900 Chestnut Avenue Altoona, PA 16601	Blair County Juniata Township	Blair Gap Run / 11-A	Y
PA0044598 (Sew)	Susquehanna Area Regional Airport Authority 1 Terminal Drive Suite 300 Middletown, PA 17057-5048	Dauphin County Lower Swatara Township	Post Run / 7-C	Y

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

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

**PA0021580**, Sewage, SIC Code 4952, **Borough of Catasauqua**, 118 Bridge Street, Catasauqua, PA 18032. Facility Name: Catasauqua Borough WWTF. This existing facility is located in Catasauqua Borough, **Lehigh 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), Lehigh River, is located in State Water Plan watershed 2-C and is classified for trout Stocking 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 2.25 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>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	0.5	XXX	1.2
CBOD <sub>5</sub>	469	750	XXX	25	40	50
Total Suspended Solids	563	844	XXX	30	45	60
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	150	XXX	XXX	8.0	XXX	16.0
Nov 1 - Apr 30	375	XXX	XXX	20.0	XXX	40
Nitrate as N	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

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

- Pretreatment
- WETT

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

The EPA Waiver is not in effect.

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

**PA0083194**, Sewage, SIC Code 4952, **Hmshost**, PO Box 8, Middletown, PA 17057-0008. Facility Name: Blue Mt Turnpike Plaza. This existing facility is located in Hopewell Township, **Cumberland 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), Newburg Run, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.05 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Annual Average	Daily Maximum	Minimum	Average Monthly		Instant. Maximum
Flow (MGD)	Report Avg Mo	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	0.16	XXX	0.53
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report Annl Avg	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	0.417 Avg Mo	XXX	XXX	2.0	XXX	4.0
Total Phosphorus	Report	XXX	XXX	Report Annl Avg	XXX	XXX

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

- Annual reporting requirements for Chesapeake Bay nutrients.

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

The EPA Waiver is in effect.

**PA0024139**, Sewage, SIC Code 4952, **Cumberland Township Authority**, 1370 Fairfield Road, Gettysburg, PA 17325-7267. Facility Name: Cumberland Township North STP. This existing facility is located in Cumberland Township, **Adams 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), Rock Creek, is located in State Water Plan watershed 13-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.500 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Oct 31	20.0	29.0	XXX	5.0	7.5	10.0
Nov 1 - Apr 30	60.0	90.0	XXX	15.0	22.0	30.0

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
BOD <sub>5</sub> Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Fecal Coliform (CFU/100 ml)	125.0	185.0	XXX	30	45	XXX
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	6.0	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	18.0	XXX	XXX	4.5	XXX	9.0
Total Phosphorus	8.0	XXX	XXX	2.0	XXX	4.0

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

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
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
Net Total Nitrogen (Interim)	Report	Report	XXX	XXX	XXX
Net Total Nitrogen (Final)	Report	9132	XXX	XXX	XXX
Net Total Phosphorus (Interim)	Report	Report	XXX	XXX	XXX
Net Total Phosphorus (Final)	Report	1218	XXX	XXX	XXX

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

The EPA Waiver is not in effect.

**PA0026123 A-1**, Sewage, SIC Code 4952, **Columbia Municipal Authority**, 308 Locust Street, Columbia, PA 17512-1121. Facility Name: Columbia Municipal Authority WWTP. This existing facility is located in Columbia Borough, **Lancaster County**.

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

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 7-G and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The amendment adds approval for use of offsets due to receiving septage at treatment plant and deletes the Chesapeake Bay Implementation milestone dates.

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.

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

**PA0205338, Donald W. Walch**, 204 Brallier Drive, Ligonier, PA 15658-9268. Facility Name: Walch Single Residence STP. This existing facility is located in Ligonier Township, **Westmoreland County**.

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

The receiving stream(s), Unnamed Tributary of Loyalhanna Creek, is located in State Water Plan Watershed 18-C, 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 0.0004 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>Instant. Maximum</i>	
Flow (MGD)	0.0004	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000

The EPA Waiver is in effect.

**PA0254606**, Sewage, **Saltsburg Borough**, 320 Point Street, Saltsburg, PA 15681. Facility Name: Saltsburg STP. This proposed facility is located in Saltsburg Borough, **Indiana County**.

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

The receiving stream(s), Conemaugh River, is located in State Water Plan watershed 18-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 0.2 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	0.2	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
CBOD <sub>5</sub>	Report	Report Wkly Avg	XXX	25	38	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	Report	Report Wkly Avg	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000

The EPA Waiver is in effect.

**PA0219371**, **Frank & Leona Van Scoyoc**, 7480 Primrose Drive, Mentor on the Lake, OH 44060. Facility Name: Van Scoyoc SR STP. This existing facility is located in Dean Township, **Cambria County**.

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

The receiving stream drainage swale tributary to Clearfield Creek located in watershed 8-C 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 0.0004 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>Instant. Maximum</i>	
Flow (MGD)	0.0004	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
Color (Pt-Co Units)	XXX	XXX	XXX	Report	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20

<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>Average Monthly</i>		
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18.0

The EPA Waiver is in effect.

**PA0044679**, Sewage, **Pigeon Creek Sanitary Authority**, 508 Main Street, Bentleyville, PA 15314. Facility Name: Pigeon Creek STP. This existing facility is located in Fallowfield Township, **Washington County**.

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

The receiving stream(s), Pigeon Creek, is located in State Water Plan watershed 19-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 1.02MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine						
1st month - 36th month	XXX	XXX	XXX	0.6	XXX	2.0
37th month - expiration	XXX	XXX	XXX	0.24	XXX	0.8
CBOD <sub>5</sub>	213	319	XXX	25	37.5	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	255	383	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	28.9	43.4	XXX	3.4	5.1	6.8
Nov 1 - Apr 30	86.8	130.2	XXX	10.2	15.3	20.4

The EPA Waiver is not in effect.

**PA0028703**, Sewage, **Peters Township Sanitary Authority**, 111 Bell Drive, McMurray, PA 15317-6403. Facility Name: Donaldson Crossroads WPCP. This existing facility is located in Peters Township, **Washington County**.

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

The receiving stream(s), Chartiers Creek, is located in State Water Plan watershed 20-F 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 1.2 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</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	0.5	XXX	1.6
CBOD <sub>5</sub>	250.4	375.5	XXX	25	37.5	50



Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
BOD <sub>5</sub> Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Fecal Coliform (CFU/100 ml)	300.4	450.6	XXX	30	45	60
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen May 1 - Oct 31	90.1	135.2	XXX	9.0	13.5	18.0
Nov 1 - Apr 30	200.3	300.4	XXX	20.0	30.0	40.0

The EPA Waiver is not in effect.

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

**PA0263991**, Sewage, SIC Code 8800, **Jill Petty**, 25 Elm Street, Youngsville, PA 16317. Facility Name: Jill Petty SRSTP. This proposed facility is located in Pittsfield Township, **Warren 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 Brokenstraw Creek, is located in State Water Plan watershed 16-B 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 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 Geo Mean	XXX	1,000

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 (35 P. S. §§ 691.1—691.1001)

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

**WQM Permit No. 3612402**, Sewerage, **Exelon Generation Company, LLC—Muddy Run Pumped Storage**, 300 Exelon Way, Kennett Square, PA 19348.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a 500 gallon digester for their Muddy Run 5,000 gpd domestic wastewater treatment plant.

**WQM Permit No. 3690202, Amendment 12-1**, Industrial Waste, **Tyson Foods, Inc. —New Holland Complex**, 403 South Custer Ave., New Holland, PA 17557.

This proposed facility is located in New Holland Borough and Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for the installation/operation of New Pump Stations; Retrofit Singe Stage Activated Sludge Process into Four Stage Biological nitrogen Removal (BNR) Process, New Air Blowers, New Diffusers, and a New UV Disinfection System.

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

**WQM Permit No. 3312401**, Sewerage, **Brockway Area Sewage Authority**, 501 Main Street, Brockway, PA 15824.

This proposed facility is located in Brockway Borough, **Jefferson County**.

Description of Proposed Action/Activity: Upgrade of the Alexander Street Pump Station.

**WQM Permit No. 2087401**, Sewerage, **Amendment, City of Titusville**, 107 N. Franklin Street, Titusville, PA 16354.

This proposed facility is located in City of Titusville, **Crawford County**.

Description of Proposed Action/Activity: Wastewater treatment plant upgrades.

#### 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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01511204	Extra South 49th Street, LLC 1600 Washington Avenue Philadelphia, PA 19146	Philadelphia	City of Philadelphia	Schuylkill River Watershed (CWF-MF)

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

*Wayne County Conservation District: 648 Park St., Honesdale, PA 18431, 570-253-0930.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI026412006	EKG Partnership 200 Spring Hill Rd. Honesdale, PA 18431	Wayne	Honesdale Borough and Texas Twp.	UNT to Lackawaxen River, HQ-CWF, MF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI033611007	Scott Kreider S&A Kreider & Sons Farm 761 Spring Valley Road Quarryville, PA 17566	Lancaster	East Drumore Township	UNT to Jackson Run (HQ-CWF, MF)
PAI032211003	William Weaver Lower Paxton Twp Auth 425 Prince St, Ste 139 Hbg, PA 17109	Dauphin	Lower Paxton Twp	UNT to Slotznick Run (CWF, MF)
PAI030612005	Bradley Cooley Berks Hollow Energy Associates LLC Chesterfield Center Suite 110 St. Louis MO 63017	Berks	Ontelaune4e Township	Willow Creek HQ-CWF

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

PAG-12      CAFOs

#### CAFO Notices of Intent Received

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

**PAG123599**, CAFO, **Donald Martin Poultry Farm**, 331 Greble Road Jonestown, PA 17038.

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

Description of Size and Scope of Proposed Operation/Activity: The operation consists of 92 acres and <102,000 layers (330 AEU's).

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

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**PAG123545, CAFO, Meadow Run Farm, 138 Airport Road Marietta, PA 17547.**

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

Description of Size and Scope of Proposed Operation/Activity: The operation consists of 107 acres with 2,400 sows and 3,000 piglets.

The receiving stream, a UNT of Little Chickies Creek, is in watershed 7-G and classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**PAG123736, CAFO, Mervin F. King—M&E Farm, 637 Gault Road Gap, PA 17527.**

This proposed facility is located in Greenwood Township, **Perry County**.

Description of Size and Scope of Proposed Operation/Activity: The operation consists of 343.3 acres and 2,400 head swine with a total of 805.48 AEU's and will be expanding to 6,000 head swine.

The receiving stream, a UNT of Juniata River, is in watershed 12-B and classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

## 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>
J. Earl Brenneman 1700 Prospect Road Washington Boro, PA 17582	Lancaster	400	1457.11	Dairy/ Broilers	NA	R
S & A Kreider 761 Spring Valley Road Quarryville, PA 17566	Lancaster	916.2	2402.5	Dairy	HQ	R
Tuscarora Farms, LLC Jacob Wimmer PO Box 154 Roxbury, PA 17251	Franklin	0	865.23	Swine	NA	Renewal

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Willow Behrer Farms LLC Michael Behrer 3288 Behrer Lane Spruce Creek, PA 16683	Huntingdon	1140.7 acres for manure application	1268.5 AEU's 1.11 AEU's/ac	Dairy	HQ	Renewal
Lost Creek Farm Brent Hershey 586 Benner Road McAlisterville, PA 17049	Juniata	151	942.5	Swine	NA	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

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

**Permit No. 2412502**, Public Water Supply

Applicant	<b>Jay Township Water Authority</b>
Township or Borough	Jay Township
County	<b>Elk</b>
Responsible Official	John Friday
Type of Facility	Public Water Supply

Consulting Engineer	Peter C. Buss, P.E. Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street Latrobe, PA 15650
Application Received Date	August 10, 2012
Description of Action	Replacement of the existing SCADA system.
<b>Permit No. 2512505</b> , Public Water Supply	
Applicant	<b>Sunnydale Subdivision Water Association</b>
Township or Borough	Fairview Township
County	<b>Erie</b>
Responsible Official	James R. Pendleton
Type of Facility	Public Water Supply
Consulting Engineer	Mark J. Corey, P.E. Mark J. Corey & Associates P. O. Box 268 Harborcreek, PA 16421
Application Received Date	July 30, 2012
Description of Action	Permit modifications for compliance with the Groundwater Rule.
<b>Permit No. 2512506</b> , Public Water Supply	
Applicant	<b>Freligh's Whispering Pines Mobile Home Park</b>
Township or Borough	Girard Township
County	<b>Erie</b>
Responsible Official	William Olczak
Type of Facility	Public Water Supply
Consulting Engineer	Mark J. Corey, P.E. Mark J. Corey & Associates P. O. Box 268 Harborcreek, PA 16421
Application Received Date	August 28, 2012
Description of Action	Public water supply permitting for an existing residential mobile home park.

**MINOR AMENDMENT**

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

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

**Application No. 4012510MA**

Applicant **Aqua Pennsylvania, Inc.**  
 [Township or Borough] Dallas Township  
**Luzerne County**  
 Responsible Official Patrick R. Burke, Regional Manager  
 Northeast & Central Operations  
 Aqua Pennsylvania, Inc.  
 1 Aqua Way  
 White Haven, PA 18661  
 Type of Facility Community Water System  
 Consulting Engineer Jonathan W. Morris, PE  
 CET Engineering Services—GHD  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Application Received Date August 22, 2012  
 Description of Action Application for construction of a 4-log sampling line, replacement of existing chemical feed equipment and replacement of the existing 1400 gallon hydropneumatic tank with three (3) 422 gallon hydropneumatic tanks at the community water system serving the Applewood development.

**Application No. 5812504MA**

Applicant **Aqua Pennsylvania, Inc.**  
 [Township or Borough] Brooklyn Township  
**Susquehanna County**  
 Responsible Official Patrick R. Burke, Regional Manager  
 Northeast & Central Operations  
 Aqua Pennsylvania, Inc.  
 1 Aqua Way  
 White Haven, PA 18661  
 Type of Facility Community Water System  
 Consulting Engineer Jonathan Morris, PE  
 CET Engineering Services—GHD  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 717-541-0622  
 Application Received Date August 17, 2012  
 Description of Action Application for construction of a chlorine contact pipe to meet requirements of the Groundwater Rule requirements and installation of a new sampling pump, along with replacement of existing chemical feed equipment, a hydropneumatic tank and booster pump at the Brooklyn community water system.

**Application No. 3512508MA, Minor Amendment.**

Applicant **Madison Estates, Inc.**  
 102 Foggy Hollow Lane  
 Greentown, PA. 18426

[Township or Borough] Madison Township  
**Lackawanna County**  
 Responsible Official Mr. Roger Altemier  
 Manager  
 Type of Facility Public Water Supply  
 Consulting Engineer Keystone Consulting & Associates  
 Mr. Tad Moser, PE.  
 34 Brown Street  
 Honesdale, PA. 18431  
 Application Received Date August 16, 2012  
 Description of Action This project provides for the construction of 80 Linear Feet of 8-inch diameter PVC pipe to provide additional chlorine contact time to meet the requirements of the Ground Water Rule.

**Application No. 1312503MA**

Applicant **Palmerton Municipal Authority**  
 [Township or Borough] Palmerton Borough  
**Carbon County**  
 Responsible Official Barry W. Scherer, Utility Coordinator  
 Palmerton Municipal Authority  
 443 Delaware Avenue  
 Palmerton, PA 18071  
 Type of Facility Community Water System  
 Consulting Engineer Timothy A. Miller, PE  
 Keystone Consulting Engineers, Inc.  
 6235 Hamilton Boulevard  
 Wescosville, PA 18106  
 610-395-0971  
 Application Received Date August 29, 2012  
 Description of Action Application for removal of one of the community source wells from active service.

**Application No. 4012511MA**

Applicant **Aqua Pennsylvania, Inc.**  
 [Township or Borough] Harveys Lake Borough  
**Luzerne County**  
 Responsible Official Patrick R. Burke, Regional Manager  
 Northeast & Central Operations  
 Aqua Pennsylvania, Inc.  
 1 Aqua Way  
 White Haven, PA 18661  
 Type of Facility Community Water System  
 Consulting Engineer Jonathan W. Morris, PE  
 CET Engineering Services—GHD  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 717-541-0622  
 Application Received Date August 17, 2012

Description of Action Application for construction of a chlorine contact line to meet requirements of the Groundwater Rule, along with replacement of existing chemical feed equipment and hydropneumatic tank at the Rhodes Terrace community water system.

**Application No. 3912502MA, Minor Amendment.**

Applicant **The Big O Mobile Home Park**  
153 Schweitz Road  
Fleetwood, PA. 19522

[Township or Borough] Lower Macungie Township  
**Lehigh County**

Responsible Official Mr. C. Edgar Opperman  
Owner

Type of Facility Public Water Supply

Consulting Engineer Berks Surveying & Engineering, Inc.  
Brue Rader, PE.  
311 East Main Street  
Fleetwood, PA. 19522

Application Received Date August 15, 2012

Description of Action This project provides for changes in the disinfection system to comply with the Ground Water Rule. An additional 587 gallons of chlorine contact volume is provided and a pellet chlorinator will be replaced by a liquid chlorine feed system.

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

**Application No. 0212520MA, Minor Amendment.**

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

[Township or Borough] Moon Township

Responsible Official John Riley, General Manager  
Moon Township Municipal Authority  
1700 Beaver Grade Road  
Moon Township, PA 15108

Type of Facility Water system

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Application Received Date August 3, 2012

Description of Action Construction of an emergency interconnection with the Robinson Township Municipal Authority.

**Application No. 6512512MA, Minor Amendment.**

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

[Township or Borough] Derry Township

Responsible Official M. Curtis Fontaine, P.E.  
Municipal Authority of Westmoreland County  
124 Park & Pool Road  
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer

Application Received Date August 9, 2012

Description of Action Installation of approximately 9,300 feet of 8-inch waterline.

**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.*

**Ventresca Residence**, 603 West Norwegian Street, Pottsville City, **Schuylkill County**, Richard Trimpi, Trimpi Associates, Inc., have submitted a Notice of Intent to Remediate on behalf of their client, Michelle Ventresca, 603 West Norwegian Street, Pottsville, PA 19038, concerning the remediation of soil from No. 2 fuel oil believed to have migrated from an adjoining property at 605 West Norwegian Street because of a release from a buried fuel line. The applicant proposes to remediate the site to meet the Residential Statewide Health Standards for soil. The intended future use of the site is residential. A summary of the Notice of Intent to remediate was published in *The Republican Herald*, on July 25, 2012. A Final Report was simultaneously submitted.

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

**Hoskins Residence**, 3A School Lane, Douglassville, PA 19518, Union Township, **Berks County**. Liberty Environmental, Inc., 50 North Fifth Street, 5th Floor, Reading, PA 19601, on behalf of Rollin Hoskins, 3A School Lane, Douglassville, PA 19518, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health standard and remain residential.

**Wambaugh Property**, 146 South 12th Street, Reading, PA, City of Reading, **Berks County**. Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Michael Wambaugh and Carol Wambaugh, 38-1 Cranberry Road, Reading, PA 19606, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The site will be remediated to the Residential Statewide Health standard and remain residential.

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

**W Risinger 8376 Well Pad**, Lucerne Mines, Center Township, **Indiana County**. Hull & Associates Inc. 300 Business Center Drive, Suite 320, Pittsburgh, PA 15205 on behalf of XTO Energy—Appalachia Division has submitted a Notice of Intent to Remediate. Approximately 84 gallons of produced oil was released on June 1 2012 at the well pad impacting site soil with BTEX and other organic contaminants. The site has been remediated to a residential state wide health standard.

## HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

**Applications received, withdrawn, denied or returned 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.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**PAD 990753089; Exide Technologies, P. O. Box 14294, Reading, PA 19612-4294.**

An application for a Class 3 Permit Modification for RCRA Part B Permit Number PAD 990753089 to: 1) add Container Storage Area #2, 2) revise the facility's Environmental Emergency Response Plan, 3) clarify Table D-1 (Hazardous Waste Tank summary table), 4) update the Closure and Post-Closure Cost Estimate, and 5) construct an enclosure over the area of existing recycling operations. The application was determined to be administratively complete on August 15, 2012.

Persons wishing to comment on the permit application may submit comments to John Oren, P.E., Facilities Manager, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons interested in obtaining more information about the permit application may contact the Southcentral Regional Office, Waste Management Program at (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application(s) for Determination of Applicability 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/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**General Permit Application No. WMGR019NW001. Beyond Corp. LLC**, 454 Ripple Road, Edinburg, PA 16116. A General Permit Determination of Applicability (DOA) for the beneficial use of waste foundry sand as: (a) roadway construction material; (b) a component or ingredient in the manufacturing of concrete or asphalt products; (c) a soil additive or soil substitute; and (d) non-roadway construction. The Determination of Applicability application was received on August 8, 2012 and determined administratively complete on August 21, 2012.

Persons interested in reviewing the permit may contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay service, (800)654-5984.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit No. 101449. Waste Management of Greenville Transfer Station**, 88 Ohl Street, Greenville, PA 16125, Greenville, **Mercer County**. An application for permit renewal to continue waste transfer operations for another ten years. The application was received on August 8, 2012 and determined administratively complete on August 20, 2012.

Persons interested in reviewing the permit may contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

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

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

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

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

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

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

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the

Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

## PLAN APPROVALS

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

*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*

**26-00413B: Texas Eastern Transmission, LP** (PO Box 1642, Houston, TX 77251) for uprate of two (2) existing turbines T1 & T2 at Uniontown Compressor Station in North Union Township, **Fayette County**.

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

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

**24-009H: Domtar Paper Co., LLC** (100 Center Street, Johnsonburg, PA 15845) for conversion of two (2) existing 297 MMBtu/hr capacity coal-fired boilers (with natural gas and #2 fuel oil backup) to natural gas-fired boilers (with #2 fuel oil backup) at their facility in Johnsonburg Borough, **Elk County**. This is a Title V facility.

**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.**

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

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

**42-028E: Saint-Gobain Containers, Inc.** (One Glass Place, Port Allegany, PA 16743) for the Repair Project (rebricking/repair of Furnace 3, rebricking Shop 33/34 forehearth, and repair Shop 33/34 IS machine) and adding oxygen enriched air staging (OEAS) at Furnace No. 3 in accordance with the Global Consent Decree in Port Allegany Borough, **McKean County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code §§ 127.450 or 127.505, be incorporated into the Title V operating permit at a later date.

This project will result in projected actual emissions of 194.73 tpy for NO<sub>x</sub>, 10.25 tpy for CO, 51.25 tpy for PM<sub>10</sub>/PM<sub>2.5</sub>, 128.12 tpy for SO<sub>x</sub>, 51.25 tpy of H<sub>2</sub>SO<sub>4</sub>, and 10.25 tpy for VOC. However, this project will result in a 4.73 tpy increase for PM, 7.07 tpy increase for PM<sub>10</sub>, 8.71 tpy increase for PM<sub>2.5</sub>, 17.64 tpy increase for SO<sub>x</sub>, and a 9.05 tpy decrease for NO<sub>x</sub>. This Plan Approval will contain conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (relating to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:



- Source 103 (Furnace 3):
- Conditions from the Global Consent Decree effective May 7, 2010, with EPA are included which includes emission limitations, testing, monitoring, recordkeeping, and work practice standards are included
- Emission limits equal to the projected actual emissions are included
- 40 CFR 60 Subpart CC conditions are included
- Stack testing requirements for CO, VOC, PM/PM<sub>10</sub>/PM<sub>2.5</sub>, and opacity along with NO<sub>x</sub> and SO<sub>x</sub> if the CEMs are not approved are included

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 [42-028E] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in 25 Pa. Code §§ 127.421—127.431 for state only operating permits or 25 Pa. Code §§ 127.521—127.524 for Title V operating permits.

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**AMS 12185: Lannett Co., Inc.**—(9000 State Road/9001 Torresdale Avenue, Philadelphia, PA 19136) for installation of eight (8) air handling units in the City of Philadelphia, **Philadelphia County**. There will be a potential annual emission increase of less than 4.0 tons of Nitrogen Oxide. The plan approval will contain operating,

testing, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

### OPERATING PERMITS

#### Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**V12-004: Exelon Generating Co.—Schuylkill Station** (2800 Christian Street, Philadelphia, PA 19146) the facility's air emission sources include one (1) 1530 MMBtu/hr Boiler, one (1) 233 MMBTU/hr combustion turbine, one (1) 284 MMBtu/hr combustion turbine, one (1) 2.75 MW diesel emergency generator, and cold degreasing operations in the City of Philadelphia, **Philadelphia County**.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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

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

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

**09-00187: Sims Metal East, LLC.** (300 South Steel Road, Morrisville, PA 19067-3614) for operation of their metal recycling facility in Falls Township, **Bucks County**. The permit is for a non-Title V (State only) facility. Major sources of air emissions include a hammermill and air classifier, conveyors, stockpiles, and a wet suppression system for the control of fugitive particulate matter. There are no new sources and no new applicable regulations at this facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**41-00019: VT Hackney, Inc.** (914 Saegers Station Road, Montgomery, PA 17752) for their Montgomery Plant in Clinton Township, **Lycoming County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 18.52 TPY of CO; 49.96 TPY of NO<sub>x</sub>; 2.21 TPY of SO<sub>x</sub>; 60.55 TPY of PM/PM<sub>10</sub>; 149.05 TPY of VOC; 22.19 TPY of total HAPs and 17,721 TPY of CO<sub>2</sub>e. VT Hackney has taken an elective restriction to limit the annual VOC emissions from all sources at the facility to not equal or exceed the major emission threshold of 50 tons in any 12 consecutive month period. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, Pa 17701

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests.

Muhammad Q. Zaman, Environmental Program Manager, may be contacted at 570-327-3648, or at PADEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, PA 17701, for additional information or for the submission of comments or protests.

**17-00053: Nydree Flooring LLC.** (4608 Quehanna Highway, Karthaus, PA 16845) for their hardwood floor manufacturing facility located in Karthaus Township, **Clearfield County**. The facility's main sources include two (2) combustion units, three (3) finish lines, a surface coating operation, a hot glue operation and a woodworking operation. The facility has the potential to emit sulfur oxides (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

*Department of Public Health, Air Management Services:  
321 University Avenue, Philadelphia, PA 19104*

*Contact: Edward Wiener, Chief—Telephone: 215-685-9426*

**N12-031: Philadelphia Renewable Bio-Fuels, LLC—Thermal Drying System** (7800 Penrose Ferry Road, Philadelphia, PA 19153) for operation of a Thermal Drying System following processes in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include the following:

a) Thermal Drying System consisting of two (2) Biosolids Drying Trains (ES-1 & ES-2). Each Biosolids

Drying Train contains a Rotary Drum Dryer (firing natural gas, mixture of natural gas & digester gas, or No. 2 fuel oil) with drying air recirculation loop and an air pollution control system consisting of a venturi scrubber, followed by a regenerative thermal oxidizer (burning natural gas or No. 2 fuel oil).

b) Odor Control Scrubber (ES-3) that primarily services the existing Dewatering Facilities, as well as three fugitive dust baghouses utilized on dried material handling equipment from the Thermal Drying Facilities.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## 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*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**56120113 and NPDES No. PA0269115. PBS Coals, Inc.**, P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541 commencement, operation and restoration of a bituminous surface mine in Jenner Township, **Somerset County**, affecting 228.7 acres. Receiving stream(s): unnamed tributaries to Hoffman Run and unnamed tributaries to Quemahoning Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 22, 2012.

**56100102 and NPDES no. PA0263010. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface and auger mine to change the type of alkaline addition, the relocation of Township Road T-577, and revision of the E & S Controls in Stonycreek Township, **Somerset County**, affecting 448.0 acres. Receiving stream(s): unnamed tributary to Stonycreek, unnamed tributaries to Wells Creek, classified for the following use(s): cold water fisheries. The first downstream potable water supply intake from the point of discharge is Hooversville Borough. Application received: August 17, 2012.

**05060101 and NPDES No. PA0262226. Forcey Coal, Inc.**, 475 Banion Road, Madera, PA 16661, permit renewal for the continue operation and restoration of a bituminous surface mine in Broadtop Township, **Bedford County**, affecting 95.0 acres. Receiving stream(s): Six Mile Run classified for the following use(s): warm water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: August 17, 2012.

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

**26970106 and NPDES Permit No. PA0202061. T. L. Hill Coal Company** (2195 Morgantown Road, Uniontown, PA 15401). Renewal application for reclamation only to an existing bituminous surface mine, located in Georges Township, **Fayette County**, affecting 243.0 acres. Receiving streams: unnamed tributaries to York Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: August 24, 2012.

**26-11-01 and NPDES Permit No. PA025221. T & B Excavating, Inc.** (P. O. Box 337, McClellandtown, PA 15458). NPDES application for a government financed construction contract, located in Luzerne Township, **Fayette County**, affecting 8.6 acres. Receiving streams: unnamed tributary to Wallace Run, classified for the

following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: Southwestern PA Water Authority. Application received: August 30, 2012.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**61090103. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Revision to an existing bituminous surface mine to change the post mining land use from forestland and forestland (now abandoned surface mine) to unmanaged natural habitat on the James Wade, Richard M. Slagle, and John F. Hanna properties and change the post mining land use from forestland (now abandoned surface mine) to unmanaged natural habitat on the John F. Hanna Jr. property in Irwin Township, **Venango County**. Receiving streams: Two unnamed tributaries to North Branch Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 23, 2012.

**33070102. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous surface mine in Knox Township, **Jefferson County** affecting 23.1 acres. Receiving streams: Unnamed tributaries to Five Mile Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: August 29, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17960122 and NPDES No. PA0220493. Forcey Coal, Inc.** (P. O. Box 225, 475 Banian Road Madera, PA 16661). Renewal of an existing bituminous surface mining, auger mining, and Coal Ash Beneficial Use permit located in Bigler Township, **Clearfield County**, affecting 122.0 acres. Receiving streams: Banian Run and Muddy Run classified for the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 23, 2012.

#### *Noncoal Applications Received*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**59120302 and NPDES No. PA 0269522. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803-1649). Commencement, operation and restoration of a large noncoal (sandstone) surface mine located in Hamilton Township and Blossburg Borough, **Tioga County** affecting 89.6 acres. Receiving stream: Unnamed Tributary to Johnson Creek classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 21, 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. PA0259292 (Permit No. 10120101). Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) New NPDES permit for a bituminous surface mine in Clearfield Township, **Butler County**, affecting 73.2 acres. Receiving streams: Unnamed tributary to Buffalo Creek and Buffalo Run, classified for the following uses: HQ-CWF. TMDL: None. Application received: May 29, 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 requires a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y

The outfall(s) listed below requires a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SPA	Y
SPB	Y
SPC	Y

#### Noncoal NPDES Draft Permits

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES No. PA0242276 (Permit No. 37020307). Amerikohl Aggregates, Inc.** (202 Sunset Drive, Butler, PA 16001) Revision to an NPDES permit for a large industrial minerals surface mine in Wayne Township, **Lawrence County**, affecting 243.4 acres. Receiving streams: Unnamed tributary to the Beaver River, classified for the following uses: WWF. TMDL: None. Application received: May 21, 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 noncoal mining activities.

The outfall(s) listed below discharge to unnamed tributary to the Beaver River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP12	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)		6.0		9.0
Iron (mg/l)				
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5
Osmotic Pressure (milliosmoles/kg)				
Manganese (mg/l)				

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of

this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.*

**EA39-007NE. Pennsylvania Department of Transportation**, 1002 Hamilton Street, Allentown, PA 18103-1013, in Upper Saucon Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing three span masonry rubble arch bridge across Saucon Creek (CWF) and to restore the area through the former bridge site. The project also includes the installation of temporary cofferdams within the stream during construction (Allentown East, PA Quadrangle, Latitude: 40°31'43N"; Longitude: -75°23'28.5W").

**EA39-008NE. Pennsylvania Department of Transportation**, 1002 Hamilton Street, Allentown, PA 18103-1013, in Heidelberg Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing three span stone masonry arch bridge across Jordan Creek (TSF, MF) and to restore approximately Jordan Creek through the former bridge site. The project also includes the installation of temporary cofferdams within the stream during construction (Slatedale, PA Quadrangle, Latitude: 40°40'45N"; Longitude: -75°41'32.2W").

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

**E21-433: Pennsylvania Department of Transportation, Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103, in Hopewell Township, **Cumberland County**, ACOE Baltimore District

To: 1) remove the existing bridge and construct and maintain a four span bridge skewed 52° having a clear span of 294.0 feet, a width of 39.4 feet, and a minimum underclearance of 12.0 feet across Conodoguinet Creek (WWF, MF), 2) temporarily impact 0.19 acre of wetland, and 3) permanently impact 0.01 acre of wetland, all for the purpose of improving transportation safety and roadway standards. The project will involve the use of shoring, cofferdams, and temporary causeways in two separate phases within Conodoguinet Creek, all of which will be removed upon project completion. The project is located along SR 0641 (Newville Road) (Newburg, PA Quadrangle; N: 3.4 inches, W: 2.2 inches; Latitude: 40°08'38"N, Longitude: -77°30'56"W) in Hopewell Township, Cumberland County. The amount of wetland impact is considered a de minimus impact of 0.01 acre and wetland replacement is not required.

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

**E02-1672. Pennsylvania Department of Transportation District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017, Pine Township, **Allegheny County**. ACOE Pittsburgh District

Applicant is proposing to do the following:

Construct and maintain:

1. a 280 ft. long relocation of which 193 ft. is enclosed in a 36 in diameter RCP of an unnamed tributary to the North Fork of Pine Creek (CWF) with a drainage area of less than 100 acres;

2. a replacement of the existing SR 910, 28 ft. wide, 27 ft. long, 7 ft. underclearance, single span bridge, by a 43 ft. wide, 48 ft. long, 7 ft. underclearance single span bridge on the North Fork of Pine Creek with a drainage area of 3.8 square miles;

3. a replacement of the existing SR 910, 17.4 ft. wide, 28 ft. long, 7 ft. underclearance, single span bridge, by a 17.4 ft. wide, 43 ft. long, 8 ft. underclearance box culvert depressed one foot on an unnamed tributary to the North Fork of Pine Creek with a drainage area of 2.1 square miles;

In addition:

4. construct and maintain associated stormwater outfalls;

5. construct and remove temporary encroachments for construction;

6. fill and maintain a total of 0.13 acre of PEM/PSS wetland;

7. construct and maintain replacement wetland and stream impact mitigation on site.

This project is associated with SR 910 improvement work with the encroachments starting approximately at the intersection with SR 4063, Pearce Mill Road continuing approximately 1,000 ft. west (beginning from Mars PA Quadrangle, North 0.5 inch and West 3.5 inches; Latitude 40° 37' 39" and Longitude -80° 01' 32"; and ending North 0.4 inches and West 4.0 inches; Latitude 40° 37' 37" and Longitude -80° 01' 44"), in Pine Township, Allegheny County.

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

**E0829-055: Angelina Gathering Company, LLC**, 2350 N. Sam Houston Parkway Houston, TX 77032, Herrick and Wyalusing Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 71 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) (Rome, PA Quadrangle, Latitude: 41° 46' 47", Longitude: -76° 16' 22");

2. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 112 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) (Rome, PA Quadrangle, Latitude: 41° 46' 29", Longitude: -76° 16' 24");

3. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 5,576 square feet of a Palustrine Emergent Wetland (Rome, PA Quadrangle, Latitude: 41° 49' 20", Longitude: -76° 17' 34");

4. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 44 square feet of a Palustrine Emergent Wetland (Rome, PA Quadrangle, Latitude: 41° 49' 20", Longitude: -76° 17' 34");

5. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 73 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) (Rome, PA Quadrangle, Latitude: 41°46' 24", Longitude: -76°16' 35");

6. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 75 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) (Rome, PA Quadrangle, Latitude: 41°46' 22", Longitude: -76°16' 35");

7. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 98 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) (Rome, PA Quadrangle, Latitude: 41°46' 21", Longitude: -76°16' 36");

8. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 787 linear feet of an unnamed tributary to Rummerfield Creek (WWF, MF) and impacting 15,682 square feet of a Palustrine Forested Wetland (Rome, PA Quadrangle, Latitude: 41°46' 07", Longitude: -76°16' 39");

9. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 9,278 square feet of a Palustrine Emergent Wetland (Rome, PA Quadrangle, Latitude: 41° 45' 49", Longitude: -76° 16' 39");

10. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 6,578 square feet of a Palustrine Scrub-Shrub Wetland and a Palustrine Forested Wetland (Rome, PA Quadrangle, Latitude: 41° 45' 19", Longitude: -76° 16' 40");

11. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 78 linear feet of an unnamed tributary to Billings Creek (WWF, MF) and impacting 18,165 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41°44' 53", Longitude: -76°16' 38");

12. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 70 linear feet of an unnamed tributary to Billings Creek (WWF, MF) and impacting 392 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41°44' 50", Longitude: -76°16' 38");

13. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 3,616 square feet of a Palustrine Emergent Wetland and a Palustrine Forested Wetland (Wyalusing, PA Quadrangle, Latitude: 41° 44' 32", Longitude: -76° 16' 51");

14. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 5,053 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41° 44' 30", Longitude: -76° 16' 51");

15. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 1,786 square feet of a Palustrine Forested Wetland (Wyalusing, PA Quadrangle, Latitude: 41° 44' 24", Longitude: -76° 16' 45");

16. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 67 linear feet of an unnamed tributary to Susquehanna River (WWF, MF) (Wyalusing, PA Quadrangle, Latitude: 41° 44' 14", Longitude: -76° 16' 44");

17. a 16 inch and a 12 inch diameter natural gas line, and a 16 inch diameter water line impacting 9 linear feet of an unnamed tributary to Susquehanna River (WWF, MF) (Wyalusing, PA Quadrangle, Latitude: 41° 44' 07", Longitude: -76° 16' 58");

18. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 74 linear feet of an unnamed tributary to Susquehanna River (WWF, MF) (Wyalusing, PA Quadrangle, Latitude: 41° 44' 03", Longitude: -76° 16' 57");

19. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 741 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41° 43' 32", Longitude: -76° 16' 49");

20. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 11,979 square feet of a Palustrine Emergent Wetland and a Palustrine Forested Wetland (Wyalusing, PA Quadrangle, Latitude: 41° 43' 25", Longitude: -76° 16' 41");

21. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 164 linear feet of an unnamed tributary to Brewers Creek (WWF, MF) (Wyalusing, PA Quadrangle, Latitude: 41° 43' 24", Longitude: -76° 16' 34");

22. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 9,409 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41° 43' 03", Longitude: -76° 16' 08");

23. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 114 linear feet of an unnamed tributary to Brewers Creek (WWF, MF) and impacting 18,992 square feet of a Palustrine Forested Wetland (Wyalusing, PA Quadrangle, Latitude: 41° 42' 36", Longitude: -76° 15' 46");

24. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 263 linear feet of an unnamed tributary to Brewers Creek (WWF, MF) (Wyalusing, PA Quadrangle, Latitude: 41° 42' 27", Longitude: -76° 15' 54");

25. a 16 inch and a 12 inch diameter natural gas line, a 16 inch diameter water line and a timber mat bridge impacting 2,788 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41° 42' 23", Longitude: -76° 16' 02");

The project will result in 1,346 linear feet of stream impacts and 63,162 square feet (1.45 acres) of temporary PEM and PSS wetland impacts and 47,045 square feet (1.08 acres) of permanent impact to PFO wetlands all for the purpose of installing a natural gas pipeline and a water line with associated access roadways for Marcellus shale development.

**E4129-052: PVR NEPA Gas Gathering, LLC, 100 Penn Tower Square, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Shrewsbury Township, Lycoming County, ACOE Baltimore District.**

To construct, operate, and maintain:

(1) a timber mat bridge impacting 113 linear feet of a palustrine emergent (PEM) wetland (Picture Rocks Quadrangle 41°20'00"N 76°41'03"W);

(2) one 8 inch natural gas pipeline and a timber mat bridge impacting 126 linear feet of unnamed tributaries to Lake Run (HQ-CWF, MF) (Picture Rocks Quadrangle 41°20'03"N 76°40'56"W);

(3) one 8 inch natural gas pipeline and a timber mat bridge impacting 2,091 square feet of palustrine emergent (PEM) wetland and 2,576 square feet of palustrine forested (PFO) wetland (Picture Rocks Quadrangle 41°20'02"N 76°40'53"W);

(4) a timber mat bridge impacting 521 square feet of palustrine emergent (PEM) wetlands (Picture Rocks Quadrangle 41°20'01"N 76°40'54"W);

(5) one 8 inch natural gas pipeline and a timber mat bridge impacting 108 linear feet of an unnamed tributary to Lake Run (HQ-CWF, MF) (Picture Rocks Quadrangle 41°20'04"N 76°40'53"W);

(6) one 8 inch natural gas pipeline and a timber mat bridge impacting 66 linear feet of an unnamed tributary to Lake Run (HQ-CWF, MF) and 7,608 square feet of adjacent palustrine forested (PFO) wetland (Picture Rocks Quadrangle 41°20'06"N 76°40'53"W);

(7) one 8 inch natural gas pipeline and a timber mat bridge impacting 4,002 square feet of palustrine forested (PFO) wetland (Picture Rocks Quadrangle 41°20'20"N 76°40'51"W);

(8) one 8 inch natural gas pipeline and a timber mat bridge impacting 140 linear feet of Lake Run (HQ-CWF, MF) and an unnamed tributary to Lake Run (HQ-CWF, MF) (Picture Rocks Quadrangle 41°20'29"N 76°40'54"W);

(9) one 8 inch natural gas pipeline and a timber mat bridge impacting 164 linear feet of an unnamed tributary to Lake Run (HQ-CWF, MF) (Picture Rocks Quadrangle 41°20'30"N 76°40'54"W);

(10) one 8 inch natural gas pipeline and a timber mat bridge impacting 159 linear feet of an unnamed tributary to Lake Run (HQ-CWF, MF) (Picture Rocks Quadrangle 41°20'38"N 76°40'54"W);

(11) a timber mat bridge impacting 66 square feet of palustrine emergent (PEM) wetland (Picture Rocks Quadrangle 41°20'41"N 76°40'55"W);

(12) one 8 inch natural gas pipeline and a timber mat bridge impacting 72 linear feet of an unnamed tributary to Lake Run (HQ-CWF, MF) (Picture Rocks Quadrangle 41°20'46"N 76°40'54"W);

(13) a timber mat bridge impacting 93 square feet of palustrine open water (POW) wetland (Picture Rocks Quadrangle 41°20'47"N 76°40'54"W);

(14) one 8 inch natural gas pipeline and a timber mat bridge impacting 1,068 square feet of palustrine emergent (PEM) wetland (Picture Rocks Quadrangle 41°20'49"N 76°40'53"W);

(15) one 8 inch natural gas pipeline and a timber mat bridge impacting 252 linear feet of an unnamed tributaries to Lake Run (HQ-CWF, MF) (Picture Rocks Quadrangle 41°20'51"N 76°40'53"W);

(16) one 8 inch natural gas pipeline and a timber mat bridge impacting 168 linear feet of an unnamed tributary to Lake Run (HQ-CWF, MF) (Picture Rocks Quadrangle 41°20'52"N 76°40'47"W);

(17) one 8 inch natural gas pipeline impacting 8 linear feet of an unnamed tributary to Lake Run (HQ-CWF, MF) (Picture Rocks Quadrangle 41°20'52"N 76°40'37"W);

(18) one 8 inch natural gas pipeline and a timber mat bridge impacting 68 linear feet of an unnamed tributary to Lake Run (HQ-CWF, MF) (Picture Rocks Quadrangle 41°20'52"N 76°40'35"W);

(19) one 8 inch natural gas pipeline and a timber mat bridge impacting 74 linear feet of an unnamed tributary to Lake Run (HQ-CWF, MF) (Picture Rocks Quadrangle 41°20'53"N 76°40'34"W);

(20) one 8 inch natural gas pipeline and a timber mat bridge impacting 110 linear feet of an unnamed tributary to Lake Run (HQ-CWF, MF) (Picture Rocks Quadrangle 41°20'58"N 76°40'11"W).

The project will result in 1,515 linear feet of stream impacts and 0.42 acre of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E5729-038.

**E5729-038: PVR NEPA Gas Gathering, LLC**, 100 Penn Tower Square, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Shrewsbury Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 8 inch natural gas pipeline and a timber mat bridge impacting 54 linear feet of an unnamed tributary to Lake Run (HQ-CWF, MF) (Picture Rocks Quadrangle 41°21'20"N 76°40'00"W).

The project will result in 54 linear feet of stream impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E4129-052.

**E0829-057: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Tuscarora Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 23 linear feet of an unnamed tributary to Little Tuscarora Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41°41'11", Longitude: -76°10'31");

2. two 16 inch temporary waterlines and a timber mat bridge impacting 24 linear feet of an unnamed tributary to Little Tuscarora Creek (CWF, MF) and impacting 1,572 square feet of an adjacent Palustrine Emergent Wetland (Laceyville, PA Quadrangle, Latitude: 41°41'24", Longitude: -76°10'45");

3. two 16 inch temporary waterlines and a timber mat bridge impacting 1,466 square feet of a Palustrine Emergent Wetland (Laceyville, PA Quadrangle, Latitude: 41°41'30", Longitude: -76°10'58");



4. two 16 inch temporary waterlines and a timber mat bridge impacting 21 linear feet of Little Tuscarora Creek (CWF, MF) and impacting 353 square feet of an adjacent Palustrine Emergent Wetland (Laceyville, PA Quadrangle, Latitude: 41°41'34", Longitude: -76°11'30");

5. two 16 inch temporary waterlines and a timber mat bridge impacting 2,357 square feet of a Palustrine Emergent Wetland (Laceyville, PA Quadrangle, Latitude: 41°41'34", Longitude: -76°11'34");

6. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 4 linear feet of an unnamed tributary to Little Tuscarora Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41°41'38", Longitude: -76°12'00");

7. two 16 inch temporary waterlines and a timber mat bridge impacting 843 square feet of a Palustrine Emergent Wetland (Laceyville, PA Quadrangle, Latitude: 41°41'44", Longitude: -76°12'15");

The project will result in 72 linear feet and 502 square feet of temporary stream impacts and 6,591 square feet (0.15 acre) of temporary PEM wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development.

**E5829-036: Williams Field Services Company, LLC**, 1605 Coraopolis Heights Road, Moon Township, PA 15108, Brooklyn Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. an 8-inch diameter natural gas gathering pipeline and timber mat crossing impacting 78 lineal feet of an unnamed tributary to Horton Creek (CWF-MF) and impacting 708 square feet (0.02 acre) of a PEM wetland (Hop Bottom NE, PA Quadrangle; Lat. 41° 43' 34", Long. -75° 48' 34");

2. an 8-inch diameter natural gas gathering pipeline and timber mat crossing impacting 695 square feet (0.02 acre) of a PEM wetland (Hop Bottom NE, PA Quadrangle; Lat. 41° 43' 25", Long. -75° 48' 24");

3. an 8-inch diameter natural gas gathering pipeline and timber mat crossing impacting 102 lineal feet of an unnamed tributary to Horton Creek (CWF-MF) and impacting 9,747 square feet (0.22 acre) of a PEM wetland (Hop Bottom NE, PA Quadrangle; Lat. 41° 43' 24", Long. -75° 48' 22");

4. an 8-inch diameter natural gas gathering pipeline and timber mat crossing impacting 672 square feet (0.02 acre) of a PEM wetland (Hop Bottom NE, PA Quadrangle; Lat. 41° 43' 22", Long. -75° 48' 15");

5. an 8-inch diameter natural gas gathering pipeline and timber mat crossing impacting 6,721 square feet (0.15 acre) of a PEM wetland (Hop Bottom NE, PA Quadrangle; Lat. 41° 42' 08", Long. -75° 47' 30").

The Molner gas gathering line project will convey natural gas, for approximately 1.97 miles, from the Molner well site to the Williams—Lindaville Pipeline. The project will result in 180 linear feet (512 square feet) of temporary stream impacts, a total of 0.57 acre (24,829 square feet) of temporary wetland impacts, and 0.43 acre (18,543 square feet) of wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line for gas conveyance to market.

**E0829-056: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain an access road with:

1. Three 24 inch by 54 foot long culverts and associated fill impacting 8,276 square feet of an exceptional value Palustrine Emergent Wetland (EV) (Dushore, PA Quadrangle Latitude: 41°34'23", Longitude: -76°29'36"),

The project will result in 2701 square feet (.06 acre) of permanent impacts and 5,575 square feet (0.13 acre) of temporary impacts to a PEM wetland, all for the purpose of installing a permanent access road to a natural gas well pad.

**E4129-054: Range Resources—Appalachia, LLC**, 100 Throckmorton Street, Suite 1200, Fort Worth, TX 76102, Cogan House Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain one 48 inch culvert and two 12 inch temporary above ground waterlines impacting 105 linear feet of an unnamed tributary to Roaring Run (EV) (White Pine PA Quadrangle 41°22'46"N 77°10'51"W). The project will result in 105 linear feet of stream impacts all for the purpose of installing an access road and temporary waterline to multiple Marcellus well sites.

#### WATER QUALITY CERTIFICATIONS REQUESTS

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

**PPL Bell Bend, LLC**, 38 Bomboy Lane, Suite 2, Berwick, PA 18603. Bell Bend Nuclear Power Plant on North Branch Susquehanna River in Salem Township, **Luzerne County**, ACOE Baltimore District (Berwick, PA U.S.G.S. 7 1/2 Minute Quadrangle North: 16 inches; West: 5.75 inches).

*Project Description:* PPL Bell Bend, LLC has requested a Section 401 State Water Quality Certification for the construction and operation of a new nuclear power plant (Bell Bend Nuclear Power Plant) at the site adjacent to the existing Susquehanna Steam Electric Station, in Salem Township, Luzerne County. The project boundary consists of approximately 2,055 acres, approximately 687 acres would be altered to support construction and operation of the proposed facility. The purpose of the Bell Bend Nuclear Power Plant is to generate 1,600 MWe (megawatts) of nuclear base load power to the northeast portion of the Pennsylvania, New Jersey, and Maryland Regional Transmission Organization grid. The proposed nuclear power plant project entails activities that will affect the Waters of the Commonwealth including the North Branch of the Susquehanna River, Walker Run, unnamed tributaries and wetlands. The project is proposed to involve encroachments to wetlands and waterways; water withdrawal and consumptive water use; a thermal discharge; impingement/entrainment associated with intake structure; discharges of chemical additives and/or biocides; and the discharge of storm water from construction activities. The Department's grant or waiver of a 401 Water Quality Certification does not impact any duty of PPL Bell Bend, LLC to acquire necessary permits, approvals or authorizations otherwise required by law. In addition to the Department office noted above, the Bell Bend Nuclear Power Plant Project Request for 401 Water Quality Certification is available for inspection at the McBride Memorial Library, 500 Market Street, Berwick, PA 18603 and by electronic copy (<http://pbadupws.nrc.gov/docs/ML1220/ML122060077.html>).

## ACTIONS

## THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

## FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## I. NPDES Renewal Permit Actions

*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2553.*

<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>
PA0060704 (Sewage)	Pleasant Valley Manor Off Route 33 Snydersville, PA 18360	Monroe County Hamilton Township	McMichael Creek (1-E)	Y
PA0028495 (Industrial Waste)	FedChem, LLC 275 Keystone Drive Bethlehem, PA 18020-9464	Northampton County Lower Nazareth Township	Monocacy Creek (02C)	Y
PA0062693 (Industrial Waste)	Moss Glen Water Filtration Plant Municipal Authority of the Township of Blythe S R 1011 Schuylkill Twp., PA 17952	Schuylkill County Schuylkill Township	Big Creek (03A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0033219 Sewage	Little Creek Estates Route 68 Rochester, PA 15074	Beaver County New Sewickley Township	UNT of Brush Creek	Y
PA0090018 Sewage	Willolake STP 1929B Route 519 South Canonsburg, PA 15317	Washington County North Strabane Township	UNT of Chartiers Creek	Y
PA0205664 Sewage	David J. D'Atri 320 Sunset Drive Baden, PA 15005	Beaver County New Sewickley Township	Pine Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0033901	Willow Bend MHP 1309-100 Bend Road, Mercer, PA 16137	Mercer County Lackawannock Township	Unnamed Tributary to Little Neshannock Creek 20-A	Y

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

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

**NPDES Permit No. PA0060283**, Sewage, SIC Code 4911, **Penn Estates Utilities Inc.**, 503 Hallet Road, East Stroudsburg, PA 18301-9556.

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

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

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

**NPDES Permit No. PA0021717, Amendment #1**, Sewage, **Marietta Donegal Joint Authority**, 50 Furnace Road, Marietta, PA 17547.

This proposed facility is located in Marietta Borough, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT in Watershed 7-G.

**NPDES Permit No. PA0080616, Transfer #1**, Sewage, **Pleasant Valley Rentals, LLC**, PO Box 1010, Chambersburg, PA 17055.

This proposed facility is located in Reading Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge Conewago Creek in Watershed 7-F.

**NPDES Permit No. PA0081868, Amendment No. 2**, Sewage, **Fairview Township**, 599 Lewisberry Road, New Cumberland, PA 17070-2510.

This proposed facility is located in Fairview Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge from the Fairview Township North STP to the Yellow Breeches Creek in Watershed 7-E.

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

**NPDES Permit No. PA0023175**, Sewage **Amendment 1**, **Kane Borough McKean County**, 112 Bayard Street, Kane, PA 16735-1377.

This existing facility is located in Kane Borough, **McKean County**.

Description of Proposed Action/Activity: An amendment of an NPDES permit for an existing discharge of treated sewage.

The receiving streams are Hubert Run (Outfall 001 & 002) and an Unnamed Tributary to Hubert Run (Outfall 003) are located in State Water Plan watershed 16-B and is classified for cold water fishes, aquatic life, water supply and recreation. The discharge(s) are not expected to affect public water supplies.

The amendment removes the whole effluent toxicity testing requirements and limitation from the permit. The balance of the permit contents will remain unchanged.

The EPA Waiver is not in effect.

**NPDES Permit No. PA0263974**, Sewage, **Dale McCandless & Ralph Vignone**, 138 St. Joe Road, Butler, PA 16002.

This proposed facility is located in Oakland Township, **Butler County**.

Description of Proposed Activity: 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 EPA Waiver is in effect.

---

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

---

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

**WQM Permit No. 0209201-A1**, Industrial Waste, **Pittsburgh Water and Sewer Authority**, 441 Smithfield Street, Pittsburgh, PA 15222

This proposed facility is located in the City of Pittsburgh, **Allegheny County**

Description of Proposed Action/Activity: Permit amendment issuance for the modification of the wastewater recycle system.

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

**WQM Permit No. WQG018849**, Sewage, **Priscilla Earhart**, 1418 Fishermans Cove, Polk, PA 16342.

This proposed facility is located in Victory Township, **Venango County**.

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

**WQM Permit No. WQG018848**, Sewage, **James J. Zablotny**, P. O. Box 224, McKean, PA 16426.

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

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

**WQM Permit No. 1012401**, Sewage, **Dale McCandless & Ralph Vignone**, 138 St. Joe Road, Butler, PA 16002.

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

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

---

### 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

---

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1503071-R	Toll Brothers/Orleans Homebuilders, Inc. 1180 Station Boulevard Chester Springs, PA 19425	Chester	West Vincent Township	Tributary Pickering Creek (HQ-TSF-MF)
PAI01 091107	Judith T. DiSalvi 6659 Old Carversville Road Lumberville, PA 18933	Bucks	Solebury Township	Pauncaussing Creek (HQ-CWF); Delaware River (WWF-MF); Coppernose Run (TSF-MF)

*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>
PAI024804037R	Signature Homes by J.T. Maloney P. O. Box 9 Center Valley, PA 18034	Northampton	Forks Township	Bushkill 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>
PAI033611007	Scott Kreider S&A Kreider & Sons Farm 761 Spring Valley Road Quarryville, PA 17566	Lancaster	East Drumore Township	UNT to Jackson Run (HQ-CWF, MF)

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032211003	William Weaver Lower Paxton Twp Auth 425 Prince St, Ste 139 Hbg, PA 17109	Dauphin	Lower Paxton Twp	UNT to Slotznick Run (CWF, MF)
PAI030612005	Bradley Cooley Berks Hollow Energy Associates LLC Chesterfield Center Suite 110 St. Louis MO 63017	Berks	Ontelaune4e Township	Willow Creek HQ-CWF

## VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

#### General Permit Type-PAG-02

##### Facility Location:

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Buckingham Township Bucks County	PAG0200 0909037-R	Four Seasons Development Group, LLC 616 Easton Road, PO Box 499 Willow Grove, PA 19090	Watson Creek (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAG0200 0912047	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044	Watson Creek (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

## NOTICES

5905

<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>
Middletown Township, Lower Southampton and Bensalem Township Bucks County	PAG0200 0912031	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Berwyn, PA 19010-3402	Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Oxford Borough Chester County	PAG0200 1512012	Presbyterian Senior Living One Trinity Drive East, Ste 201 Dillsburg, PA 17019	Tweed Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Marlborough Township Chester County	PAG0200 1512010	Pennsfield Properties, LT 63 Chestnut Road Paoli, PA 19301	Unnamed Tributary Pocopson Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Goshen Township Chester County	PAG0200 1512021	BPI, II Associates 29 South High Street, Ste 200 West Chester, PA 19382	East Branch Chester Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAG0200 4612014	David Freeman PO Box 9005 320 West Broad Street Quakertown, PA 18951	West Branch Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Moreland Township Montgomery County	PAG0200 4609095R	Jeff Cairone 6017 Rising Sun Avenue Philadelphia, PA 19111	Pennypack Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511141	Amtrack 30th Street Station Philadelphia, PA 19104	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511217	Philadelphia Healthcare Properties, Inc. 1600 Kongens Gade St. Thomas, VI 00802-6733	Delaware River—Tacony Frankford Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Saucon Township, Northampton County	PAG02004806030R	HomePro Enterprises, Inc. Paul Dreyer 112 Elm Road Allentown, PA 18104	Silver Creek, CWF, MF; Saucon Creek, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
Whitehall Twp., Lehigh County	PAG02003912009	PennDOT District 5-0 James McGee 1002 Hamilton St. Allentown, Pa 18101	Jordan Creek, TSF, MF	Lehigh Co. Cons. Dist. 610-391-9583
Lehigh Twp., Northampton County	PAG02004810003R	Greenock Investors Group, LLC Tom Killeen 840 Eldridge Rd. Fairless Hills, PA 19030	Bertsch Creek, CWF, MF	Northampton Co. Cons. Dist. 610-746-1971

*Facility Location:  
Municipality &  
County*

<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>
Taylor Borough, Lackawanna County	PAG02003506040R(1)	Lackawanna County Corey O'Brien 200 Adams Ave. Scranton, PA 18503	Keyser Creek, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Deer Lake Borough, West Brunswick Twp., Schuylkill County	PAG02005410006R	Schuylkill County Municipal Authority 221 S. Centre St. Pottsville, PA 17901	Pine Creek, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Orwigsburg Borough, West Brunswick Township, Schuylkill County	PAG02005410005R	Schuylkill County Municipal Authority 221 S. Centre St. Pottsville, PA 17901	Pine Creek, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742

*General Permit Type—PAG-02—Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Mount Joy Township Lancaster County	PAG02003610043R	Dick Snyder 119 West Lancaster Ave Shillington PA 19607	UNT Charles Run/CWF; MF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Upper Leacock Township Lancaster County	PAG02003610045R	Melvin H. Weaver 1011 Dry Tavern Rd Denver PA 17517	UNT Mill Creek/CWF; MF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Rapho Township Lancaster County	PAG02003612045	Bigbee Steel & Tank Company 4535 W Elizabethtown Road Manheim PA 17545	Chiques Creek/Rife Run/WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Windsor Township Berks County	PAG02000604101R	Walter Greth Greth Homes 238 Snyder Road Reading, PA 19605	Kaercher Creek Dam WWF, MF	Berks County Conservation Dist. 1238 County Welfare Rd, Suite 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Caernarvon Township Berks County	PAG02000610037R	Neal Fisher The Hankin Group 707 Eagleview Boulevard Exton, PA 19341	UNT to Conestoga WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Suite 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Washington Township Berks County	PAG02000610039R	Eric Williams Spring Valley Village 1590 Canary Road Quakertown, PA 18951	UNT to Swamp Creek CWF, MF	Berks County Conservation Dist. 1238 County Welfare Rd, Suite 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142

NOTICES

5907

*Facility Location:  
Municipality &  
County*

<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>
Muhlenberg Township Berks County	PAG02000610027R	John Smith Forino Co. 555 Mountain Home Road Sinking Spring, PA 19608	Bernhart Creek WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
City of Altoona Blair County	PAG02000712011	Altoona Regional Health System 620 Howard Avenue Altoona, PA 16601-4899	Spring Run / WWF	Blair County Conservation District 1407 Blair St. Hollidaysburg, PA 16648 814.696-0877 x 5
Southampton Township Cumberland County	PAG02002107021R	Coyoe Builders, LLC Kirk Martin 4961 Cumberland Highway Chambersburg, PA 17202	Trib. To Middle Spring/CWF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.5359
Silver Spring Township Cumberland County	PAG02002110015R	114 Associates Norman Hoffer 4479 Chambers Hill Road Harrisburg, PA 17111	Hogestown Run/CWF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.5359
Silver Spring Township Cumberland County	PAG02002110019R	Silver Spring Township Authority James Stevens 5 Willow Mill Park Road Mechanicsburg, PA 17050	Trindle Spring Run/CWF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.5359
Mount Pleasant Township Adams County	PAG02000107004R	Daniel P. Gebhart 200 Wheatland Drive Gettysburg, PA 17325	Rock Creek/WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636

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

*Facility Location:  
Municipality &  
County*

<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>
Barr Township West Carroll Township Cambria County	PAG02001110013-1	West Branch Sewer Authority 901 Maple Ave Suite 2 Northern Cambria, PA 15714	West Branch of Susquehanna River (WWF) UNT to West Branch of Susquehanna River (CWF) Leslie Run (CWF) Fox Run (CWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 (814) 472-2120



<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>
Rostraver Township Westmoreland County	PAG02006507030R	Maronda Homes, Inc. 1383 State Route 30 Clinton, PA 15026	UNT to Pollock Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Upper Burrell Township Westmoreland County	PAG02006512018	Siemen's Industry Kevin Minster 3333 Old Milton Parkway Alpharetta, GA 30005	UNT to Pucketa Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Cranberry Township Butler County	PAG02001012003(1)	Catholic Institute of Pittsburgh Catholic Diocese of Pittsburgh 135 First Avenue Pittsburgh PA 15222	UNT Kaufman Run WWF Brush Creek WWF	Butler County Conservation District 724-284-5270
Butler Township Butler County	PAG02001012036	Butler County Community College Attn: Brian Opitz 107 College Drive Butler Township PA 16002	Connoquenessing Creek WWF	Butler County Conservation District 724-284-5270
City of Warren Warren County	PAG02006212002	The City of Warren 318 West Third Street Warren PA 16365	Allegheny River WWF	Warren County Conservation District 814-726-1441

*General Permit Type-PAG-03*

<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>
City of Philadelphia Philadelphia County	PAR230068	Ardex Lab Inc. 2050 Byberry Road Philadelphia, PA 19116	Unnamed Tributary to Byberry Creek -3J	Southeast Region Clean Water Program 484.250.5970
Cass Township, Schuylkill County	PAR222211	JELD-WEN, Inc. 1162 Keystone Blvd. Pottsville, PA 17901	West Branch Schuylkill River, CWF	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Catasauqua Borough, Lehigh County	PAR202231	Phoenix Forging Co., Inc. 800 Front St. Catasauqua, PA 18032	Lehigh River via Lehigh Canal, TSF	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Berwick Township Adams County	PAR703517	Bituminous Paving Materials—Hanover Plant 100 Greensprings Road Hanover, PA 17331	UNT of S. Branch Conewago Creek / WWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Tulpehocken Township Berks County	PAR123585	Dieffenbach's Potato Chips 51 Host Road Womelsdorf, PA 19567	UNT Mill Creek / CWF	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*Facility Location:  
Municipality &  
County*

West Manchester  
Twp  
York County

*Permit No.*  
PAR703504

*Applicant's Name &  
Address*  
Bituminous Paving  
Materials—York Plant  
1300 Zimms Quarry Road  
York, PA 17404

*Receiving  
Water / Use*  
Codorus Creek /  
WWF, MF

*Contact Office &  
Telephone No.*  
DEP-SCRO  
909 Elmerton  
Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

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

*Facility Location:  
Municipality &  
County*

Washington  
Township  
Jefferson County

*Permit No.*  
PAR808319

*Applicant Name &  
Address*  
Clearfield Jefferson Counties  
Regional Airport Authority  
377 Aviation Way  
Reynoldsville, PA 15851-8180

*Receiving  
Water / Use*  
Unnamed  
Tributaries to Keys  
Run and Keys Run  
17-C

*Contact Office &  
Phone No.*  
DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942

Delaware Township  
Mercer County

PAR228345

Select Enterprises Inc.  
756 Mercer Road  
Greenville, PA 16125-8415

Unnamed  
Tributaries to  
Shenango River  
20-A

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

Wetmore Township  
McKean County

PAR128311

Rolling Frito Lay Sales LP  
7075 Samuel Morris Drive  
Suite 240,  
Columbia, MD 21046

Unnamed Tributary  
of Wilson Run 17-A

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

*General Permit Type—PAG-4*

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

*Facility Location:  
Municipality &  
County*

Victory Township  
Venango County

PAG041082

*Applicant Name &  
Address*  
Priscilla Earhart  
1418 Fishermans Cove Road,  
Polk, PA 16342

*Receiving  
Water / Use*  
Drainage swale that  
empties into the  
Allegheny River  
16-G

*Contact Office &  
Phone No.*  
DEP  
NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942

Washington  
Township  
Erie County

PAG041081

James J. Zablotny  
P. O. Box 224  
McKean, PA 16426

Unnamed Tributary  
to Lamson Run 15

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

*General Permit Type—PAG-8 (SSN)*

*Facility Location:  
Municipality &  
County*

West Hanover  
Township  
Dauphin County

*Permit No.*  
PAG080006  
PAG083556  
PAG083605

*Applicant Name &  
Address*  
Merrell Bros., Inc.  
8811 W 500 N  
Kokomo, IN 46901

*Site Name &  
Location*  
Smink Farm  
West Hanover Twp  
Dauphin County

*Contact Office &  
Phone No.*  
DEP-SCRO  
909 Elmerton  
Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

*General Permit Type—PAG-9**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Windsor Township York County	PAG093508	Joines Septic Service 440 Dull Road Felton, PA 17322	Joines Septic Service 440 Dull Road Felton, PA 17322	DEP-SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

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

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lenox Township Susquehanna County	PAG102249	Williams Field Service Co. LLC Tower Pipeline Project 1605 Coraopolis Heights Road Moon Township, PA 15108-4310	Tower Branch—4-F	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2553
Davis Pipeline Project Gibson Township Susquehanna County	PAG102248	Williams Field Service Co. LLC 1605 Coraopolis Heights Road Moon Township, PA 15108-4310	Unnamed Tributary to Bell Creek and Bell Creek—Cold Water Fishes, Migratory Fishes 4F	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2553
Bridgewater Township Susquehanna County	PAG102246	Williams Field Service Co. LLC 1605 Coraopolis Heights Road Moon Township, PA 15108-4310	Unnamed Tributary of Snake Creek and Unnamed Tributary to Meshoppen Creek Cold Water Fishes, Migratory Fishes 4-E and 4-G	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2553
Gibson Township Susquehanna County	PAG102250	Williams Field Services Company, LLC (Bear Swamp Pipeline Project) 1605 Coraopolis Heights Road Moon Township, PA 15108-4310	Bear Swamp Creek and Bell Creek—4-F	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2553

**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 (35 P. S. 721.1—721.17).**

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

**Permit No. 4412501, Minor Amendment, Public Water Supply.**

Applicant **Whitehall General Store, LLC**  
 Municipality Menno Township  
 County **Mifflin**  
 Responsible Official Bonnie K. Peachey, Owner  
 2517 SR 655  
 Belleville, PA 17004  
 Type of Facility Nitrate treatment at Whitehall General Store.  
 Consulting Engineer David A Hegemann, P.E.  
 Hegemann and Wray Consulting Engineers  
 429 Park Avenue  
 Cresson, PA 16630  
 Permit to Construct Issued: 8/28/2012

**Operations Permit** issued to: **Christiana Borough**, 7360007, Christiana Borough, **Lancaster County** on 8/22/2012 for the operation of facilities approved under Construction Permit No. 3611527.

**Operations Permit** issued to: **Bedford Borough Water Authority**, 4050002, Bedford Borough, **Bedford County** on 8/22/2012 for the operation of facilities submitted under Application No. 0512508 MA.

**Operations Permit** issued to: **West Earl Water Authority**, 7360143, West Earl Township, **Lancaster County** on 8/23/2012 for the operation of facilities approved under Construction Permit No. 3612522 MA.

**Operations Permit** issued to: **Ms. Betty Nelson**, 7210013, Lower Frankford Township, **Cumberland County** on 8/27/2012 for the operation of facilities approved under Construction Permit No. 2112506 MA.

**Operations Permit** issued to: **Duncannon Borough**, 7500019, Duncannon Borough, **Perry County** on 8/29/2012 for the operation of facilities approved under Construction Permit No. 5012505 MA.

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

**Permit No. 0811501—Operation Public Water Supply.**

Applicant **Echo Beach Mobile Home Park**  
 [Township or Borough] Asylum Township  
 County **Bradford**

Responsible Official Mr. Scott R. Middendorf  
 Echo Beach Rentals, Inc.  
 21186 Route 87  
 Towanda, PA 18848  
 Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued August 30, 2012  
 Description of Action Operation of a new public water system at the existing Echo Beach MHP. The approved public water system includes Well #3, disinfection, manganese sequestration, chlorine contact piping, booster pump station, finished water storage and distribution system.

**Permit No. Minor Amendment—Construction/Operation Public Water Supply.**

Applicant **Blossburg Municipal Authority**  
 [Township or Borough] Bloss Township  
 County **Tioga**  
 Responsible Official George D. Lloyd  
 Borough Manager  
 Blossburg Municipal Authority  
 245 Main Street  
 Blossburg, PA 16912  
 Type of Facility Public Water Supply  
 Consulting Engineer William S. Bray, P.E.  
 373 West Brach Road  
 Wellsboro, PA 16901  
 Permit Issued September 4, 2012  
 Description of Action Construction and Operation of a new water meter facility for bulk sales of non-oil and gas related water.

**Permit No. Minor Amendment—Construction Public Water Supply.**

Applicant **Penn Township Municipal Authority**  
 [Township or Borough] Penn Township  
 County **Snyder**  
 Responsible Official Thomas Ferry, Chairman  
 Penn Township Municipal Authority  
 2595 Route 522, Suite 20  
 P. O. Box 155  
 Selinsgrove, PA 17870  
 Type of Facility Public Water Supply  
 Consulting Engineer D. Jeffrey Golding, P.E.  
 Gannett Fleming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106  
 Permit Issued September 5, 2012  
 Description of Action Construction of a sodium hypochlorite system to replace the gas chlorination facility at Well #1A treatment building.

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

**Permit No. 2611503, Public Water Supply.**

Applicant **North Fayette County Municipal Authority**  
1634 University Drive  
PO Box 368  
Dunbar, PA 15431

[Borough or Township] Dunbar and North Union Townships

County **Fayette**

Type of Facility Water system

Consulting Engineer Widmer Engineering  
225 West Crawford Avenue  
Connellsville, PA 15425

Permit to Construct Issued August 20, 2012

**Permit No. 2611509, Public Water Supply.**

Applicant **North Fayette County Municipal Authority**  
1634 University Drive  
PO Box 368  
Dunbar, PA 15431

[Borough or Township] Dunbar and North Union Townships

County **Fayette**

Type of Facility Water system

Consulting Engineer Widmer Engineering  
225 West Crawford Avenue  
Connellsville, PA 15425

Permit to Construct Issued August 20, 2012

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, PO Box 888, Hershey, PA 17033, (PWSID #5260005) West Pike Run Township, **Fayette County** on August 17, 2012 for the operation of facilities approved under Construction Permit # 2611508MA.

**Operations Permit** issued to: **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15235, (PWSID #5020041) West Pike Run Township, **Fayette County** on August 17, 2012 for the operation of facilities approved under Construction Permit # 0292504A3.

**Operations Permit** issued to: **Somerset County General Authority**, 300 North Center Avenue, Suite 500, Somerset, PA 15501, (PWSID #4560009) Jenner Township, **Somerset County** on August 30, 2012 for the operation of facilities approved under Construction Permit # 5604502A2.

**Permit No. 5612503MA, Minor Amendment. Public Water Supply.**

Applicant **Lincoln Township Municipal Authority**  
PO Box 162  
Sipesville, PA 15561

[Borough or Township] Lincoln Township

County **Somerset**

Type of Facility Waterline

Consulting Engineer Somerset Planning & Engineering Services, LLC  
222 West Main Street  
Suite 100  
Somerset, PA 15501

Permit to Construct Issued August 23, 2012

**Permit No. 6512506MA, Minor Amendment. Public Water Supply.**

Applicant **Ligonier Township Municipal Authority**  
One Municipal Park Drive  
Ligonier, PA 15658

[Borough or Township] Fairfield and Ligonier Townships

County **Westmoreland**

Type of Facility Waterline

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

Permit to Construct Issued August 22, 2012

**Permit No. 6512509MA, Minor Amendment. Public Water Supply.**

Applicant **Ligonier Township Municipal Authority**  
One Municipal Park Drive  
Ligonier, PA 15658

[Borough or Township] Ligonier Township

County **Westmoreland**

Type of Facility Waterline

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

Permit to Construct Issued August 22, 2012

**Permit No. 6512510MA, Minor Amendment. Public Water Supply.**

Applicant **Ligonier Township Municipal Authority**  
One Municipal Park Drive  
Ligonier, PA 15658

[Borough or Township] Ligonier Township

County **Westmoreland**

Type of Facility Waterline

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

Permit to Construct Issued August 22, 2012

**Permit No. 6512511MA, Minor Amendment. Public Water Supply.**

Applicant **Ligonier Township Municipal Authority**  
One Municipal Park Drive  
Ligonier, PA 15658

[Borough or Township] Ligonier Township  
 County **Westmoreland**  
 Type of Facility Waterline  
 Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive  
 Somerset, PA 15501  
 Permit to Construct August 22, 2012  
 Issued  
**Permit No. 2611510MA, Minor Amendment.** Public Water Supply.

Applicant **North Fayette County Municipal Authority**  
 1634 University Drive  
 PO Box 368  
 Dunbar, PA 15431  
 [Borough or Township] North and South Union Townships  
 County **Fayette**  
 Type of Facility Water system  
 Consulting Engineer Widmer Engineering  
 225 West Crawford Avenue  
 Connellsville, PA 15425  
 Permit to Construct August 20, 2012  
 Issued

**Permit No. 2611511MA, Minor Amendment.** Public Water Supply.  
 Applicant **North Fayette County Municipal Authority**  
 1634 University Drive  
 PO Box 368  
 Dunbar, PA 15431  
 [Borough or Township] Dunbar and North Union Townships  
 County **Fayette**  
 Type of Facility Water system  
 Consulting Engineer Widmer Engineering  
 225 West Crawford Avenue  
 Connellsville, PA 15425  
 Permit to Construct August 20, 2012  
 Issued

**Permit No. 6512501MA, Minor Amendment.** Public Water Supply.  
 Applicant **Municipal Authority of Westmoreland County**  
 124 Park & Pool Road  
 New Stanton, PA 15672  
 [Borough or Township] Unity Township  
 County **Westmoreland**  
 Type of Facility Charter Oaks #1 water storage tank  
 Consulting Engineer  
 Permit to Construct August 30, 2012  
 Issued

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335*  
 Source Water Protection Plan Approval issued to the Brockway Borough Municipal Authority water system,

501 Main St. Brockway, PA 15824, PWSID No. 6330002, Brockway, Jefferson County on August 29, 2012.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, (35 P. S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hopewell Township	3336 Bridgeview Road, Stewartstown, PA 17363	York

*Plan Description:* The approved plan provides for the adoption and 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.

**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.*

**Ventresca Residence**, 603 West Norwegian Street, Pottsville City, **Schuylkill County**, Richard Trimpi, Trimpi Associates, Inc., has submitted a Final Report on behalf of their client, Michelle Ventresca, 603 West Norwegian Street, Pottsville, PA 19038, concerning the remediation of soil from No. 2 fuel oil believed to have migrated from an adjoining property at 605 West Norwegian Street because of a release from a buried fuel line. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Republican Herald*, on July 25, 2012. A Notice of Intent to remediate was simultaneously submitted.

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

**Altoona North Terminal / Mobil Altoona**, 664 Burns Avenue, Altoona, PA 16601, Allegheny Township, **Blair County**. Groundwater Services International, Inc., 443 McCormick Road, Mechanicsburg, PA 17055, on behalf of Altoona Terminals Corporation, PO Box 2621, Harrisburg, PA 17105, submitted a combined Remedial Investigation and Final Report concerning site soils and groundwater contaminated with VOCs, PAHs, and lead. The report is intended to document remediation of the site to meet the Nonresidential Statewide Health and Site-Specific standards.

**Wambaugh Property**, 146 South 12th Street, Reading, PA, City of Reading, **Berks County**. Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Michael Wambaugh and Carol Wambaugh, 38-1 Cranberry Road, Reading, PA 19606, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

**Rhoads Service Station**, 3526 Old Philadelphia Pike, Intercourse, PA 17534, Leacock Township, **Lancaster County**. Letterle & Associates, LLC, 629 East Rolling Ridge Drive, Bellefonte, PA 16823, on behalf of Rhoads Service Station, 3526 Old Philadelphia Pike, Intercourse, PA 17534-7008, submitted a Final Report concerning remediation of site soils contaminated with waste motor oil from an underground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

**Lancaster Family Medicine Associates**, 2850 Willow Street Pike, West Lampeter Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of WSK Partners, LLC, 2850 Willow Street Pike, Willow Street,

PA 17584, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil from an unregulated underground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Brian Anderson Property**, Washington Township, **Jefferson County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of State Farm Insurance, One State Farm Drive, Ballston Spa, NY 12020 and Brian Anderson 137 Anderson Drive, Falls Creek, PA 15840 has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Ethylbenzene, Isopropylbenzene (Cumene), Methyl tert-butyl ether (MTBE), Naphthalene, Toluene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Heppenstall Facility (Former)**, City of Pittsburgh, **Allegheny County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of the Regional & Industrial Development Corporation of Southwestern PA, 425 Sixth Ave, Suite 800, Pittsburgh PA 15219 has submitted a Remedial Investigation Report and a Final Report concerning the remediation of site soils contaminated with heavy metals above the statewide health standard at 4700 Hatfield Street, City of Pittsburgh. The intended future use of the site is non-residential.

**W Risinger 8376 Well Pad**, Lucerne Mines, Center Township, **Indiana County**. Hull & Associates Inc. 300 Business Center Drive, Suite 320, Pittsburgh, PA 15205 on behalf of XTO Energy—Appalachia Division has submitted a Notice of Intent to Remediate. Approximately 84 gallons of produced oil was released on June 1 2012 at the well pad impacting site soil with BTEX and other organic contaminates. Final Report concerning the remediation of site soils to a residential state wide health standard was received on August 29 2012.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

---

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

---

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of

sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Phoebe Home, Inc.**, 1925 Turner Street, Allentown City, **Lehigh County**. Lawrence W. Bily, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 submitted a Final Report on behalf of his client, Phoebe Home, Inc. 1925 Turner Street, Allentown, PA 18104, concerning the remediation of soil found to have been impacted by arsenic as a result of historical operations at former greenhouses located on the property. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on August 22, 2012.

**Bethlehem Commerce Center-Laubach Yard**, Bethlehem City, **Northampton County**. Kenneth G. Robbins, HDR Engineering, 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 submitted a Final Report on behalf of his client, Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164, concerning the remediation of soil found to have been impacted by VOCs, Semi-VOCs and Inorganic constituents as a result of historical operations at the former Bethlehem Steel Plant. The Final Report documented attainment of the Site-Specific Standard for soil and was approved by Central Office on July 26, 2011.

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

**Millersville University Lancaster Campus/PA Academy of Music**, 42 North Prince Street, Lancaster, PA 17603, City of Lancaster, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Union Community Bank, 570 Lausch Lane, Lancaster, PA 17601, submitted a Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The combined Remedial Investigation and Final Report did not demonstrate attainment of the Site-Specific Standard, and was disapproved by the Department on August 31, 2012.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Piccola Residence**, Summit Township, **Butler County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335 on behalf of Wanda Piccola, 230 Freeport Road, Butler, PA 16001 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Methyl tert-butyl Ether, Xylenes (total), Isopropylbenzene (Cumene), Naphthalene, n-Propylbenzene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, n-Butylbenzene and groundwater contaminated with Methyl tert-butyl Ether, 1,2,4-Trimethylbenzene, Chloroform, Benzene, Toluene, Ethylbenzene, Xylenes (total), Isopropylbenzene (Cumene), Naphthalene, n-Propylbenzene, 1,3,5-Trimethylbenzene, 4-Isopropyltoluene, sec-Butylbenzene, n-Butylbenzene, 1,2,4-Trichlorobenzene, 1,2,4-Trimethylbenzene, Acetone, 2-Hexanone, 2-Butanone (MEK). The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 14, 2012.

**Former McInnes Steel Facility**, City of Corry, **Erie County**. Urban Engineers, Inc., 1319 Sassafras Street, Erie, PA 16201-1720 on behalf of The Redevelopment Authority in the City of Corry, 1524 Enterprise Road, Corry, PA 16407 has submitted a Risk Assessment Report concerning the remediation of site soil contaminated with Arsenic, Lead, Iron, and Manganese. The Risk Assessment Report was approved by the Department on August 23, 2012.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**The Buncher Company—14th through 21st Street Property (former Special Industrial Area)** City of Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of The Buncher Company has submitted a Remedial Investigation Report/Risk Assessment/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with metals, SVOCs and VOCs. The reports were approved by the Department on August 30 2012.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual 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.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481*



**General Permit Registration No. WMGR123NW004. Seneca Resources Corporation**, 51 Zents Boulevard, Brookville, PA 15825, Highland Township, **Elk County**. Registration to operate under General Permit No. WMGR123 for storage and reuse of gas well frac water and production water. The registration was approved by Northwest Regional Office on August 14, 2012.

Persons interested in reviewing the permit may contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay service, (800)654-5984.

**General Permit Registration No. WMGR123NW005. Cares McKean LLC**, Sergeant Township, **McKean County**. Registration to operate under General Permit No. WMGR123 for storage and reuse of gas well frac water and production water. The registration was approved by Northwest Regional Office on August 20, 2012.

Persons interested in reviewing the permit may contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. 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 (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit No. 100361. McKean County Landfill**, 19 Ness Lane, Kane PA 16735, Sergeant Township, **McKean County**. A major permit modification for the solidification of liquid waste prior to disposal at McKean County Landfill. The permit was issued by the Northwest Regional Office on July 25, 2012.

Persons interested in reviewing the permit may contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984

**Permit No. 100361. McKean County Landfill**, 19 Ness Lane, Kane PA 16735, Sergeant Township, **McKean County**. A major permit modification to reduce the permit area by 7.7 acres removing the Leachate Equalization Impoundment No. 2 and the two 550,00 gallon storage tanks from McKean County Landfill. The application also allow the landfill leachate to be treated by either the current The permit was issued by the Northwest Regional Office on July 25, 2012.

Persons interested in reviewing the permit may contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984

## 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.**

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

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

**66-399-016GP5: PVR NEPA Gas Gathering LLC** (100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701) on August 13, 2012, to construct and operate a Natural Gas Compressor Station at their site in Washington Township, **Wyoming County**.

**66-399-017GP5: PVR NEPA Gas Gathering LLC** (100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701) on August 23, 2012, for to construct and operate a Natural Gas Compressor Station at their site in Forkston Township, **Wyoming County**.

*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*

**GP1-05-05006A: Columbia Gas Transmission, LLC** (1700 MacCorkle Avenue, SE, Charleston, WV 25314) on August 31, 2012, to construct and operate two natural gas-fired fuel line heaters, each rated at 20.4 MMBtu, under GP1, at their natural gas transmission station in Mann Township, **Bedford County**.

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

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

**GP3-41-580C: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on August 24, 2012, to relocate and operate one Kolberg FT2650 portable crushing unit with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Hagerman's Run facility located in Armstrong Township, **Lycoming County**.

**GP11-41-580C: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on August 24, 2012, to relocate and operate one 305 brake horsepower, Cummins QSC CPL 8539 diesel-fired engine pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad engines at the Hagerman's Run facility located in Armstrong Township, **Lycoming County**.

**GP3-17-494E: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on August 20, 2012, to construct and operate a portable non-metallic mineral mobile scalping and conveying plant with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Pottersdale facility located in Karthaus Township, **Clearfield County**.

**GP9-17-494E: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on August 20, 2012, to construct and operate one Caterpillar model 3052 diesel-fired engine with a rating of 100 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at their Pottersdale facility located in Karthaus Township, **Clearfield County**.

**GP10-60-00013B: RR Donnelley** (1601 Industrial Boulevard, Lewisburg, PA 17837) on August 21, 2012, to construct and operate a new non-heatset web offset lithographic printing press and modification of an existing non-heatset web offset lithographic printing press pursuant to the General Plan Approval And/Or General Operating Permit For Non-Heatset Web Offset Lithographic Printing Press (BAQ-GPA/GP-10) at Lewisburg plant located in East Buffalo Township, **Union County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-65-01018A: Great Oak Energy, Inc.** (637 Allegheny Avenue, PO Box 445, Oakmont, PA 15139) on August 28, 2012, to install and operate one (1) natural gas-fired compressor engine rated at 203 bhp controlled by a three way catalyst at their Valero Compressor Station in Salem Township, **Westmoreland County**. The previously authorized 465 bhp natural gas-fired compressor engine will be removed from this facility upon this authorization.

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

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

**GP5-42-222D: SM Energy Co.—Potato Creek—1H Compressor Station** (48 White Hollow Road, Crosby, PA 16724) on August 27, 2012, to operate a Caterpillar, Model No. G3508 LE, 0.345 MMBtu/hr Dehydrator and a 6,300 gallon storage tank, in Norwich Township, **McKean County**.

**GP5-42-225B: SM Energy Co.—Potato Creek—3H Compressor Station** (Dividing Ridge Road, Emporium, PA 15834) on August 27, 2012, to operate an Ajax, Model No. 2802LE, a Natco Model No. 99550108 Dehydrator and a 200 BBL storage tank, in Norwich Township, **McKean County**.

**GP5-42-226C: SM Energy Co.—Potato Creek—2H Compressor Station** (Sackett Hollow Road, Smethport, PA 16749) on August 27, 2012, to operate a Caterpillar, Model No. G3306-TA, 0.345 MMBtu/hr Dehydrator and a 6,300 gallon storage tank, in Norwich Township, **McKean County**.

---

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) 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*

**46-0005AI: Merck, Sharp & Dohme, Corp.** (770 Sumneytown Pike, West Point, PA 19486-0004) on August 27, 2012, 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.

*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*

**06-05066I: Exide Technologies** (P. O. Box 14294, Reading, PA 19612-4294) on August 31, 2012, to implement control measures that will contribute to attainment of the 2008 Lead NAAQS in the North Reading Area, and to modify existing Source ID 147—Refining Kettles, at their secondary lead smelter facility in Muhlenberg Township and Laureldale Borough, **Berks County**.

**36-03138B: OpSec Security, Inc.** (1857 Colonial Village Lane, PO Box 1055, Lancaster, PA 17605-0155) on August 24, 2012, to use an emissions averaging program as an alternative for demonstrating compliance with 25 PA. Code Section 129.52b, in East Lampeter Township, **Lancaster County**.

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

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

**49-00043A: Shamokin Filler Co., Inc.** (PO Box 568, Venn Access Road, Shamokin, PA 17872) on August 29, 2012, to construct and operate a natural gas fired rotary coal dryer and associated material handling equipment at their facility in Coal Township, **Northumberland County**.

**18-00026D: First Quality Products, Inc.** (Clinton County Industrial Park, 121 North Road, McElhatten, PA 17748-0270) on June 6, 2012, to construct two (2) Curt G. Joe under pad machines (Line 35 and 36) in Wayne Township, **Clinton County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**63-00969A: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on August 27, 2012, to allow the installation and initial temporary operation of eight new rich burn natural gas-fired compressor engines rated at 1,980 bhp each and controlled by three-way catalysts, and the increased throughput of a currently authorized dehydrator up to 130 MMscf/day at the Three Brothers Compressor Station in Smith Township, **Washington County**. A total of ten natural gas-fired compressor engines will be located at this site after this authorization.

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

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

**25-179D: Erie City Sewer Authority WWTP** (68 Port Access Road, Erie, PA 16507), issued August 28, 2012, for the post-construction operation of a 215 KW, natural gas fueled emergency generator. This unit was installed in 2005 and not permitted due to an oversite. The generator replaced a 60 KW diesel fueled emergency generator (Model GFBB Kohler 60R0Z271) at your facility in **Erie County**.

**25-197E: TSK Partners Inc.**, Erie Bronze and Aluminum (6300 West Ridge Road, Erie, PA 16506), issued August 21, 2012, for authorization to construct and operate a cartridge filter dust collector which will replace a venturi rod scrubber at their existing Erie Bronze and Aluminum Facility in Fairview Township, **Erie County**.

---

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

---

*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*

**67-03162A: Church & Dwight Co., Inc.** (5197 Commerce Drive, York, PA 17408) on August 27, 2012, to construct a new cat litter manufacturing process at their facility in Jackson Township, **York County**. The plan approval was extended.

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

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**63-00963D: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on August 27, 2012, to extend the period of temporary operation of the fractionator tower and natural gas-fired process heater rated at 148 MMBtu/hr authorized under plan approval PA-63-00936D, until February 27, 2013, at the Houston Gas Plant located in Chartiers Township, **Washington County**.

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

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

**10-028I: Armstrong Cement and Supply Corp.** (100 Clearfield Road, Cabot, PA 16023) on August 31, 2012, for plan approval to install new burner systems on two existing kilns at their facility on 100 Clearfield Road in Winfield Township, **Butler County**. This is a Title V facility, Permit #10-00028. This plan approval has been extended.

**24-1310: SGL Carbon LLC** (900 Theresia Street, St Marys, PA 15857) on August 31, 2012, to install four (4) new reactors and two (2) wet scrubbers to control emissions of hazardous air pollutants (HAPS). This action is

under Plan Approval 24-1310 for their facility in the City of St Marys, **Elk County**. The plan approval has been extended.

**62-185A: Berenfield Containers, Inc.** (304 Main Avenue, Warren, PA 16365) on August 31, 2012, to construct a metal container manufacturing facility. The inside liner coating and exterior paint will be applied using high volume, low pressure (HVLP) spray guns in spray booths. Emissions from spray booths will be controlled by fiber filter pads. A recuperative thermal oxidizer (RTO) will be used to control VOC emissions from the curing process. This facility will be in the City of Warren, **Warren County**. The plan approval will be extended.

---

**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

---

*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*

**36-05082: Clark Filter** (3649 Hempland Road, Lancaster, PA 17601) on August 13, 2012, for the diesel locomotive filter manufacturing facility in West Hempfield Township, **Lancaster County**. The Title V permit was renewed.

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

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

**61-00198: Handsome Lake Energy LLC** (173 Cornplanter Lane, Kennerdell, PA 16374) on August 29, 2012, to reissue a Title V Operating Permit to operate their electric power generating station in Rockland Township, **Venango County**. The facility's primary 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>.

---

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

---

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

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

**64-00007: Hanson Aggregates Pa, LLC,—Lake Ariel Quarry** (7660 Imperial Way, Allentown, PA 18195) on August 29, 2012, for sandstone crushed and broken mining in Lake Township, **Wayne County**. The sources consist of crushers and screens. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), and VOC's. This is a renewal of the State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*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*

**67-05082: David Edwards Ltd.** (252 North Franklin Street, Red Lion, PA 17356-1503) on August 27, 2012, for their institutional hardwood furniture manufacturing facility in Red Lion Borough, **York County**. The State-only permit was renewed.

**67-05075: York PA Hospital Co., LLC—dba Memorial Hospital** (PO Box 15118, 325 South Belmont Street, York, PA 17405) on August 30, 2012, for the boilers and emergency generators at the York Memorial Hospital in Spring Garden Township, **York County**. The State-only permit was renewed.

**22-05052: PA Department of Agriculture** (2300 North Cameron Street, Harrisburg, PA 17110-9443) on August 27, 2012, for their boilers, emergency generators, fire pump engine, and rooftop heaters at the Farm Show Complex in the City of Harrisburg, **Dauphin County**. The State-only permit was renewed.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**36-03101: Wenger’s Feed Mill, Inc.** (101 West Harrisburg Avenue, Rheems, PA 17570) on August 28, 2012, for their feed mill in East Hempfield Township, **Lancaster County**. The State-only permit was administratively amended to reflect a change of ownership and to incorporate the requirements of Plan Approval No. 36-03101A.

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

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

**53-00009: Morgan Advance Materials & Technology, Inc.** (1118 East 2nd Street, Coudersport, PA 16915) on August 30, 2012, to issue a minor modification permit for their facility in Eulalia Township, **Potter County**. This operating permit revision is for the construction and operation of new equipment for the production of a resin-bonded silicon carbide product. The emissions from these sources are considered insignificant. The operating permit contains applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

**56-00230: Zimmerman Center, LLC** (407 Stouffer Hill Rd., Friedens, PA, 15541) located in Somerset Township, **Somerset County**. The facility’s major sources of emissions include one 2.6 mmbtu/hr coal-fired boiler, a second coal-fired boiler used for backup or auxiliary heating capacity, and a small, propane fired emergency generator. The operating permit has been transferred from the former owner, the Somerset Area School District.

**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*

**25-00783: Haysite Reinforced Plastics** (5599 New Perry Highway, Erie, PA 16509) for its facility located in Erie City, **Erie County**. The De minimis emission increase is for the construction of a flat sheet press and 2 SMC/BMC compression molding presses. In addition, these sources are exempt from plan approval as they comply with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the State Only Operating Permit issuance on November 13, 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>
8-31-12	Flat Sheet Press				0.52	
8-31-12	2 SMC/BMC compression molding presses				0.0482	
Total Reported Increases					0.5682	
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### Coal Permits Actions

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**30841307. Emerald Coal Resources, LP**, (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Whiteley Township, **Greene County**, ACOE Pittsburgh, (Oak Forest, PA Quadrangle, from N: 9.85 inches; W: 0.01 inch to N: 17.82 inches; W: 0.02 inch). This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), submitted as part of the mining permit revision application to authorize stream restoration to eliminate stream pooling resulting from longwall mining to Mt. Phoebe Run and an associated unnamed tributary to Mt. Phoebe Run. The application was considered administratively complete on March 28, 2012. Application received: January 27, 2012. Permit issued: August 29, 2012.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**56060107. Coal Loaders, Inc.**, 210 E. Main Street, Ligonier, PA 15658, revision of an existing bituminous surface and auger mine to add 19.5 acres to the permit area in Quemahoning Township, **Somerset County**, affecting 26.4 acres. Receiving stream(s): Higgins Run; a tributary to Quemahoning Creek classified for the following use(s): high quality cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority & Johnstown Water Authority. Application received: June 14, 2011. Permit issued: August 29, 2012.

**56060107. Coal Loaders, Inc.**, 210 East Main Street, Ligonier, PA 15658, permit renewal for the continued operation and restoration of a bituminous surface mine in Quemahoning Township, **Somerset County**, affecting 26.4 acres. Receiving stream(s): Higgins Run, a tributary to Quemahoning Creek classified for the following use(s): high quality cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority and Johnstown Water Authority. Application received: November 17, 2011. Permit issued: August 29, 2012.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33850118 and NPDES Permit No. PA0106682. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous surface mine in Winslow Township, **Jefferson County** affecting 173.3 acres. Receiving streams: Three unnamed tributaries to Soldier Run. Application received: May 29, 2012. Permit Issued: August 29, 2012.

**1361-33090106-E-2. MSM Coal Co., Inc.** (P. O. Box 243, DuBois, PA 15801) Application for a stream encroachment to mine through the 100 foot barrier of intermittent unnamed tributary No. 2 to Five Mile Run in Knox Township, **Jefferson County**. Receiving streams: Unnamed tributaries to Five Mile Run and Five Mile Run. In conjunction with this approval, the Department is granting a 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of Sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application received: December 28, 2011. Permit Issued: August 28, 2012.

### Noncoal Permits Actions

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**37990302 and NPDES Permit No. PA0241547. Cemex Construction Materials Atlantic, LLC** (929 Gessner Road, Suite 1900, Houston, TX 77024) Transfer of a large industrial minerals surface mine and underground mine from Cemex, Inc. in Shenango & Wayne Townships, **Lawrence County** affecting 866.5 acres. Receiving streams: Unnamed tributaries to Snake Run and Snake Run, unnamed tributaries to Beaver River. Application received: October 31, 2011. Permit Issued: August 29, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17060301 and NPDES No. PA 0256307. Kinkead Aggregates LLC** (2311 Route Highway East Homer City, PA 15748). Renewal of an NPDES permit associated with an existing large industrial mineral mine located in Bell Township, **Clearfield County** affecting 137.4 acres. Receiving streams: unnamed tributary to Bear Run and Bear Run classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 29, 2012. Permit issued: August 22, 2012.

**59040301 and NPDES No. PA0243868.** Transfer of an existing large noncoal mine from **Paul T. Hall to Jody Fisher dba Fisher Aggregate** (1658 Buckweat Hollow Road, Lawrenceville, PA 16929) located in Lawrence Township, **Tioga County** affecting 9.6 acres. Receiving streams: Daily Creek, a warm water fishes and tributary of the Tioga River. Transfer application received: October 17, 2011. Permit issued: August 28, 2012.

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

**58112804 and NPDES Permit No. PA0225185. Robert Schneider**, (RR 2, Box 2390, Factoryville, PA 18419), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Unnamed to Meylert Creek to Salt Lick Creek. Application received: December 1, 2011. Permit issued: August 28, 2012.

### ABANDONED MINE RECLAMATION PROJECT

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg PA 15931-4119, Telephone (814) 472-1908*

<i>Bond Forfeiture Reclamation Project</i>	PBF 56703124.1
<i>Location</i>	Stonycreek Township Somerset County Pennsylvania
<i>Description</i>	Flight 93—Pump Wells Site
<i>Contractor</i>	Earth Shapers, LLC 266 Scout Dam Road Ebensburg, PA 15931
<i>Amount</i>	\$312,861.21
<i>Date of Award</i>	August 31, 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*

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

**65124002. Kukurin Contracting, Inc.** (1169 Route 286, Export, PA 15632). Blasting activity permit for the construction of the New Alexandria Pump Station, located in Derry Township, **Westmoreland County**. The duration of blasting is expected to last 30 days. Blasting permit issued: August 28, 2012.

**63124007. JND Properties, LLC** (3625 Washington Pike, Bridgeville, PA 15017). Blasting activity permit for the construction of the Majestic Hills Development, located in North Strabane Township, **Washington County**. The duration of blasting is expected to last 60 days. Blasting permit issued: August 30, 2012.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**33124001. Appalachian Geophysical Services, LLC** (2659 State Route 60, P. O. Box 426, Killbuck, OH 44637). Blasting Activity Permit to conduct seismic activities in Pine Creek Township, **Jefferson County**. This blasting activity permit will expire on November 14, 2012. Permit Issued: August 28, 2012.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08124142. Doug Wathen LLC** (11934 Fairway Lakes Dr, Suite 1, Ft Myers, FL 33913). Blasting for construction of a gas pad located in Wilmot Township, **Bradford County**. Permit issued: August 22, 2012. Permit expires: August 20, 2013.

**41124005. John Brainard Explosives LLC** (3978 SR 2073, Kingsley, PA 18826-0980). Blasting for construction of a gas pad located Penn Township, **Lycoming County**. Permit issued: August 24, 2012. Permit expires: October 31, 2012.

**59124110. Maine Drilling & Blasting, Inc.** (P. O. Box 1140, Gardiner ME 04345-1140). Blasting for construction of a gas well pad located in Liberty Township, **Tioga County**. Permit issued: August 23, 2012. Permit expires: August 17, 2013.

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

**36124148. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for The Villas At Elm Tree in Mount Joy Borough and Rapho Township, **Lancaster County** with an expiration date of August 24, 2013. Permit issued: August 27, 2012.

**36124149. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Lancaster Labs in Upper Leacock Township, **Lancaster County** with an expiration date of August 27, 2012. Permit issued: August 27, 2012.

**36124150. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Steve Fisher Manure Pit in Leacock Township, **Lancaster county** with an expiration date of October 31, 2012. Permit issued: August 28, 2012.

**58124179. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Blue Stone Pipeline in Jackson and New Milford Townships, **Susquehanna County** with an expiration date of August 20, 2013. Permit issued: August 28, 2012.

**67124108. Elite Blasting, LLC**, (17224 Spielman Road, Fairplay, MD 21733), construction blasting for First Logistics Center at I-83 in Manchester Township, **York County** with an expiration date of August 27, 2013. Permit issued: August 30, 2012.

**67124001. Demtech LLC**, (2500 South Noah Drive, Saxonburg, PA 16056), demolition blasting for the Hub Scrap Metal Smoke Stack Tower in Mt. Wolf Township, **York County** with an expiration date of October 31, 2012. Permit issued: August 31, 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: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.*

**E13-169. Carbon County**, P. O. Box 129, Jim Thorpe, PA 18229. Mahoning Township, **Carbon County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 72-foot wide road crossing of Beaver Run (CWF, MF) consisting of an open-bottom precast concrete arch having a 32-foot span and a 7.5-foot underclearance for the purpose of providing access to the Packerton Business Park. The project is located adjacent to the intersection of SR 0209 and SR 3006 (Packerton Dam Road) (Lehigh, PA Quadrangle Latitude: 40° 51' 2.6"; Longitude -75° 42' 45.5") in Mahoning Township, Carbon County. Subbasin: 2B.

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

**E10-474, Mars Area School District**, 545 Route 288, Mars, PA 16046 in Adams Township, **Butler County**, ACOE Pittsburgh District:

to conduct the following activities associated with the construction of a secondary access roadway to the Mars Area Middle School from Three Degree Road approximately 0.7 mile north of S.R. 288:

1. To install and maintain a 96-foot long, 72-inch diameter HDPE culvert depressed 12 inches in a tributary to Breakneck Creek.

2. To install and maintain a 61-foot long, 48-inch diameter HDPE culvert depressed 12 inches in a tributary to Breakneck Creek.

3. To fill a total of 0.137 acre of wetland associated with construction of the roadway.

Project includes creation of 0.14 acre of replacement wetland adjacent to existing wetlands on-site. (Valencia, PA Quadrangle N: 40°, 41'; 47"; W: 79°, 58', 58")

**E25-747 National Fuel Gas Supply Corporation**, 1100 State Street, P. O. Box 2081, Erie PA 16512 in the City of Corry, Erie County and Columbus Township, **Warren County**, ACOE Pittsburgh District

to replace and maintain approximately 6,200 feet of 12 inch steel natural gas pipeline along line L with new 12-inch steel pipeline. The project is mainly confined to the existing, maintained ROW and includes pipeline crossings and temporary equipment crossings of 5 wetland areas and 6 streams resulting in a total temporary impact of 0.65 acre (772 linear feet) of wetland and 260 linear feet (0.04 acre) of stream channel. Site will be restored to original contours and stabilized when work is completed. (Columbus, PA Quadrangle N: 41°, 46', 12.05"; W: -79°, 37', 27.08")

**E27-086, Tennessee Gas Pipeline Company**, 1001 Louisiana Street, 740 B, Houston TX 77022 in Jenks Township, **Forest County** to temporarily impact 0.19 acre of 3 PEM wetlands and a total of 12 feet of a tributary to Salmon Creek for access to an existing maintained right-of-way to repair an existing 24-inch diameter natural gas pipeline. All disturbed areas will be restored to original contours and stabilized upon completion of work. (Marienville East, PA Quadrangle N: 41°, 29', 20.38"; W: 79°, 06', 50.28")

**E42-358, NiSource/Columbia Gas Transmission**, 1700 MacCorkle Avenue, SE, Charleston WV 25314 in Lewis Run Borough, **McKean County**, ACOE Pittsburgh District

to temporarily impact 0.63 acre of 5 exceptional value wetlands and a total of 181 feet of 3 tributaries to East Branch Tunungwant Creek for the replacement of approximately 1525 feet of existing 8-inch diameter natural gas pipeline within the existing maintained right-of-way between N: 41, 52', 7.72"; W: 78, 39', 26.89" and N: 41, 52', 19.95"; W: 78, 39', 16.37" (Lewis Run, PA Quadrangle). All disturbed areas will be restored to original contours and stabilized upon completion of work.

**E43-355, Tennessee Gas Pipeline Company, LLC**, 1001 Louisiana Street, 740B, Houston TX 77002 in Worth Township, **Mercer County**, ACOE Pittsburgh District

to perform repairs on a natural gas pipeline located within an existing, previously disturbed right-of-way. The project involves crossing Wolf Creek (CWF), an unnamed tributary to Wolf Creek (CWF), and four separate wetland areas with temporary impacts to the wetlands totaling approximately 0.21 acre. The site will be returned to original contours and restored once the repairs are complete. (Sandy Lake, PA Quadrangle N: 41°, 16', 52.4"; W: -80°, 4', 33.9")

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335*

**E42-08-007, NFG Midstream Mt. Jewett, LLC**, 6363 Main Street, Williamsville, NY 14221. MOJ-4 Pipeline Project, in Wetmore Township, **McKean County**, Army Corps of Engineers Pittsburgh District (Kane and Mt. Jewett, PA Quadrangle N: 41° 39' 41.83"; W: -78° 42' 46.73").

The applicant proposes to construct and maintain approximately 36,500 feet of natural gas pipeline located in Wetmore Township, McKean County. The proposed pipeline will connect an existing well field to an existing National Fuel Gas pipeline west of Detrick Road. The water obstructions and encroachments for the purpose of installing the natural gas pipeline are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	A 12" diameter HDPE natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 4487 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 797 square feet of temporary wetland impact.	41.6302° -78.7144°
2	A 12" diameter HDPE natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) EV wetland and a UNT to Long Run (CWF) having 12,600 square feet of temporary wetland impact and 51 linear feet of temporary stream impact and a temporary equipment crossing of a palustrine emergent (PEM) EV wetland and a UNT to Long Run (CWF) having 1,856 square feet of temporary wetland impact and 11 linear feet of temporary stream impact.	41.6342° -78.7177°
3	A 20" diameter HDPE natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 1045 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 198 square feet of temporary wetland impact.	41.6538° -78.7248°
4	A 20" diameter HDPE natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross Buck Run (CWF) 61 linear feet of temporary stream impact and a temporary equipment crossing of Buck Run (CWF) having 11 linear feet of temporary stream impact.	41.6547° -78.7240°
5	A 20" diameter HDPE natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) EV wetland having 181 square feet of temporary wetland impact.	41.6547° -78.7234°
6	A 20" diameter HDPE natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross a UNT to Buck Run (CWF) having 176 linear feet of temporary stream impact and a temporary equipment crossing of a UNT to Buck Run (CWF) having 25 linear feet of temporary stream impact.	41.6553° -78.7227°
7	A 20" diameter HDPE natural gas pipeline and an 8" diameter steel natural gas pipeline and associated right-of-way to cross a UNT to Buck Run (CWF) having 91 linear feet of temporary stream impact and a temporary equipment crossing of a UNT to Buck Run (CWF) having 13 linear feet of temporary stream impact.	41.6584° -78.7183°
8	An 8" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) EV wetland and a UNT to Lanigan Brook (CWF) having 1,169 square feet of temporary wetland impact and 71 linear feet of temporary stream impact and a temporary equipment crossing of a palustrine emergent (PEM) EV wetland and a UNT to Lanigan Brook (CWF) having 23 square feet of temporary wetland impact and 10 linear feet of temporary stream impact.	41.6702° -78.7108°
9	A 12" diameter steel natural gas pipeline to be directionally drilled and associated right-of-way to cross a palustrine emergent (PEM) wetland having 273 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 2,998 square feet of temporary wetland impact. Temporary access to 24,235 square feet of wetland is proposed in the contingency plan for addressing inadvertent returns if they occur during directional drilling.	41.6814° -78.7251°
9A	A 12" diameter steel natural gas pipeline to be directionally drilled and associated right-of-way to cross a palustrine emergent (PEM) wetland having 59 square feet of temporary wetland impact.	41.6815° -78.7234°



<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
10	A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 5,507 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 502 square feet of temporary wetland impact.	41.6817° -78.7267°
11	A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 10,808 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 1,860 square feet of temporary wetland impact.	41.6822° -78.7289°
12	A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) EV wetland and a UNT to Glad Run (HQ-CWF) having 1,183 square feet of temporary wetland impact and 83 linear feet of temporary stream impact and a temporary equipment crossing of a UNT to Glad Run (CWF) having 11 linear feet of temporary stream impact.	41.6832° -78.7346°
13	A 12" diameter steel natural gas pipeline and associated right-of-way to cross Glad Run (HQ-CWF) having 62 linear feet of temporary stream impact and a temporary equipment crossing of a UNT to Buck Run (CWF) having 10 linear feet of temporary stream impact.	41.6844° -78.7414°
14	A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 2,384 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 150 square feet of temporary wetland impact.	41.6855° -78.7475°
15	A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 1,950 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 623 square feet of temporary wetland impact.	41.6858° -78.7487°
16	A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 159 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 113 square feet of temporary wetland impact.	41.6862° -78.7515°

The project will result in a total of 686 linear feet of temporary stream impacts and 1.73 acres of temporary wetland impacts from utility line and road crossings. (0.39 acre of temporary wetland impacts are to exceptional value wetlands)

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

**E6629-010: Chief Gathering, LLC**, 999 North Loyalsock Ave., Suite G, Montoursville, PA 17754, Lemon and Nicholson Townships, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Karp Lateral Natural Gas Pipeline, which consists of one 12-inch, natural gas trunkline and associated temporary construction accesses, with impacts as follows:

1. 1,751 square feet of Palustrine Emergent (PEM) Wetlands and 60.0 linear feet of a UNT to Field Brook (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'13.8", Longitude: W75°49'40.5");

2. 65.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'06.5", Longitude: W75°49'50.0");

3. 3,595 square feet of Palustrine Emergent (PEM) Wetland and 60.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'51.9", Longitude: W75°49'54.2");

4. 20,735 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'42.0", Longitude: W75°49'50.6");

5. 17,380 square feet of Palustrine Emergent (PEM) Wetlands and 90.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'38.2", Longitude: W75°49'49.2");

6. 77.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'36.3", Longitude: W75°49'45.6");

7. 662 square feet of Palustrine Forested (PFO) Wetlands, 183 square feet of Palustrine Emergent (PEM) Wetlands, and 19.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via horizontal directional drilling (Factoryville, PA Quadrangle, Latitude: N41°37'27.2", Longitude: W75°49'41.2");

8. 30.0 linear feet of Monroe Creek (CWF, MF) via horizontal directional drilling (Factoryville, PA Quadrangle, Latitude: N41°36'43.1", Longitude: W75°50'12.7");

9. 30.0 linear feet of a UNT to Monroe Creek (CWF, MF) via horizontal directional drilling and temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°36'40.2", Longitude: W75°50'14.3");

10. 64.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF), 68.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF), and 5,136 square feet of Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°36'28.7", Longitude: W75°50'42.7");

11. 60.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°36'18.9", Longitude: W75°51'04.2");

12. 64.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°36'08.7", Longitude: W75°51'16.0");

13. 28.0 linear feet of a UNT to Oxbow Creek (CWF, MF) via horizontal directional drilling (Factoryville, PA Quadrangle, Latitude: N41°36'01.9", Longitude: W75°51'53.9");

14. 16.0 linear feet of a UNT to Oxbow Creek (CWF, MF) via horizontal directional drilling (Factoryville, PA Quadrangle, Latitude: N41°36'01.3", Longitude: W75°51'57.9");

15. 596 square feet of Palustrine Emergent (PEM) Wetlands via temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°36'00.0", Longitude: W75°52'01.3");

16. 46.0 linear feet of Oxbow Creek (CWF, MF) via horizontal directional drilling (Factoryville, PA Quadrangle, Latitude: N41°35'53.1", Longitude: W75°52'19.1");

17. 50.0 square feet of Palustrine Emergent (PEM) Wetlands via horizontal directional drilling (Factoryville, PA Quadrangle, Latitude: N41°35'52.3", Longitude: W75°52'20.9");

18. 70.0 square feet of Palustrine Scrub/Shrub (PSS) Wetlands via horizontal directional drilling (Factoryville, PA Quadrangle, Latitude: N41°35'51.5", Longitude: W75°52'22.7");

19. 2,855 square feet of Palustrine Emergent (PEM) Wetlands via temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°35'50.8", Longitude: W75°52'25.4");

20. 60.0 linear feet of a UNT to Oxbow Creek (CWF, MF) and 2,821 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°35'49.3", Longitude: W75°52'26.0");

21. 85.0 linear feet of a UNT to Oxbow Creek (CWF, MF) and 6,549 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°35'45.2", Longitude: W75°52'23.1"); and

22. 60.0 linear feet of a UNT to Oxbow Creek (CWF, MF) via open cut trenching and temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°35'43.8", Longitude: W75°52'23.1").

The project will result in 982.0 linear feet of temporary stream impacts, 56,515 square feet (1.30 acres) of impacts

to Palustrine Emergent (PEM) Wetlands, 5,206 square feet (0.12 acre) of impacts to Palustrine Scrub/Shrub (PSS) Wetlands, and 662 square feet (0.02 acre) of impacts to Palustrine Forested (PFO) Wetlands, all for the purpose of one 12-inch, natural gas trunkline and associated temporary construction accesses for Marcellus shale development.

**E6629-011: Chief Gathering, LLC**, 999 North Loyalsock Ave., Suite G, Montoursville, PA 17754, Eaton and Forkston Townships, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Severcool Compressor and Natural Gas Pipeline, which consists of a natural gas compressor site with a permanent access road, and one 16-inch, natural gas trunkline with associated temporary construction accesses, with impacts as follows:

1. 853 square feet of Palustrine Emergent (PEM) Wetlands (W\_154\_TSD) via open cut trenching and temporary timber matting (Noxen, PA Quadrangle, Latitude: N41°29'39.7", Longitude: W76°02'34.4");

2. 67.0 linear feet of a UNT to Newton Run (HQ-CWF, MF) (S\_071\_MJL) via open cut trenching and temporary timber matting (Noxen, PA Quadrangle, Latitude: N41°29'45.5", Longitude: W76°02'49.1");

3. 61.0 linear feet of a UNT to Roaring Run (HQ-CWF, MF) (S\_032\_LEL) via open cut trenching and temporary timber matting (Noxen, PA Quadrangle, Latitude: N41°29'47.9", Longitude: W76°03'31.1");

4. 63.0 linear feet of Roaring Run (HQ-CWF, MF) (S\_030\_LEL) via open cut trenching and temporary timber matting (Noxen, PA Quadrangle, Latitude: N41°29'39.3", Longitude: W76°04'33.2");

5. 607 square feet of Palustrine Emergent (PEM) Wetlands (W\_031\_MKR) via open cut trenching and temporary timber matting (Noxen, PA Quadrangle, Latitude: N41°29'54.5", Longitude: W76°04'59.0");

6. 51.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_040\_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'23.2", Longitude: W76°05'15.4");

7. 56.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_039\_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'22.9", Longitude: W76°05'15.8");

8. 101.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_038\_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'22.9", Longitude: W76°05'16.2");

9. 37.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_037\_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'22.9", Longitude: W76°05'16.9");

10. 15.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_041\_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'23.3", Longitude: W76°05'18.9");

11. 29.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_062\_MJL) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'22.7", Longitude: W76°05'27.4");

12. 82.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_060\_MJL) via open cut trenching and

temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'22.5", Longitude: W76°05'33.8");

13. 67.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_058\_MJL) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'22.5", Longitude: W76°05'36.9");

14. 60.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_067\_ZDF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'28.0", Longitude: W76°05'50.6");

15. 27.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_057\_MJL) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'41.6", Longitude: W76°06'26.0");

16. 72.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_057\_MJS) and 1,405 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W\_194\_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'06.9", Longitude: W76°06'30.8");

17. 18 square feet of Palustrine Emergent/Open Water (PEM/POW) Wetlands (W\_193\_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'07.5", Longitude: W76°06'30.9");

18. 600 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W\_192\_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'08.0", Longitude: W76°06'31.0");

19. 31.0 linear feet of Bowman Hollow (HQ-CWF, MF) (S\_150\_MJS) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'11.9", Longitude: W76°06'29.9");

20. 862 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W\_009\_MJL) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'13.7", Longitude: W76°06'28.6");

21. 1,635 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W\_010\_MJL) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'16.6", Longitude: W76°06'28.5");

22. 33 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W\_248\_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'17.9", Longitude: W76°06'28.5");

23. 84.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_235\_MJU) via the installation of two, 36-inch diameter pipe culverts for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°31'03.2", Longitude: W76°06'03.6");

24. 118.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_234\_MJU) via the installation of one, 18-inch diameter pipe culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°31'07.8", Longitude: W76°06'07.0");

25. 100.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_070\_MRV) via the installation of one, 18-inch diameter pipe culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°31'13.8", Longitude: W76°06'15.6");

26. 53.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_233\_MJU) via the installation of one, 18-inch diameter pipe culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°31'14.6", Longitude: W76°06'16.6");

27. 82.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_239\_MJU) via the placement of fill for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°31'15.0", Longitude: W76°06'16.9"); and

28. 70.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S\_239\_MJU) via the placement of fill for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°31'14.8", Longitude: W76°06'17.7").

The project will result in 152.0 linear feet of permanent stream impacts, 1,174.0 linear feet of temporary stream impacts, 5,995 square feet (0.14 acre) of impacts to Palustrine Emergent (PEM) Wetlands, and 18 square feet (0.01 acre) of impacts to Palustrine Emergent/Open Water (PEM/POW) Wetlands, all for the purpose of installing of a natural gas compressor site with a permanent access road, and one 16-inch, natural gas trunkline with associated temporary construction accesses.

**E4129-012: NFG Midstream Trout Run, LLC**, 1100 State Street, PO Box 2081, Erie, PA 16512, McIntyre Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 12 inch gas pipeline and a temporary single-lane, single-span, steel beam bridge impacting 60 linear feet Long Run (HQ-CWF, MF) (Trout Run Quadrangle 41°27'53" N 77°01'14"W);

(2) one 12 inch gas pipeline impacting 63 linear feet of an unnamed tributary to Long Run (HQ-CWF, MF) (Trout Run Quadrangle 41°27'54"N 77°01'13"W);

(3) one 12 inch gas pipeline and a temporary single-lane, single-span, steel beam bridge impacting 66 linear feet of Grays Run (HQ-CWF, MF) (Trout Run Quadrangle 41°27'51" 77°00'59"W).

The project will result in 189 linear feet of temporary stream impacts all for the purpose of installing natural gas pipeline and associated roadways for Marcellus Shale well development. These are additional impacts to be included along with pipeline impacts previous published to the *PA Bulletin* 6/25/11.

**E5829-031: Bluestone Pipeline Company of Pennsylvania, LLC**, One Energy Plaza, 1722 WCB, Detroit, Michigan, 48226-1211, Lenox, Harford, and New Milford Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain the Bluestone Gathering System-Phase III natural gas pipeline project, which includes the following impacts:

1) 12,650 square feet of temporary impacts and 5,500 square feet of permanent impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill within the wetlands for the construction of a natural gas meter station (Lenoxville, PA Quadrangle, N41°42'53.0", W75°43'58.9");

2) 173.0 linear feet of UNTs to Millard Creek (CWF, MF) and 4,800 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°43'10.9", W75°44'00.1");

3) 76.0 linear feet of a UNT to Millard Creek (CWF, MF) and 1,300 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°43'16.5", W75°44'01.4");

4) 80.0 linear feet of a UNT to Millard Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°43'28.0", W75°44'11.6");

5) 450 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°43'36.3", W75°44'16.6");

6) 850 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°43'51.5", W75°44'24.2");

7) 100.0 linear feet of UNTs to Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°44'08.0", W75°44'41.3");

8) 75.0 linear feet of a UNT to Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°44'21.0", W75°44'33.9");

9) 133.0 linear feet of UNTs to Martins Creek (CWF, MF), 450 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands, and 900 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°44'26.8", W75°44'31.3");

10) 135.0 linear feet of a UNT to Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°44'41.6", W75°44'21.0");

11) 2,600 square feet of temporary impacts and 850 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Lenoxville, PA Quadrangle, N41°44'45.0", W75°44'24.6");

12) 50.0 linear feet of a UNT to Martins Creek (CWF, MF), and 1,750 square feet of temporary impacts and 850 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°45'00.1", W75°44'24.1");

13) 79.0 linear feet of a UNT to Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°45'50.1", W75°44'17.6");

14) 198.0 linear feet of UNTs to Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°45'55.3", W75°44'16.7");

15) 88.0 linear feet of a UNT to Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°45'58.2", W75°44'16.2");

16) 156.0 linear feet of UNTs to Martins Creek (CWF, MF) and 11,750 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trench-

ing and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'02.3", W75°44'07.8");

17) 85.0 linear feet of a UNT to Martins Creek (CWF, MF) and permanent impacts to 1,300 square feet of Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'11.7", W75°44'28.4");

18) 3,500 square feet of temporary impacts and 850 square feet of permanent impacts to Palustrine Scrub/Shrub Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'27.4", W75°44'48.8");

19) 84.0 linear feet of East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'28.4", W75°44'49.9");

20) 75.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF), 450 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands, 2,600 square feet of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands, and 450 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'29.0", W75°44'50.6");

21) 99.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'29.7", W75°44'51.4");

22) 74.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) and 12,200 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'32.0", W75°44'53.8");

23) 450 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'33.9", W75°44'52.9");

24) 5,650 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'35.5", W75°44'50.8");

25) 54.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'39.3", W75°44'50.7");

26) 79.0 linear feet of East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°46'54.1", W75°44'46.5");

27) 79.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°47'04.3", W75°44'35.7");

28) 48.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) for a construction access road (Harford, PA Quadrangle, N41°47'13.2", W75°44'17.9");

29) 27.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) for a construction access road (Harford, PA Quadrangle, N41°47'18.1", W75°44'34.7");

30) 157.0 linear feet of UNTs to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°47'26.3", W75°44'31.7");

31) 6,950 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°47'47.2", W75°44'34.9");

32) 450 square feet of temporary impacts and 450 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°47'51.1", W75°44'36.9");

33) 80.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°47'53.6", W75°44'37.2");

34) 97.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°48'02.3", W75°44'35.2");

35) 104.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°48'04.9", W75°44'34.8");

36) 2,600 square feet of permanent impacts to Palustrine Forested (PFO) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°49'01.6", W75°44'09.7");

37) 92.0 linear feet of a UNT to East Branch Martins Creek (CWF, MF) via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°49'26.2", W75°44'07.5");

38) 181.0 linear feet of UNTs to East Branch Martins Creek (CWF, MF), and 4,800 square feet of temporary impacts and 850 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 16-inch steel gasline (Harford, PA Quadrangle, N41°49'28.3", W75°44'09.5");

39) 265.0 linear feet of UNTs to Meylert Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°50'10.4", W75°43'39.3");

40) 61.0 linear feet of a UNT to Meylert Creek (HQ-CWF, MF) and 1,300 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands for a construction access road (Harford, PA Quadrangle, N41°50'19.2", W75°43'45.1");

41) 76.0 linear feet of a UNT to Meylert Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°50'30.3", W75°43'13.71");

42) 87.0 linear feet of a UNT to Wellmans Creek (HQ-CWF, MF), and 5,650 square feet of temporary impacts and 3,900 square feet of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°50'53.8", W75°42'53.0");

43) 97.0 linear feet of UNTs to Wellmans Creek (HQ-CWF, MF) via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'05.6", W75°42'36.1");

44) 146.0 linear feet of UNTs to Wellmans Creek (HQ-CWF, MF), and 7,400 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'07.2", W75°42'34.0");

45) 850 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'10.4", W75°42'30.5");

46) 224.0 linear feet of Wellmans Creek (HQ-CWF, MF) and 11,750 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'12.4", W75°42'26.0"); and

47) 850 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting for one 12-inch steel gasline, one 16-inch steel gasline, and one 16-inch HDPE waterline (Harford, PA Quadrangle, N41°51'14.6", W75°42'27.8").

The project will result in the following: 3,714.0 linear feet of stream impacts; 60,950 square feet (1.40 acres) of temporary impacts to Palustrine Emergent (PEM) Wetlands; 21,350 square feet (0.49 acre) of temporary impacts to Palustrine Scrub/Shrub (PSS) Wetlands; 5,500 square feet (0.13 acre) of permanent impacts to Palustrine Emergent (PEM) Wetlands; 8,650 square feet (0.20 acre) of permanent impacts to Palustrine Scrub/Shrub (PSS) Wetlands; 17,400 square feet (0.40 acre) of permanent impacts to Palustrine Forested (PFO) Wetlands; and 6,100 square feet (0.14 acre) of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands; all for the purpose of installing two steel natural gas lines, one HDPE water line, and associated access roadways for the development of Marcellus Shale natural gas.

**E6629-009: Chesapeake Appalachia, LLC**, 101 North Main Street, Athens, PA 18810, Windham Township, Wyoming County, ACOE Baltimore District.

To construct, operate and maintain two 16-inch, aboveground, temporary waterlines and temporary construction access utilizing timber matting, with impacts as follows:

1. 995 square feet of Palustrine Emergent (PEM) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41°35'26.5", Longitude: W76°11'58.6");

2. 2,350 square feet of Palustrine Emergent/Forested (PEM/PFO) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41° 35'31.2", Longitude: W76°11'52.1");

3. 19.0 linear feet of a UNT to Little Mehoopany Creek (CWF, MF) (Jenningsville, PA Quadrangle, Latitude: N41°35'32.1", Longitude: W76°11'50.5");

4. 789 square feet of Palustrine Forested (PFO) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41° 35'32.7", Longitude: W76°11'50.8"); and

5. 340 square feet of Palustrine Forested (PFO) Wetlands (Jenningsville, PA Quadrangle, Latitude: N41° 35'31.4", Longitude: W76°11'18.2").

The project will result in 19.0 linear feet of temporary stream impacts and 4,474 square feet (0.10 acre) of temporary wetland impacts all for the purpose of installing two temporary, aboveground waterlines, and associated construction access for Marcellus shale development.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D36-174EA. Aaron Nolt**, 695 Indian Run Road, Ephrata, PA 17522. Clay and West Cocalico Townships, **Lancaster County**, ACOE Baltimore District.

Project proposes to stabilize 600 lineal feet of Indian Run and 200 lineal feet of tributary to Indian Run in order to minimize bank erosion and sediment mobilization following a catastrophic dam failure. The project is located approximately 100-feet east of the intersection of Stobers Dam Road and Gockley Road (Ephrata, PA Quadrangle, Latitude: 40.23873; Longitude: -76.20058).

#### 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 # ESX12-117-0068  
Applicant Name Shell Appalachia, SWEPI LP  
Contact Person H. James Sewell  
Address 190 Thorn Hill Road  
City, State, Zip Warrendale, PA 15086  
County Tioga County  
Township(s) Sullivan Township  
Receiving Stream(s) and Classification(s) UNT to Corey Creek—Tioga River (Other)

ESCGP-1 # ESX12-081-0112  
Applicant Name EXCO Resources (PA), LLC

Contact Person Gregg Stewart  
Address 3000 Ericsson Drive, Suite 200  
City, State, Zip Warrendale, PA 15086  
County Lycoming County  
Township(s) Penn Township  
Receiving Stream(s) and Classification(s) UNT to Beaver Creek, UNT to Little Muncy Creek (Both CWF/MF)

ESCGP-1 # ESX12-081-0114  
Applicant Name PVR NEPA Gas Gathering, LLC  
Contact Person Nicholas J. Bryan  
Address 100 Penn Tower, Suite 201-202, 25 W. Third Street  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Plunketts Creek & Shrewsbury Townships  
Receiving Stream(s) and Classification(s) UNT to Roaring Run, Roaring Run (Both HQ-CWF/MF), UNT to Big Run, UNT to South Fork Bear Creek, South Fork Bear Creek, Bear Creek, and UNT to Bear Creek (All EV/MF)

ESCGP-1 # ESX12-015-0168  
Applicant Name Angelina Gathering Company, LLC  
Contact Person Danny Spaulding  
Address 2350 N. Sam Houston Parkway E., Suite 125  
City, State, Zip Houston, TX 77032  
County Bradford County  
Township(s) Stevens Township  
Receiving Stream(s) and Classification(s) UNT to Cold Creek, UNT to Wyalusing Creek and Wyalusing Creek (WWF/MF)

ESCGP-1 # ESX12-117-0072  
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) Union Township  
Receiving Stream(s) and Classification(s) West Mill Creek (HQ-CWF/MF)

ESCGP-1 # ESX12-015-0171  
Applicant Name Chesapeake Appalachia  
Contact Person Eric Haskins  
Address 101 North Main Street  
City, State, Zip Athens, PA 18810  
County Bradford County  
Township(s) Overton Township  
Receiving Stream(s) and Classification(s) UNT to Millstone Creek, which is trib. To Schrader Creek (HQ, CWF/MF), UNT to Deep Hollow Creek, which is trib. To Millstone Creek, which is trib. to Schrader Creek (HQ, CWF/MF);  
Secondary; Schrader Creek (HQ, CWF/MF)

ESCGP-1 # ESG11-115-0191 (01)  
Applicant Name Southwestern Energy Production Company  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna County  
Township(s) New Milford Township  
Receiving Stream(s) and Classification(s) Smith Creek (HQ-CWF);  
Secondary: Salt Lick Creek (HQ-CWF/MF)

ESCGP-1 # ESX12-035-0015  
Applicant Name XTO Energy, Inc.  
Contact Person Stacey Vehovic  
Address 395 Airport Road

City, State, Zip Indiana, PA 15701  
 County Clinton County  
 Township(s) Chapman Township  
 Receiving Stream(s) and Classification(s) UNT to Dry  
 Run (HQ)

ESCGP-1 # ESX12-115-0149  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Thomas Page  
 Address 1605 Coraopolis Heights Road  
 City, State, Zip Moon Township, PA 15108-4310  
 County Susquehanna County  
 Township(s) Harford Township  
 Receiving Stream(s) and Classification(s) Nine Partners  
 Creek/Upper Susquehanna—Tunkhannock Watershed  
 (Other)

ESCGP-1 # ESX12-015-0169  
 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) Smithfield Township  
 Receiving Stream(s) and Classification(s) The Browns  
 Creek (WWF/MF), UNT to the Browns Creek (WWF/  
 MF)

ESCGP-1 # ESX12-081-0092  
 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 and Mill Creek Townships  
 Receiving Stream(s) and Classification(s) UNTs to Mill  
 Creek (TSF)/Loyalsock Creek Watershed;  
 Secondary: Mill Creek (TSF)

ESCGP-1 # ESX12-081-0109  
 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 Lycoming County  
 Township(s) Cogan House Township  
 Receiving Stream(s) and Classification(s) Steam Valley  
 Run (EV), Flicks Run (EV);  
 Secondary: West Branch Susquehanna River

ESCGP-1 # ESX12-115-0024 (01)  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Kristy Flavin  
 Address 1605 Coraopolis Heights Road  
 City, State, Zip Moon Township, PA 15108-4310  
 County Susquehanna County  
 Township(s) Dimock Township  
 Receiving Stream(s) and Classification(s) Trib. 29385 to  
 W. Branch of Meshoppen Creek, West Creek (CWF)

ESCGP-1 # ESX12-081-0089  
 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) Fairfield and Muncy Townships  
 Receiving Stream(s) and Classification(s) Turkey Run,  
 UNTs to Twin Run (Both WWF); Muncy Chillisquaque  
 Creeks Watershed;  
 Secondary: Twin Run (WWF)

ESCGP-1 # ESX12-015-0149  
 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) Granville Township  
 Receiving Stream(s) and Classification(s) North Branch  
 Towanda Creek (CWF/MF)

ESCGP-1 # ESX12-113-0028  
 Applicant Name Chief Oil & Gas, LLC  
 Contact Person Jeffrey Deegan  
 Address 6051 Wallace Road Ext., Suite 300  
 City, State, Zip Wexford, PA 15090  
 County Sullivan County  
 Township(s) Cherry Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Loyalsock Creek; Secondary: Loyalsock Creek (EV)

ESCGP-1 # ESG12-115-0109  
 Applicant Name Southwestern Energy Production Com-  
 pany  
 Contact Person Dave Sweeley  
 Address 917 State Route 92 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Susquehanna County  
 Township(s) New Milford Township  
 Receiving Stream(s) and Classification(s) Smith Creek,  
 East Lake Creek (HQ-CWF/MF), UNT to Mitchell  
 Creek (CWF/MF);  
 Secondary: Salt Lick Creek (HQ-CWF/MF),  
 Susquehanna River (WWF/MF)

ESCGP-1 # ESX12-081-0090  
 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) Fairfield Township  
 Receiving Stream(s) and Classification(s) UNTs to Twin  
 Run, UNT to Bennetts Run (Both WWF); Muncy/  
 Chillisquaque Creeks Watershed;  
 Secondary: Twin Run (WWF), Bennetts Run (WWF)

ESCGP-1 # ESX12-115-0106  
 Applicant Name WPX Energy Appalachia, LLC  
 Contact Person David Freudenrich  
 Address 6000 Town Center Blvd, Suite 300  
 City, State, Zip Canonsburg, PA 15317-0106  
 County Susquehanna County  
 Township(s) Liberty Township  
 Receiving Stream(s) and Classification(s) Trib 31821 of  
 Snake Creek;  
 Secondary: Snake Creek (CWF/MF)

ESCGP-1 # ESX12-115-0063 (01)  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Kristy Flavin  
 Address 1605 Coraopolis Heights Road  
 City, State, Zip Moon Township, PA 15108-4310  
 County Susquehanna County  
 Township(s) Forest Lake Township  
 Receiving Stream(s) and Classification(s) UNT to Forest  
 Lake Creek (CWF)/Susquehanna River Watershed

ESCGP-1 # ESX12-081-0110  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Nathan S. Bennett  
 Address 33 W. Third Street, Suite 200  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County

Township(s) Cogan House Township  
 Receiving Stream(s) and Classification(s) Buck Run (HQ-CWF)/Larry's Creek, Larry's Creek (EV/MF)/Larry's Creek, Wendell Run (HQ/CWF)/Larry's Creek

ESCGP-1 # ESX12-115-0151  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Susquehanna County  
 Township(s) Auburn Township  
 Receiving Stream(s) and Classification(s) Transue Creek (CWF);  
 Secondary: Transue Creek (CWF)

ESCGP-1 # ESG11-117-0133 (01)  
 Applicant Name Talisman Energy USA, LLC  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845

County Tioga County  
 Township(s) Bloss, Hamilton, Liberty, Union and Ward Townships  
 Receiving Stream(s) and Classification(s) Bellman Run (CWF), Dibble, Taylor & Carpenter Runs (EV), Tioga River (CWF);  
 Secondary: Tioga River

ESCGP-1 # ESX12-115-0144  
 Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Bart Roberts  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna County  
 Township(s) Great Bend Township  
 Receiving Stream(s) and Classification(s) Susquehanna River (Other)

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

---

<i>ESCGP-1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
OG04-12-004	David Justin Sunoco Pipeline LP 525 Fritztown Road Sinking Springs, PA 19608	Beaver	Industry Borough, Brighton Township, and Potter Township	UNT to Towmile Run (WWF), UNT to Ohio River (WWF), UNT to Fourmile Run (WWF) & Ohio River (WWF)

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>ESCGP-1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
1012803	NiSource Midstream Services LLC 5151 San Felipe, Suite 2500 Houston TX 77056	Butler	Buffalo Township Jefferson Township	Buffalo Creek, Lardintown Run, Little Buffalo Creek, Little Bull Creek, McDowell Run, Thorn Creek HQ, TSF
1012804	Mountain Gathering LLC Attn: Dewey Chalos 810 Houston Street Fort Worth TX 76102	Butler	Clinton Township	Davis Run (CWF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX12-085-0007-Hurtt Well Pad  
 Applicant Chevron Appalachia LLC  
 Contact Jeremy Hirtz  
 Address 800 Mountain View Drive  
 City Smithfield State PA Zip Code 15478  
 County Mercer Township(s) East Lackawannock(s)  
 Receiving Stream(s) and Classification(s) Indian Run

ESCGP-1 #ESX12-065-0052  
 Applicant EXCO Resources PA LLC  
 Contact Gregg Stewart  
 Address 3000 Ericsson Drive, Suite 200  
 City Warrendale State PA Zip Code 15086  
 County Jefferson Township(s) Beaver(s)  
 Receiving Stream(s) and Classification(s) Patton Run (CWF)/UNT to Redbank Creek (CWF)

ESCGP-1 #ESX12-065-0049-RC Winslow Gathering Line Project  
 Applicant Mountain Gathering LLC  
 Contact Dewey Chalos  
 Address 810 Houston Street  
 City Fort Worth State TX Zip Code 76102  
 County Jefferson Township(s) McCalmont & Young(s)

Receiving Stream(s) and Classification(s) Little Elk Run, Little Sandy Creek, Elk Run/Redbank Mahoning

ESCGP-1 #ESX12-047-0050—MOJ 5 Pipeline Phase 2  
 Applicant Seneca Resources Corporation  
 Contact Michael C. Clinger  
 Address 51 Zents Boulevard  
 City Brookville State PA Zip Code 15825  
 County Elk Township(s) Jones(s)  
 Receiving Stream(s) and Classification(s) UNT to Wilson Run—CWF, West Branch Clarion River—CWF/Trout Natural Reproduction)

ESCGP-1 #ESX12-083-0070 — Lot 6 - 1414  
 Applicant SWEPI LP  
 Contact H. James Sewell  
 Address 190 Thorn Hill Road  
 City Warrendale State PA Zip Code 15086  
 County McKean Township(s) Corydon(s)  
 Receiving Stream(s) and Classification(s) North Fork (HQ-CWF) & Unnamed Tributary to North Fork (HQ-CWF)

*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA*



7/30/12

ESCGP-1 No: ESX11-059-0061 MAJOR REVISION  
 Applicant Name: EQT PRODUCTION  
 Contact Person MR TODD KLANER  
 Address: 455 RACETRACK ROAD  
 City: WASHINGTON State: PA Zip Code: 15301  
 County: GREENE Township: CENTER  
 Receiving Stream (s) And Classifications: TRIBUTARY  
 40620 TO RUSH RUN—HQ-WWF RUSH RUN—HQ-  
 WWF TRIBUTARY 40625 TO LIGHTNER RUN—HQ-  
 WWF LIGHTNER RUN—HQ-WWF SOUTH FORK  
 TENMILE CREEK WATERSHED—HQ-WWF; HQ

8/3/12

ESCGP-1 No.: ESX12-125-0093  
 Applicant Name: CHEVRON APPALACHIA LLC  
 Contact Person: MR JEREMY HIRTZ  
 Address: 800 MOUNTAIN VIEW DRIVE  
 City: SMITHFIELD State: PA Zip Code: 15478  
 County: WASHINGTON Township(s): WEST  
 BETHLEHEM  
 Receiving Stream(s) and Classifications: UNTs TO PLUM  
 RUN (TSF) AND UNT TO TENMILE CREEK (TSF)/  
 TENMILE CREEK WATERSHED; OTHER

8/3/12

ESCGP-1 No.: ESX11-125-0065 MAJOR REVISION  
 Applicant Name: CHEVRON APPALACHIA LLC  
 Contact Person: MR JEREMY HIRTZ  
 Address: 800 MOUNTAIN VIEW DRIVE  
 City: SMITHFIELD State: PA Zip Code: 15478  
 County: WASHINGTON Township(s): WEST  
 BETHLEHEM  
 Receiving Stream(s) and Classifications: HORN RUN  
 (TSF) AND UNT TO HORN RUN (TSF) / TENMILE  
 CREEK WATERSHED; OTHER

5/29/12

ESCGP-1 No.: ESX12-129-0015  
 Applicant Name: CHEVRON APPALACHIA LLC  
 Contact Person: JEREMY HIRTZ  
 Address: 800 MOUNTAIN VIEW DRIVE  
 City: SMITHFIELD State: PA Zip Code: 15478  
 County: WESTMORELAND Township(s): SEWICKLEY  
 Receiving Stream(s) and Classifications: KELLY RUN  
 (WWF); OTHER

3/27/12

ESCGP-1 No.: ESX12-059-0022  
 Applicant Name: LAUREL MOUNTAIN MIDSTREAM  
 LLC  
 Contact Person: MR FRANK CANNETO  
 Address: 1605 CORAOPOLIS HEIGHTS RD  
 City: MOON TOWNSHIP State: PA Zip Code: 15108  
 COUNTY GREENE Township(s): CENTER AND  
 FRANKLIN  
 Receiving Stream(s) and Classifications: SOUTH FORK  
 TENMILE CREEK WATERSHED; HQ

6/25/12

ESCGP-1 No.: ESX12-125-0075  
 Applicant Name: MARKWEST LIBERTY MIDSTREAM  
 & RESOURCES LLC  
 Contact Person: MR RICHARD A LOWRY  
 Address: 824 MORGANZA ROAD  
 City: CANONSBURG State: PA Zip Code: 15317  
 County: WASHINGTON Township(s): SMITH AND  
 ROBINSON  
 Receiving Stream(s) and Classifications: RACCOON  
 CREEK AND LITTLE RACCOON RUN (WARM WA-  
 TER FISHES); OTHER

7/9/12

ESCGP-1 No.: ESX12-125-0086  
 Applicant Name: MARKWEST LIBERTY MIDSTREAM  
 & RESOURCES LLC  
 Contact Person: MR RICHARD A LOWRY  
 Address: 824 MORGANZA ROAD  
 City: CANONSBURG State: PA Zip Code 15317  
 County: WASHINGTON Township(s): CROSS CREEK  
 Receiving Stream(s) and Classifications: MIDDLE FORK  
 CROSS CREEK (WWF); UNTs TO MIDDLE FORK  
 CROSS CREEK (WWF) AND UNTs TO RACCOON  
 CREEK (WWF). UNTs TO BURGETTS FORK (WWF),  
 UNT TO SOUTH FORK CROSS CREEK (HQ-WWF);  
 OTHER

#### OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed which the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not in and of itself create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483.

*Northwest Region District Oil and Gas Operations,  
 Program Manager, 230 Chestnut St., Meadville, PA 16335*

Well Permit #: 015-22255-00-00  
 Well Farm Name Rainbow N BRA 2H  
 Applicant Name: Chesapeake Appalachia LLC  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street, Athens, PA 18810  
 County: Bradford

Municipality Terry Township:  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Cooley, Unnamed Tributary to Bowman Creek (CWF) and Bowman Creek (CWF)

Well Permit #: 015-22256-00-00  
 Well Farm Name Rainbow S BRA 1H  
 Applicant Name: Chesapeake Appalachia LLC  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street, Athens, PA 18810  
 County: Bradford

Municipality Terry Township:  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Cooley, Unnamed Tributary to Bowman Creek (CWF) and Bowman Creek (CWF)

Well Permit #: 015-22257-00-00  
Well Farm Name Rainbow S BRA 2H  
Applicant Name: Chesapeake Appalachia LLC  
Contact Person: Eric Haskins  
Address: 101 North Main Street, Athens, PA 18810  
County: Bradford  
Municipality Terry Township:  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Cooley, Unnamed Tributary to Bowman Creek (CWF) and Bowman Creek (CWF)

Well Permit #: 121-44947-00-00  
Well Farm Name Eddy Unit 1H  
Applicant Name: Range Resources  
Contact Person: Linda S. Ray  
Address: 100 Throckmorton, Suite 1200 Fort Worth, Texas 76102  
County: Venango  
Municipality Oakland Township:  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Titusville South, UNT of Cherry tree Run (CWF)

Well Permit #: 015-22258-00-00  
Well Farm Name Lorraine BRA 2H  
Applicant Name: Chesapeake Appalachia LLC  
Contact Person: Eric Haskins  
Address: 101 North Main Street, Athens, PA 18810  
County: Bradford  
Municipality Tuscarora Township:  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Laceyville, Unnamed Tributary of the Fargo Creek and the Fargo Creek.

Well Permit #: 113-20167-00-00  
Well Farm Name Savage South Unit 1H  
Applicant Name: Chief Oil & Gas LLC  
Contact Person: Jennifer A. Curry  
Address: 6051 Wallace Road Ext Suite 300, Wexford, PA 15090-7386  
County: Sullivan  
Municipality Elkland Township:  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Overton, Mill Creek

Well Permit #: 015-22259-00-00  
Well Farm Name Iceman BRA 2H  
Applicant Name: Chesapeake Appalachia, LLC.  
Contact Person: Eric Haskins  
Address: 101 North Main Street, Athens, PA 18810  
County: Bradford  
Municipality Wilmot Township:  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to

the Section 3215(b)(4) waiver: Cooley, Unnamed Tributary to Panther Lick Creek, tributary to Sugar Run Creek (CWF)

Well Permit #: 015-22253-00-00  
Well Farm Name Hart BRA 2H  
Applicant Name: Chesapeake Appalachia, LLC.  
Contact Person: Eric Haskins  
Address: 101 North Main Street, Athens, PA 18810  
County: Bradford  
Municipality Wyalusing Township:  
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Laceyville, Unnamed Tributary to Susquehanna River

---

## SPECIAL NOTICES

---

### Solicitation for Municipal Solid Waste Disposal and Processing Capacity; Monroe County Municipal Waste Management Authority, Blakeslee, PA

In accordance with 25 Pa. Code § 272.225 Municipal Waste Planning Recycling and Waste Reduction (as amended December 22, 2000), the Monroe County Municipal Waste Management Authority, incorporated as a Municipal Authority under Title 53, Chapter 56 The Municipality Authorities Act, has determined that additional waste disposal or processing capacity is required for all municipal solid waste (MSW), including construction/demolition waste (C/D) and municipal sewage sludge (Sludge) generated from within Monroe County for a minimum of ten (10) years commencing January 1, 2015. The Monroe County Municipal Waste Management Authority is hereby soliciting proposals for disposal and processing capacity for Monroe County generated MSW. The volume of disposal capacity is for the sole use of Monroe County's municipal waste, and must be reserved for their use as stated herein, and is to be utilized as part of an Integrated Waste Management System for the benefit of the residents of the County.

Sealed proposals will be received by the Monroe County Municipal Waste Management Authority Offices, located at PO Box 1229, 183 Commercial Boulevard, Blakeslee, PA 18610, until 12:00 noon, prevailing time on Monday, October 29, 2012. All proposals will be publicly opened by the Monroe County Municipal Waste Management Authority at 1:00 p.m. on Monday, October 29, 2012, at the Authority Offices.

Copies of the Request for Proposals (RFP) and related Addendums may be purchased from the Office of the Monroe County Municipal Waste Management Authority, (570) 643-6100, by pre-payment of a non-refundable amount of \$15.00 per proposal. Proposers should make checks payable to: Monroe County Municipal Waste Management Authority.

All proposals must be made on the Proposal Forms and be in accordance with the Instruction to Proposers contained in this Request for Proposals and related Addendums. The Proposer is required to submit one (1) original and three (3) copies of the Proposal to the Monroe County Municipal Waste Management Authority at the address listed below. Envelopes containing the proposals must be sealed and clearly labeled to show the name and address of the proposer, the statement "Proposal for Purchase of Municipal Waste Disposal Capacity" and be addressed to Attention: James Lambert, Monroe County Municipal Waste Management Authority, PO Box 1229, 183 Commercial Boulevard, Blakeslee, PA 18610.

**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of August 2012 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in

Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Michael Biechler	2466 Roundtop Road Middletown, PA 17057	Testing
Camelot Inspections	290 S. Mill Road Milton, PA 17847	Testing
Steven Haslam	3650 Concorde Parkway Suite 100 Chantilly, VA 20151	Testing
HomeTeam Inspection Service	1216 Edgewood Drive West Homestead, PA 15120	Testing
Daniel Keogh	518 Kimberton Road PMB311 Phoenixville, PA 19460	Testing
Russell Knarr	129 N. 5th Street Reynoldsville, PA 15851	Testing
Adrian Ko Velocity Consulting, Inc.	28 West 36th Street, Suite 901 New York, NY 10018	Testing
Christopher Marshall	4638 Curly Hill Road Doylestown, PA 18902	Testing
Eric Mills	P. O. Box 116 Oreland, PA 19075	Testing
Karen Quick	2643 Eldridge Avenue Easton, PA 18045	Testing
Troy Rudy Allied Home Inspections, Inc.	P. O. Box 4214 Lancaster, PA 17604	Mitigation
Jon Shaffer	1115 Cornell Street Pittsburgh, PA 15121	Testing
Dennis Skladanowski	5140 Amherst Road Erie, PA 16506	Testing
Jeffrey Smith	P. O. Box 223 Altoona, PA 16603	Testing
John Staz, III	1738 N. 3rd Street Suite A Harrisburg, PA 17102	Testing
Robert Wills	877 Williams Place Warminster, PA 18974	Testing

**Presque Isle Bay Area of Concern Delisting; Notice of 14-Day Extended Public Comment Period**

*Northwest Region: Waterways & Wetlands, 230 Chestnut Street, Meadville, PA 16335-3481*

The Department of Environmental Protection (Department) provides notice of the extension of the original 30 day public comment period for an additional 14 days for the Stage 3 Remedial Action Plan recommending the removal of Presque Isle Bay from the list of Areas of Concern under the Great Lakes Water Quality Agreement. The opening of the initial 30 day comment period

was published in volume 42, number 31 of the *Pennsylvania Bulletin* (August 4, 2012). This notice extends the comment period to October 1, 2012.

A copy of the final draft RAP may be obtained by contacting Lori Boughton, Office of the Great Lakes at (814) 217-9635 or through the PAC's website at <http://www.pibpac.org>. The document can also be viewed at the following locations: The Tom Ridge Environmental Center, 301 Peninsula Drive, Erie, PA 16505; the Erie County Public Library, 160 East Front St., Erie, PA 16507; and

the Erie County Conservation District, 1927 Wager Road, Erie, PA 16509.

Interested parties must submit written comments by October 1, 2012. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Lori Boughton, Office of the Great Lakes, Department of Environmental Protection's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, lboughton@pa.gov.

#### *Clarification of Fish Tumor Incidence Rates*

Members of the Presque Isle Bay Public Advisory Committee requested that this notice include a clarification on the calculation of fish tumor incidence rates. The August 4, 2012 *Pennsylvania Bulletin* Notice contained the following language with regard to historical external and liver tumor rates on brown bullhead catfish in Presque Isle Bay:

"Since the 1980s, the Department and its partners conducted studies of the bay's brown bullheads and collected information on sediment quality conditions within the bay. In the early 1990s, tumor rates were as high as 86% for grossly observable external tumors and 22% for liver tumors. Over the next ten years, tumor rates steadily declined to 19% for grossly observable external tumors and a reported zero percent for liver tumors."

The incidence rates provided here are from the Department's 2002 Remedial Action Plan Update and are correctly stated. The incidence rates were calculated as a straight percentage, dividing the number of fish with tumors by the total number of fish observed for external tumors and necropsied for liver tumors. This method of calculating tumor incidence rates is different than that used to determine incidence rates for post-2002 sampling events.

Beginning in 2003, the Department convened a number of workshops with experts in brown bullhead catfish histopathology, monitoring, and research to provide advice on the work being done in Presque Isle Bay. The experts reached consensus on a broad range of sampling and analysis issues and recommended, among other things, that the Department compare fish of the same age to evaluate temporal trends and differences between locations. Sample results reported after 2002, were normalized to age 7 to allow those comparisons. Data collected between 2002 and 2007 in Presque Isle Bay was reported in the Stage 3 Remedial Action Plan as an age-normalized median for those sampling years. As a result, the median liver tumor rate for Presque Isle Bay for 2002-2007 was 2.8% and the median external tumor rate was 15.4%.

[Pa.B. Doc. No. 12-1800. Filed for public inspection September 14, 2012, 9:00 a.m.]

#### **Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.e-library.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted.

The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance Document Minor Revision*

*DEP ID:* 263-0900-009. *Title:* Exemption from Registration Fees for Volunteer Fire Companies or Volunteer Emergency Medical Services Organizations. *Description:* This Technical Guidance Document was revised to reflect the updated name and document number of our Storage Tank Registration/Permitting Application Form, as well as updated to reflect current fee processing procedures and database field names.

*Contact:* Questions regarding this action should be directed to Adam Krichmar at [akrichmar@pa.gov](mailto:akrichmar@pa.gov) or (717) 772-5831.

*Effective Date:* Upon publication in the *Pennsylvania Bulletin*.

#### *Rescission of Technical Guidance*

*DEP ID:* 253-4500-613. *Title:* Policy and Procedure for Mitigating Remedies under the Orphan Sites Program. *Description:* This policy is no longer in use as the Land Recycling Act has superseded the Greenfields initiatives and is no longer needed.

*Contact:* Questions regarding this action should be directed to Mark Conaron at [mconaron@pa.gov](mailto:mconaron@pa.gov) or (717) 783-9165.

*Effective Date:* Upon publication in the *Pennsylvania Bulletin*.

*DEP ID:* 253-5800-638. *Title:* Final Guidance for Using Hazardous Sites Cleanup Fund Monies for Emergency Response Actions. *Description:* This document involves internal administrative operating procedures that are covered by other program staff operating procedure documents and is no longer needed.

*Contact:* Questions regarding this action should be directed to Mark Conaron at [mconaron@pa.gov](mailto:mconaron@pa.gov) or (717) 783-9165.

*Effective Date:* Upon publication in the *Pennsylvania Bulletin*.

*DEP ID:* 253-4500-608. *Title:* Revised Final Guidance for Using Hazardous Sites Cleanup Fund Monies for Emergency Response. *Description:* This document involves internal administrative operating procedures that are covered by other program staff operating procedure documents and is no longer needed.

*Contact:* Questions regarding this action should be directed to Mark Conaron at mconaron@pa.gov or (717) 783-9165.

*Effective Date:* Upon publication in the *Pennsylvania Bulletin*.

*DEP ID:* 253-4500-621. *Title:* Off-Site Audit Manual for Hazardous Sites Cleanup Program. *Description:* This document involves internal administrative operating procedures that are covered by other program staff operating procedure documents and is no longer needed.

*Contact:* Questions regarding this action should be directed to Mark Conaron at mconaron@pa.gov or (717) 783-9165.

*Effective Date:* Upon publication in the *Pennsylvania Bulletin*.

*DEP ID:* 273-4100-005. *Title:* Air Pollution Control Act Compliance History Review and Civil Penalty Assessment Procedures. *Description:* This policy is outdated and conflicts with the "Guidelines for Identifying, Tracking, and Resolving Air Violations for Air Quality," (GITRVAQ; TGD Number 273-4110-001) dated March 19, 2005. The guidance has been superseded by the revisions to Regional Civil Penalty Assessment Procedure, (TGD Number 273 4130 003.) Rescission will improve efficiency for the Department and regulated entities, and remove the potential for conflicting interpretations.

*Contact:* Questions regarding this action should be directed to Scott Kepner at (717) 772-2330.

*Effective Date:* Upon publication in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1801. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 11(0777)101.1, Abandoned Mine Reclamation Project, Spangler West, Susquehanna Township and Northern Cambria Borough, Cambria 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 282,523 cubic yards; subsurface drains 900 linear feet; mine seals; 12" PVC pipe and fittings 60 linear feet; AASHTO No. 57 coarse aggregate 288 tons; permanent swales with R4 rock check dams 1,600 linear feet; permanent access road 1,350 linear feet; seeding 36.2 acres; tree planting 21,900 trees. This bid issues on September 14, 2012, and bids will be opened on October 11, 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. 12-1802. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 17(6802)101.1, Abandoned Mine Reclamation Project, Grassflat, Cooper Township, Clearfield County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; dewatering and diversion and care of water; grading 474,800 cubic yards; ditch excavation 3,500 cubic yards; high velocity erosion control mulch blanket 5,450 square yards; rock lining with filter material 900 square yards; subsurface drain 240 linear feet; and seeding 49 acres. This bid issues on September 14, 2012, and bids will be opened on October 16, 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. 12-1803. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 40(3219)101.1, Abandoned Mine Reclamation Project, Green Mountain, Foster Township, Luzerne 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 1,046,500 cubic yards; drainage excavation 6,350 cubic yards; R-5 rock lining with geotextile 4,800 square yards; erosion control mat 17,000 square yards; and seeding 65 acres. This bid issues on September 14, 2012, and bids will be opened on October 16, 2012, at 2 p.m. Bid documents cost \$15 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. 12-1804. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Nutrient Credit Trading Program; Notice of Certification Requests

The Department of Environmental Protection (Department) provides notice of the following certification requests that have been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable

credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient credit trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients.

The information described in this notice relates to submitted certification requests received on August 27, 2012.

*Background*

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the certification request must be approved; (2) generation of the credits must be verified; and (3) the credits must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of a pollutant reduction activity to generate credits. Certifications are based on at least: (1) a written request describing the qualifying pollutant reduction activity that will reduce the pollutant loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying pollutant reduction activity has taken place.

Once the credits are certified, they must be verified to be applied toward an NPDES permit for compliance with effluent limits. Verification means implementation of the verification plan contained in the certification. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying pollutant reduction activity has taken place for the applicable compliance year.

The credits also need to be registered by the Department before they can be applied toward an NPDES permit for compliance with effluent limits. Registration occurs only after credits have been certified, verified and a contract has been submitted. The Department registers credits for use during the compliance year in which the qualifying pollutant reduction activity has taken place. The Department provides registered credits with an annual registry number for reporting and tracking purposes.

*Certification Request*

The following requests are being reviewed by the Department. The Department will accept written comments on these proposed pollutant reduction activities for 15 days.

*Applicant*

Mount Carmel Municipal Authority  
(Northumberland County)  
NPDES Permit No.  
PA-0024406

*Pollution Reduction Activity Description*

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at the Mount Carmel wastewater treatment plant.

*Applicant*

Gwin, Dobson and Foreman Consulting Engineers on behalf of Altoona Water Authority  
(Blair County)  
NPDES Permit No.  
PA-0027022

*Pollution Reduction Activity Description*

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity at the Westerly wastewater treatment plant.

*Written Comments*

Interested persons may submit written comments on these proposed pollutant reduction activities by October 1, 2012. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Brian Schlauderaff, Bureau of Point and Non-Point Source Regulation, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5620, bschlauder@pa.gov.

For further information about this certification request or the Trading Program contact Brian Schlauderaff, at the previously listed address or phone number or visit the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keywords: "Nutrient Trading").

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1805. Filed for public inspection September 14, 2012, 9:00 a.m.]

**Proposed Revision to the State Implementation Plan for the Motor Vehicle Emissions Budgets in the Lancaster Eight-Hour Ozone Maintenance Area; Public Hearing**

The Department of Environmental Protection (Department) is revising the Motor Vehicle Emissions Budgets for the Lancaster Eight-Hour Ozone Maintenance Area. The revised budgets, once approved by the United States Environmental Protection Agency (EPA), will expedite future transportation planning for the Lancaster area. The EPA developed a new computer model, the Motor Vehicle Emissions Simulator, that estimates emissions from highway vehicles more accurately. The approved maintenance plan for the Lancaster area used the former EPA-approved model, Mobile6, for estimating highway vehicles emissions. Emissions of oxides of nitrogen and, in some cases, volatile organic compounds are estimated to be at higher levels by the new model than what was approved in the original maintenance plan. The Transportation Conformity regulation requires that emissions from updated local transportation improvement plans do not exceed the motor vehicle emissions budget in the area's approved, applicable state implementation plan (SIP). By using similar modeling in transportation planning and the SIP, a more realistic comparison between the two will result with less chance of transportation projects being delayed.

This proposal is available on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (choose "Air Plans") or through the contact persons listed as follows.

The Department is seeking public comment on this SIP revision and changes made to the motor vehicle emissions

budget in the Lancaster Eight-Hour Ozone Maintenance Plan. The Department will hold a public hearing to receive comments on the proposal on Thursday, October 18, 2012, at 10 a.m. in Room Susquehanna A, Department of Environmental Protection's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110.

Persons wishing to present testimony at the hearing should contact Alex Haas, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or alehaas@pa.gov to reserve a time. If by October 1, 2012, no person has expressed interest intent to testify at the hearing, the hearing will be cancelled. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Alex Haas at (717) 787-9495 or alehaas@pa.gov. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than October 18, 2012. Written comments should be sent to the attention of Arleen Shulman, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or ashulman@state.pa.us. Use "Lancaster MVEB Revisions" as the mail addressee or in the subject line.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1806. Filed for public inspection September 14, 2012, 9:00 a.m.]

### **Public Comment Period Extended for National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction Activities (PAG-02)**

The Department of Environmental Protection (Department) by this notice is extending the public comment period for the proposed renewal of the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activities (PAG-02, 2012 amendment). This extension of the public comment period will allow public comments to be received until October 2, 2012.

The Department invites public comments on the proposed revisions to PAG-02. Only comments received during the public comment period, as extended until October 2, 2012, will be considered in the final renewal permit. If significant issues of public interest are raised, the Department may schedule a public meeting or hearing. Written comments should be submitted to Jennifer Orr, Chief of the NPDES Construction and Erosion Control Section at the address as follows. Comments will also be accepted at ep-pag02comments@state.pa.us. Comments sent by facsimile or voice mail will not be accepted.

The proposed PAG-02, 2012 amendment draft permit is available by contacting the Department of Environmental Protection, Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, P. O. Box 8460, 3rd Floor, Harrisburg, PA 17105-8460, (717) 787-3411, ep-pag02comments@state.pa.us. The proposed PAG-02,

2012 amendment draft permit is also available on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (choose "Public Participation"; then scroll down to "Proposals Currently Open for Comment").

Persons with a disability may contact the Department by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments, prepare a comment and response document and the final documents package for this General Permit. Availability of the final permit documents will be announced in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-1807. Filed for public inspection September 14, 2012, 9:00 a.m.]

### **Request for Applications for Watershed Protection and Restoration Grants and Surface Mining Conservation and Reclamation Act Grants through the Growing Greener Plus Program**

As part of the 2012 Department of Environmental Protection's (Department) Growing Greener (Growing Greener) Plus Program, applications are now being accepted for watershed protection and restoration grants. Under 27 Pa.C.S. §§ 6101—6119 (relating to Environmental Stewardship and Watershed Protection Act), the Department is authorized to allocate these grants to a variety of eligible applications including: counties, municipal authorities and municipalities; county conservation districts; watershed organizations recognized by the Department who promote local watershed conservation efforts, councils of governments and other authorized organizations involved in the restoration and protection of the environment in this Commonwealth.

For the upcoming grant round, the Department will invest in projects that will ultimately protect or restore, or both, this Commonwealth's watersheds from impairment due to nonpoint source pollution. Examples of special priority areas include: projects located in "priority" watersheds that reduce the source of impairment; "priority" type activities that lead to water quality restoration or protection; and projects that support the installation of agricultural Best Management Practices to achieve compliance with existing agricultural water quality requirements.

Examples of eligible projects include those that will reduce nonpoint source pollution in watersheds where streams are impaired, projects that will help reduce Total Maximum Daily Load pollutants and integrating stormwater management into watershed management and water conservation strategies.

Through the same application process, applicants can also apply for funding through the Department's Surface Mining Conservation and Reclamation Act (SMCRA) Grant Programs and Section 319 Nonpoint Source Grant Program. SMCRA grants are available to various entities including municipalities, municipal authorities and incorporated nonprofit organizations for projects meeting SMCRA Set Aside or Bond Forfeiture grant requirements. Section 319 grants focus on funding similar projects to Growing Greener but with special emphasis within targeted watersheds.

The deadline for submitting applications to the Department's Grants Center (Center) is October 26, 2012. Applications must be postmarked no later than October 26, 2012. If hand delivered, the package must be received by the Center by 4 p.m. on October 26, 2012, at the address that follows. Late submissions will not be considered.

To request or download an application or obtain more information concerning Growing Greener, visit the Growing Greener web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: Growing Greener). Persons can send e-mails to [GrowingGreener@state.pa.us](mailto:GrowingGreener@state.pa.us) or contact the Center at (717) 705-5400. Written requests should be addressed to the Department Grants Center, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8776, Harrisburg, PA 17105-8776.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-1808. Filed for public inspection September 14, 2012, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Lease Office Space to the Commonwealth

#### Lackawanna County

Proposers are invited to provide the Department of General Services with 30,326 usable square feet of office space for multiple Commonwealth agencies in Lackawanna County, Scranton, PA. Downtown locations will be considered. For more information on SFP No. 10001531, which is due on Friday, October 26, 2012, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,  
Secretary

[Pa.B. Doc. No. 12-1809. Filed for public inspection September 14, 2012, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of The Crozer Keystone Surgical Center at Brinton Lake for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Crozer Keystone Surgical Center at Brinton Lake has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-3.4.2.2(b) (relating to post anesthesia recovery area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1810. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Application of DuBois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-7.2.2.3(a) and (b) (relating to doors and door hardware).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1811. Filed for public inspection September 14, 2012, 9:00 a.m.]



**Application for Exception to 28 Pa. Code § 107.62**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders):

Butler Memorial Hospital  
Gettysburg Hospital  
York Hospital

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1812. Filed for public inspection September 14, 2012, 9:00 a.m.]

**Application for Exception to 28 Pa. Code § 555.13**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 555.13 (relating to administration of drugs):

Geisinger Medical Center  
Geisinger Wyoming Valley Medical Center

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1814. Filed for public inspection September 14, 2012, 9:00 a.m.]

**Application for Exception to 28 Pa. Code § 127.32**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that following facilities have requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders):

Einstein Medical Center Montgomery  
The Good Samaritan Hospital  
Hazleton General Hospital

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1813. Filed for public inspection September 14, 2012, 9:00 a.m.]

**Application for Exception to 28 Pa. Code § 569.35**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions):

Center for Aesthetic and Cosmetic Surgery  
SAM Surgery Center

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1815. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Application of Frick Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Frick Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.2.2.5(b) (relating to hand washing stations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1816. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Application of Hospital of the University of Pennsylvania for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hospital of the University of Pennsylvania has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.3.3.4(1)(b) and 2.2-3.3.3.4(2)(b) (relating to Phase II recovery; and clearances).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1817. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Application of Indiana Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Indiana Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.5-3.2.2.4, 3.5-7.2.1 and 3.5-7.2.2.1 (relating to functional requirements; corridor width; and doors to patient care rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1818. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Application of Lowry Surgicenter for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lowry Surgicenter has requested an exception to the requirements of 28 Pa. Code § 557.4(a)(1) (relating to Quality Assurance and Improvement Committee).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1819. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Application of Mt. Pleasant Surgery Center, L.P. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mt. Pleasant Surgery Center, L.P. has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1820. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Application of The NextGen Endoscopy Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The NextGen Endoscopy Center, LLC has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.9-3.2.2.2.1 (relating to space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1821. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Application of Physicians Care Surgical Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Physicians Care Surgical Hospital has requested an exception to the requirements of 28 Pa. Code § 101.172 (relating to patient limits).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1822. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Application of Pinnacle Health—Greater Harrisburg Cancer Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pinnacle Health—Greater Harrisburg Cancer Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-7.2 (relating to corridor width).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1823. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Application of The Reading Hospital and Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Reading Hospital and Medical Center has requested an exception to the requirements of 28 Pa. Code § 53.3(a)(2) (relating to contents of photo identification badge).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1824. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Application of Soldiers and Sailors Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following Soldiers and Sailors Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

This facility is also requesting an exception to 28 Pa. Code § 143.5 (relating to medical supervision of podiatric patients).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c) for the request for § 123.25(2).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1825. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Application of UPMC McKeesport for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC McKeesport has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with

minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.2.2.2, 3.1-7.2.2.1(1), 3.1-7.2.2.2, 3.1-7.2.2.2(1), 3.6-3.2.2.2, 3.6-3.2.3 and 3.6-3.2.2.1.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1826. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Application of UPMC Passavant Cranberry for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant Cranberry has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-8.2.4.1 (relating to return air systems).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1827. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.26(e) (relating to laundry).

Highland Center, Genesis Eldercare Network  
1050 Broadview Boulevard  
Brackenridge, PA 15014

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Meadville Medical Center Transitional Care Unit  
1034 Grove Street  
Meadville, PA 16335  
FAC ID 197102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-1828. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on October 11, 2012, from 10 a.m. to 3 p.m. The meeting will be held at the Giant Community Center, 2nd Floor Giant Food Store, 3301 Trindle Road, Camp Hill, PA 17011.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cyndi Malinen, Public Health Program Administrator, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-5876, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-1829. Filed for public inspection September 14, 2012, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Prevailing Wage Appeals Board Public Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Wednesday, September 19, 2012, at 10:30 a.m. in the Capitol Associates Building, 901 North Seventh Street, 3rd Floor Conference Room, Harrisburg, PA.

The Americans with Disabilities Act contact is Gina Meckley, (717) 783-9276.

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 12-1830. Filed for public inspection September 14, 2012, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**EME Homer City Generation, LP v. DEP; EHB Doc. No. 2012-157-R; 7-26-12—NPDES Permit No. PA0005037 (Amendment No. 1)**

EME Homer City Generation, LP has appealed the issuance by the Department of Environmental Protection of an NPDES permit to EME Homer City Generation, LP for a facility in Center Township, Indiana 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. 12-1831. Filed for public inspection September 14, 2012, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-463	Board of Coal Mine Safety Requirements for Automated External Defibrillators	8/30/12	10/4/12
16A-5511	State Board of Accountancy Continuing Professional Education	9/4/12	10/18/12

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-1832. Filed for public inspection September 14, 2012, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Acquire Control of Amguard Insurance Company, Norguard Insurance Company, Eastguard Insurance Company and Westguard Insurance Company

National Indemnity Company has filed an application for approval to acquire control of Amguard Insurance Company, a domestic stock casualty insurance company, Norguard Insurance Company, a domestic stock casualty insurance company, Eastguard Insurance Company, a domestic stock casualty insurance company, and Westguard Insurance Company, a domestic stock casualty insurance company. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on the acquisition 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 name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1833. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Federated Mutual Insurance Company; Proposed Rate Increase for Small Group Health Products; Rate Filing

Federated Mutual Insurance Company submitted a filing requesting a 6% aggregate increase for small group PPO major medical forms GH 37 10 (01-12 ed.), GH 37 11 (08-06 ed.) and GH 37 11 (01-02 ed.). The requested increase would be effective January 1, 2013, and affect 156 people.

Unless formal administrative action is taken prior to November 29, 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 comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square,

Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1834. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Nationwide Property and Casualty Insurance Company; Private Passenger Automobile; Nationwide SmartRide Program; Rate Filing

On August 27, 2012, the Insurance Department (Department) received from Nationwide Property and Casualty Insurance Company a private passenger automobile rate and rule filing which includes the introduction of their SmartRide Program effective March 11, 2013.

In the filing, Nationwide Property and Casualty Insurance Company states "We are implementing our new SmartRide Program which applies to enrolled vehicles with an installed and active telematics device. This program includes an initial enrollment discount and then assigns a SmartRide Tier based on usage. The SmartRide Program is optional and the insured can opt out of the program at any time. Once a SmartRide tier has been assigned, it can only be improved for as long as the insured opts to remain in the program."

An insured that opts for the program can only receive a rate that is less than or equal to the otherwise applicable rate, with discounts of up to 30% for certain coverages.

Unless formal administrative action is taken prior to October 26, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on "PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@pa.gov](mailto:mmckenney@pa.gov) within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-1835. Filed for public inspection September 14, 2012, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For

questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Executive Board*

Resolution No. CB-12-012, Dated August 17, 2012. Collective Bargaining—2011-2015 Memorandum of Understanding between the Commonwealth and OPEIU Healthcare PA, Local 112.

Resolution No. CB-12-013, Dated August 17, 2012. Collective Bargaining—2011-2015 Memorandum of Understanding between the Commonwealth and PSSU.

#### *Governor's Office*

Manual 110.1—2013-14 Budget Instructions, Amended August 15, 2012.

Manual 210.3—Index of Issuances, Amended July 31, 2012.

Management Directive No. 505.23—Employee Recognition Program, Amended July 31, 2012.

Management Directive No. 525.12—Payment of Back Pay Due to Reinstatement of a Separated Employee or Reduction of Disciplinary Suspension, Amended August 9, 2012.

Administrative Circular No. 12-11—2013-2014 Program Policy Guidelines, Agency Budget Requests, Dated August 15, 2012.

MARY JANE PHELPS,  
*Director*

*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 12-1836. Filed for public inspection September 14, 2012, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Global Capacity Group, Inc.; Tentative Order

Public Meeting held  
August 30, 2012

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Global Capacity Group, Inc.; A-311446*

#### **Tentative Order**

#### *By the Commission:*

Global Capacity Group, Inc. (GCG) has failed to file its 2011 Telecommunications Relay Service (TRS) Annual Access Line Summary Report and TRS Annual Tracking Report (hereinafter collectively referred to as "TRS Reports") pursuant to section 504 of the Public Utility Code. 66 Pa.C.S. § 504. Specifically, 66 Pa.C.S. § 504 provides that:

The commission may require any public utility to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe, and special reports concerning any matter whatsoever about which the commission is authorized to inquire, or to keep itself informed, or which it is required to enforce.

GCG is a competitive local exchange carrier certificated at A-311446. Commission staff's attempts to reach GCG to

have the utility file the missing reports have been unsuccessful. A telephone call to the former employee who handled the filing of TRS Reports for the company in previous years was successful; however, that person advised Commission staff that GCG has filed for chapter 7 bankruptcy and is no longer in business.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on the above facts, we tentatively conclude that it is appropriate to revoke GCG's certificate of public convenience without the necessity of a formal complaint as being in the public interest. Also, GCG currently has no NXX codes. The Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation if GCG seeks relief from this Tentative Order; *Therefore,*

#### *It Is Ordered That:*

1. Revocation of Global Capacity Group, Inc.'s certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation and Enforcement, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificate of public convenience held by Global Capacity Group, Inc. at A-311446 shall be canceled, and Global Capacity Group, Inc.'s name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1837. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Implementation Order, Act 61; Passenger Transportation within Allegheny County

Public Meeting held  
August 30, 2012

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Implementation Order, Act 61; Passenger Transportation within Allegheny County; M-2012-2318841*

#### **Implementation Order**

#### *By the Commission:*

On June 13, 2012, Act 61 of 2012, HB10, was enacted, effective September 11, 2012. Act 61 amends various provisions of the Second Class Port Authority Act, 55 P. S.



§§ 551—563.5. Significantly, Act 61 provides that the Commission has sole and exclusive jurisdiction over passenger transportation service provided in Allegheny County, which service would otherwise be subject to the Commission's jurisdiction.<sup>1</sup> Prior to passage of Act 61, the Commission's jurisdiction over passenger transportation service in Allegheny County was limited to taxicabs, school buses, and limousines. 66 Pa.C.S. §§ 1121—1124; *Port Authority of Allegheny County v. Pa. Public Utility Commission*, 431 A.2d 243 (Pa. 1981); 52 Pa. Code § 41.13.

In light of the extension of Commission jurisdiction granted by Act 61, all carriers currently authorized by the Port Authority to provide passenger transportation service within Allegheny County, will retain their authority through the Commission.<sup>2</sup> The authority that a carrier retains is the same authority that the carrier held with the Port Authority.<sup>3</sup> The carrier is subject to Commission rules and regulations, including our safety, operational, insurance and tariff requirements.

In order to assist these carriers in their insurance compliance efforts, the Commission will accept temporary proof of insurance, including an insurance binder, a copy of the declaration page from an insurance policy, or a copy of the Form "E" certificate of insurance. 52 Pa. Code § 32.2. This temporary proof must be filed within seven (7) days of the date of entry of this Order. Within sixty (60) days of the date of entry of this Order, a carrier is required to file a Form "E" certificate of insurance. Failure by a carrier to file a Form "E" within sixty (60) days will result in initiation of proceedings to revoke the carrier's certificate.

As for tariffs, the Commission will initially accept the carrier's tariff on file with the Port Authority. However, within sixty (60) days of the date of entry of this Order, existing carriers must file an acceptable tariff with the Commission in accordance with 52 Pa. Code Chapter 23. Failure by a carrier to file an acceptable tariff will result in initiation of proceedings to revoke the carrier's certificate. The Commission's Bureau of Technical Utility Services will provide guidance to any carrier requesting same on any compliance issue, including insurance and tariff issues.

As for any other carrier wishing to provide service within Allegheny County that is not currently authorized to do so by either the Port Authority or the Commission, that carrier must file an application for authority with the Commission pursuant to 66 Pa.C.S. § 1103, with the exception of existing group and party carriers providing service in vehicles with seating capacities of 16 or more.<sup>4</sup> Given the exigency of a carrier's business demands, the

<sup>1</sup> In addition to contract carrier service, the Commission recognizes the following categories of common carrier passenger transportation: scheduled route service, call or demand service, group and party service in vehicles with seating capacities of 11 to 15 persons, group and party service in vehicles with seating capacities of more than 15 persons, limousine service, airport transfer service, paratransit service and experimental service.

<sup>2</sup> The Port Authority has provided a list of these carriers to the Commission, identifying the following carriers: Lenzner Coach Lines/Coach USA, Pittsburgh Transportation Group, Ampeco System Parking/Network Parking Company, Ltd., Just Ducky Tours, Inc., Transport U, LLC, Airport Limousine Service, d/b/a Freedom Transportation, Transcare Pennsylvania, Inc., Designated Driver Limousine Service, and Pittsburgh Chauffeur. The Port Authority identified other paratransit carriers providing service exclusively through contract with the Port Authority, but holds no authority to provide service outside that contract.

<sup>3</sup> We recognize that there may be differences between the Port Authority and the Commission regarding the characterization of a carrier's operating authority as well as licensing and certification requirements. We will address these potential issues with each carrier individually in due course.

<sup>4</sup> We note that some Commission certificated carriers currently hold authority to serve all points in Pennsylvania. This authority was granted prior to Act 61 and, by necessity, did not include authority to serve points within Allegheny County, since the Commission never had jurisdiction over those services. Further, group and party service provided in vehicles with seating capacities of 16 or more is not subject to territorial regulation by the Commission and therefore we will not require an

Commission will endeavor to process these applications as quickly and efficiently as possible; *Therefore*,

*It Is Ordered That:*

1. The existing carriers identified herein currently authorized by the Port Authority to provide service within Allegheny County will retain their authorization through the Commission.

2. The existing carriers identified herein currently authorized by the Port Authority to provide service within Allegheny County must file temporary proof of insurance with the Commission within seven (7) days of the date of entry of this Order. For questions regarding insurance issues, carriers may contact the Commission at (717)787-1227. Further, information on specific insurance requirements can be found at [www.puc.pa.gov](http://www.puc.pa.gov).

3. The existing carriers identified herein currently authorized by the Port Authority to provide service within Allegheny County must file a Form E certificate of insurance with the Commission within sixty (60) days of the date of entry of this Order.

4. The existing carriers identified herein currently authorized by the Port Authority to provide service within Allegheny County must file an acceptable tariff within sixty (60) days of the date of entry of this Order. For questions regarding tariff issues, carriers may contact the Commission at (717)787-1227. Further, information on specific tariff requirements can be found at [www.puc.pa.gov](http://www.puc.pa.gov).

5. Any carrier wishing to provide service within Allegheny County that is not currently authorized to do so by either the Port Authority or the Commission, must file an application for authority with the Commission pursuant to 66 Pa.C.S. § 1103, with the exception of existing group and party carriers providing service in vehicles with seating capacities of 16 or more.

6. This Order shall be served on all carriers currently certificated by the Port Authority, identified herein.

7. This Order shall be published in the *Pennsylvania Bulletin* and posted on the Commission's website.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1838. Filed for public inspection September 14, 2012, 9:00 a.m.]

**Notice to All Jurisdictional Electric Distribution Companies Subject to the Energy Efficiency and Conservation Program Requirements at M-2012-2289411 and All Other Interested Parties; 2012 PA Total Resource Cost Test; M-2012-2300653 (August 30, 2012)**

On August 30, 2012, the Pennsylvania Public Utility Commission entered a final order relative to the PA Total Resource Cost Test (TRC) requirements for Phase II of Act 129 of 2008, 66 Pa.C.S. § 2806.1 (relating to energy efficiency and conservation program).

The TRC Test was first adopted for use in this Commonwealth during Phase I of Act 129 at M-2009-2108601 on June 30, 2009. It was refined at the same docket on August 2, 2011. The August 30, 2012, order at M-2012-

application from these existing carriers to serve Allegheny County. Regulation of Group and Party Carriers, Docket No. P-00981458. (Order entered January 11, 1999).

2300653 makes further refinements to the PA TRC Test for use during Phase II of Act 129 that will begin June 1, 2013, and addresses the following topics: Societal Test; PA TRC Test assumptions when used in other proceedings; level at which to measure that PA TRC Test; cost-effectiveness evaluations, reporting results, and timing of PA TRC reports; PA TRC benefits; length of measure life; incentives; incremental costs; avoided costs of supplying electricity; transmission, distribution and capacity costs; end-use adjustments; locational, temporal and zonal differences; avoided operating and maintenance costs in the PA TRC calculation; avoided costs in benefit/cost ratios; fuel switching; AEPS Act and carbon issues; low income calculations; net-to-gross adjustments; and demand response. The order also provides formulae for the PA TRC Test calculations, a glossary of terms and a list of acronyms.

The August 30, 2012, order is posted on the Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us). It may be viewed (and copied for 75¢/page) at the Commission's Secretary's Bureau, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120. This notice is merely a summary of some pertinent provisions of the order and does not contain all of the provisions of the final order or of Act 129. A copy of the 2012 PA TRC Test order was served on the Office of Consumer Advocate, the Office of Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, all jurisdictional electric distribution companies subject to the Energy Efficiency and Conservation Program requirements at M-2012-2289411 and all parties who commented on an earlier tentative order at this docket.

The contact for technical information regarding TRC matters is Laura Fusare Edinger, Executive Policy Specialist, TUS, [ledinger@pa.gov](mailto:ledinger@pa.gov). The Law Bureau contact for TRC matters is Louise Fink Smith, Assistant Counsel, Law Bureau, [finksmith@pa.gov](mailto:finksmith@pa.gov).

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1839. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. 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 October 1, 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-2012-2305990. Triple Play Transportation, Inc.** (528 Grant Street, Hazleton, PA 18201) for the right to

begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the County of Luzerne to points in Pennsylvania and return.

**A-2012-2308589. Joseph G. Miller** (515 Mill Road, Williamsport, Lycoming County, PA 17702)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

**A-2012-2311206. Tristate Ambulance, Inc.** (12301 McNulty Road, Unit B, Philadelphia, Philadelphia County, PA 19154)—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Chester, Montgomery, Northampton and Philadelphia, to points in Pennsylvania, and return.

**A-2012-2313497. Keenan Edward Christiansen, LLC, t/d/b/a 1st Class Transportation** (1005 Horsham Road, North Wales, PA 19454) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, between points in the Counties of Montgomery, Delaware, Chester and Bucks, and from points in said Counties to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Andrew D. Santana, Esquire, 300 Sentry Parkway East, Building 10, Suite 200, Blue Bell, PA 19422.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1840. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Telecommunications

**A-2012-2321868. Citizens Telephone Company of Kecksburg and Sprint Nextel.** Joint petition of Citizens Telephone Company of Kecksburg and Sprint Nextel for approval of amendment to a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Citizens Telephone Company of Kecksburg and Sprint Nextel, by its counsel, filed on August 30, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment to an interconnection 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 Citizens Telephone Company of Kecksburg and Sprint Nextel 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. 12-1841. Filed for public inspection September 14, 2012, 9:00 a.m.]

**Telecommunications**

**A-2012-2321913. Yukon-Waltz Telephone Company and Cingular Wireless, LLC.** Joint petition of Yukon-Waltz Telephone Company and Cingular Wireless, LLC for approval of amendment to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Yukon-Waltz Telephone Company and Cingular Wireless, LLC, by its counsel, filed on August 30, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment to an interconnection 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 Yukon-Waltz Telephone Company and Cingular Wireless, LLC 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. 12-1842. Filed for public inspection September 14, 2012, 9:00 a.m.]

**Telecommunications Services**

**A-2012-2322689. Local Access, LLC.** Application of Local Access, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territory of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 1, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Local Access, LLC

*Through and By Counsel:* Katherine Baker Marshall, Arent Fox, LLP, 1050 Connecticut Avenue NW, Washington, DC 20036, (202) 857-6104, fax (202) 857-6395

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1844. Filed for public inspection September 14, 2012, 9:00 a.m.]

**Telecommunications**

**A-2012-2321852. Yukon-Waltz Telephone Company and Sprint Nextel.** Joint petition of Yukon-Waltz Telephone Company and Sprint Nextel for approval of amendment to a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Yukon-Waltz Telephone Company and Sprint Nextel, by its counsel, filed on August 30, 2012, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment to an interconnection 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 Yukon-Waltz Telephone Company and Sprint Nextel 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. 12-1843. Filed for public inspection September 14, 2012, 9:00 a.m.]

**Wastewater Service**

**A-2012-2322521. Reibold STP, Inc.** Application of Reibold STP, Inc. for a certificate of public convenience to provide wastewater service in portions of Forward Township, Butler County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 1, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Reibold STP, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-1845. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Wastewater Service

**A-2012-2322448 and A-2012-2322509. Little Washington Wastewater Company and Total Environmental Solutions, Inc.** Joint application of Little Washington Wastewater Company and Total Environmental Solutions, Inc.: 1) for approval of the acquisition by Little Washington Wastewater Company of the wastewater system assets of Total Environmental Solutions, Inc., situated in a portion of Sandy Township, Clearfield County; 2) the right of Little Washington Wastewater Company to begin to offer, render, furnish or supply wastewater service to the public in a portion of Sandy Township, Clearfield County; and 3) the abandonment of Total Environmental Solutions, Inc. of public wastewater service and its franchise in a portion of Sandy Township, Clearfield County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 1, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Little Washington Wastewater Company, Total Environmental Solutions, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

Thomas J. Sniscak, Esquire, Hawke, McKeon and Sniscak, LLP, 100 North Tenth Street, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 12-1846. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Water Service

**A-2012-2321379. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval of the right to begin to offer, render, furnish or supply water service to the public in an additional portion of Lancaster Township, Butler County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 1, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 12-1847. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Water Service

**A-2012-2322416 and A-2012-2322501. Aqua Pennsylvania, Inc. and Total Environmental Solutions, Inc.** Joint application of Aqua Pennsylvania, Inc. and Total Environmental Solutions, Inc.: 1) for approval of the acquisition by Aqua Pennsylvania, Inc. of the water system assets of Total Environmental Solutions, Inc. situated in a portion of Sandy Township, Clearfield County; 2) the right of Aqua Pennsylvania, Inc. to begin to offer, render, furnish or supply water service to the public in a portion of Sandy Township, Clearfield County; and 3) the abandonment of Total Environmental Solutions, Inc. of public water service and its franchise in a portion of Sandy Township, Clearfield County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 1, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc., Total Environmental Solutions, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

Thomas J. Sniscak, Esquire, Hawke, McKeon and Sniscak, LLP, 100 North Tenth Street, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 12-1848. Filed for public inspection September 14, 2012, 9:00 a.m.]

## STATE TAX EQUALIZATION BOARD

### Official Certification of the 2011 Aggregate Market Values of Taxable Real Property

The State Tax Equalization Board (Board) officially certified to the Department of Education (Department) the 2011 Aggregate Market Values of Taxable Real Property in each of the 500 school districts in this Commonwealth.

The State Total 2011 Market Value as certified by the Board is \$756,045,833,849; an increase of 0.05% over the 2010 Certified Market Value.

The State Total 2011 County Assessed Valuation of Taxable Real Property as certified to the Board by County Assessment Officials is \$451,343,272,265; an increase of 0.05% over the 2010 Assessed Valuation.

The Board determines and certifies annually to the Department, on or before July 1st of each year, the Aggregate Market Value of the taxable real property for each school district in this Commonwealth. This Market Value is one factor in a legislative formula used by the Department for the distribution of State school subsidies. Many other uses are made of the Board's market values.

The 2011 Market Value is restricted by law to reflect only those changes from the 2010 Market Value which result from properties going on or off the assessment rolls for school purposes.

The act of August 24, 1977 (P. L. 199, No. 59) provides that the 2011 Market Values assume a 60% weighting and the personal income factor, as certified to the Department by the Secretary of Revenue, assumes a 40% weighting in the reimbursement formula for the 2011-2012 school year. Subsidy payments which are computed from the 2011 Market Value will be payable during the 2012-2013 school year.

JAMES A. ZURICK, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 12-1849. Filed for public inspection September 14, 2012, 9:00 a.m.]

### 2009 Common Level Ratios

The State Tax Equalization Board has established a Common Level Ratio for each county in the Commonwealth for the calendar year 2009. The ratios were mandated by Act 267-1982.

The law requires the State Tax Equalization Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county each year.

The statistical technique which the Board used for the 2009 Common Level Ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 2009.

The methodology used is to include every valid sale with a ratio from 1% to 100% and compute a mean. Using this mean as a base, the State Tax Equalization Board has defined high and low limits by multiplying and dividing this computed mean by 4. Using these computed limits, the State Tax Equalization Board has utilized the valid sales, rejecting those sales, which exceed the limits. The resulting arithmetic mean ratio is the ratio which the State Tax Equalization Board is certifying as the Common Level Ratio for each county for 2009.

There is one exception to this procedure. The original mean ratio for those counties which have a predetermined assessment ratio for 2009 of 100% will utilize valid sales from 1% to 200%.

The Common Level Ratios for 2009 are as follows.

JAMES A. ZURICK, Esq.,  
*Chairperson*

### 2009 COMMON LEVEL RATIOS

REVISED 8/31/2012

<i>County</i>	<i>Ratio</i>
ADAMS	23.7
*ALLEGHENY	86.2
ARMSTRONG	36.1
BEAVER	29.9
*BEDFORD	23.7
*BERKS	70.1
BLAIR	8.9
BRADFORD	36.0
*BUCKS	10.9
*BUTLER	13.7
*CAMBRIA	35.5
CAMERON	32.5
CARBON	36.8
CENTRE	28.9
*CHESTER	55.4
*CLARION	26.3
CLEARFIELD	18.9
*CLINTON	96.9
COLUMBIA	27.1
CRAWFORD	36.0
*CUMBERLAND	80.1
*DAUPHIN	70.6
*DELAWARE	64.2
ELK	39.7
*ERIE	81.8
*FAYETTE	81.4
FOREST	23.5
*FRANKLIN	12.3
*FULTON	29.1
*GREENE	84.6
HUNTINGDON	13.2
*INDIANA	17.6
*JEFFERSON	53.9
*JUNIATA	17.0
*LACKAWANNA	17.0
*LANCASTER	75.2
*LAWRENCE	84.8
*LEBANON	14.2
LEHIGH	32.2
*LUZERNE	99.7
*LYCOMING	82.7
*MCKEAN	84.6
*MERCER	34.2
MIFFLIN	47.2
MONROE	15.8
*MONTGOMERY	56.1

<i>County</i>	<i>Ratio</i>
*MONTOUR	81.4
NORTHAMPTON	31.9
*NORTHUMBERLAND	24.3
*PERRY	69.5
PHILADELPHIA	32.0
PIKE	20.4
*POTTER	39.2
SCHUYLKILL	41.6
*SNYDER	19.9
SOMERSET	35.6
*SULLIVAN	67.8
SUSQUEHANNA	34.3
*TIOGA	73.7
*UNION	77.4
*VENANGO	93.5
WARREN	34.0
*WASHINGTON	13.6
*WAYNE	72.2
*WESTMORELAND	23.1
WYOMING	21.9
*YORK	79.9

**\*Counties with a Predetermined Assessment Ratio of 100%**

[Pa.B. Doc. No. 12-1850. Filed for public inspection September 14, 2012, 9:00 a.m.]

**2010 Common Level Ratios**

The State Tax Equalization Board has established a Common Level Ratio for each county in the Commonwealth for the calendar year 2010. The ratios were mandated by Act 267-1982.

The law requires the State Tax Equalization Board to use statistically acceptable techniques, to make the methodology for computing ratios public and to certify, prior to July 1, the ratio to the Chief Assessor of each county each year.

The statistical acceptable technique which the Board used for the 2010 Common Level Ratio is to determine the arithmetic mean of the individual sales ratios for every valid sale received from the county for the calendar year 2010.

The methodology used is to include every valid sale and compute an average mean. Using this mean as a base, the State Tax Equalization Board has defined high and low limits by multiplying and dividing this computed mean by 4. For those counties which have a predetermined assessment ratio of 100% the extreme upper sales ratio limit is 200%. Using these computed limits, the State Tax Equalization Board has utilized the valid sales, rejecting those sales, which exceed the limits. The resulting arithmetic mean ratio is the ratio which the State Tax Equalization Board is certifying as the Common Level Ratio for each county for 2010.

The Common Level Ratios for 2010 are as follows.

JAMES A. ZURICK, Esq.,  
*Chairperson*

**2010 COMMON LEVEL RATIOS**

**\*\*REVISED 8/31/2012**

<i>County</i>	<i>CLR</i>
^Adams	26.2%
*Allegheny	85.8%
Armstrong	37.8%
Beaver	32.7%
*Bedford	78.4%
*Berks	73.2%
*Blair	15.0%
Bradford	33.5%
*Bucks	11.3%
*Butler	19.1%
*Cambria	33.4%
Cameron	41.0%
Carbon	42.9%
Centre	28.1%
*Chester	56.0%
Clarion	29.6%
Clearfield	20.2%
*Clinton	98.9%
Columbia	26.4%
Crawford	37.3%
*Cumberland	79.2%
*Dauphin	73.5%
*Delaware	67.5%
Elk	42.4%
*Erie	84.4%
*Fayette	82.7%
Forest	26.8%
*Franklin	13.1%
*Fulton	35.1%
*Greene	83.3%
Huntingdon	13.9%
*Indiana	19.2%
*Jefferson	54.1%
*Juniata	21.1%
*Lackawanna	18.2%
*Lancaster	76.5%
*Lawrence	95.6%
*Lebanon	15.8%
Lehigh	35.7%
*Luzerne	100.4%
*Lycoming	82.9%
*McKean	86.4%
*Mercer	34.6%

<i>County</i>	<i>CLR</i>
Mifflin	52.3%
Monroe	16.8%
*Montgomery	58.0%
*Montour	81.4%
Northampton	33.6%
*Northumberland	27.6%
*Perry	74.0%
*Philadelphia	25.2%
Pike	21.4%
*Potter	31.2%
Schuylkill	47.3%
*Snyder	18.0%
Somerset	39.9%
*Sullivan	69.6%
Susquehanna	35.4%
*Tioga	73.8%
*Union	77.8%
*Venango	90.4%
Warren	34.6%
**Washington	12.8%
*Wayne	80.0%
*Westmoreland	23.8%
Wyoming	19.7%
*York	83.7%

^ partial sales data for the year

\*REVISED 4/4/2012 - Board Ruling

\*\*REVISED 8/31/2012 - County sent in revised sales data

**\*Counties with a Predetermined Assessment Ratio of 100%**

[Pa.B. Doc. No. 12-1851. Filed for public inspection September 14, 2012, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects during May 1, 2012, through May 31, 2012.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

#### *Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18

CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period specified previously:

#### *Approvals By Rule Issued Under 18 CFR 806.22(f):*

1. Cabot Oil & Gas Corporation, Pad ID: Bunnelle P2, ABR-201205001, Bridgewater and Dimock Townships, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: May 4, 2012.

2. Cabot Oil & Gas Corporation, Pad ID: PetersenH P1, ABR-201205002, Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: May 4, 2012.

3. EXCO Resources (PA), LLC, Pad ID: Daisy Barto Unit Well Pad, ABR-201205003, Penn Township, Lycoming County, PA; Consumptive Use of Up to 8.000 mgd; Approval Date: May 7, 2012.

4. Chief Oil & Gas, LLC, Pad ID: Ambrosius Drilling Pad No. 1, ABR-201205004, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: May 7, 2012.

5. WPX Energy Appalachia, LLC, Pad ID: Barnhart Well Pad, ABR-201205005, Liberty Township, Susquehanna County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: May 7, 2012.

6. WPX Energy Appalachia, LLC, Pad ID: Coyle Well Pad, ABR-201205006, Liberty Township, Susquehanna County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: May 7, 2012.

7. Chief Oil & Gas, LLC, Pad ID: King Drilling Pad No. 1, ABR-201205007, Towanda Township, Bradford County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: May 14, 2012.

8. Chief Oil & Gas, LLC, Pad ID: Polowy Drilling Pad No. 1, ABR-201205008, Ulster Township, Bradford County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: May 14, 2012.

9. Chesapeake Appalachia, LLC, Pad ID: Hart, ABR-201205009, Wyalusing Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: May 17, 2012.

10. Chesapeake Appalachia, LLC, Pad ID: Maris, ABR-201205010, Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: May 17, 2012.

11. Seneca Resources Corporation, Pad ID: DCNR 100 Pad P, ABR-201205011, Lewis Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: May 18, 2012.

12. Southwestern Energy Production Company, Pad ID: O'Brien Pad, ABR-201205012, Jackson Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: May 24, 2012.

13. EXCO Resources (PA), LLC, Pad ID: Kepner Unit Well Pad, ABR-201205013, Penn Township, Lycoming County, PA; Consumptive Use of Up to 8.000 mgd; Approval Date: May 25, 2012.

14. Chesapeake Appalachia, LLC, Pad ID: WGC, ABR-201205014, Albany Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: May 30, 2012.

15. Chesapeake Appalachia, LLC, Pad ID: Carter, ABR-201205015, North Towanda Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: May 30, 2012.

16. Chesapeake Appalachia, LLC, Pad ID: Iceman, ABR-201205016, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: May 30, 2012.

17. Southwestern Energy Production Company, Pad ID: Marcucci Jones Pad, ABR-201205017, Stevens Township, Bradford County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: May 30, 2012.

18. Southwestern Energy Production Company, Pad ID: Humbert III Pad (RU-9), ABR-201205018, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: May 30, 2012.

19. Chesapeake Appalachia, LLC, Pad ID: Shumhurst, ABR-201205019, Tuscarora Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: May 30, 2012.

20. Southwestern Energy Production Company, Pad ID: Scarlet Oaks Pad (RU-38), ABR-201205020, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: May 30, 2012.

21. WPX Energy Appalachia, LLC, Pad ID: Moore Well Pad, ABR-201205021, Silver Lake Township, Susquehanna County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: May 31, 2012.

22. WPX Energy Appalachia, LLC, Pad ID: Wheeler Well Pad, ABR-201205022, Silver Lake Township, Susquehanna County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: May 31, 2012.

23. WPX Energy Appalachia, LLC, Pad ID: O'Reilly Well Pad, ABR-201205023, Forest Lake Township, Susquehanna County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: May 31, 2012.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* August 21, 2012.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 12-1852. Filed for public inspection September 14, 2012, 9:00 a.m.]

## Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects during June 1, 2012, through June 30, 2012.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

### *Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period specified previously:

### *Approvals By Rule Issued Under 18 CFR 806.22(f):*

1. Cabot Oil & Gas Corporation, Pad ID: BusikJ P1, ABR-201206001, Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: June 11, 2012.

2. Cabot Oil & Gas Corporation, Pad ID: Waldenberger P1, ABR-201206002, Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: June 11, 2012.

3. Southwestern Energy Production Company, Pad ID: Humbert Pad (RU-8), ABR-201206003, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: June 18, 2012.

4. SWEPI, LP, Pad ID: Harer 713, ABR-201206004, Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: June 18, 2012.

5. SWEPI, LP, Pad ID: Lovell 707, ABR-201206005, Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: June 18, 2012.

6. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 293 Pad B, ABR-201206006, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 3.500 mgd; Approval Date: June 18, 2012.

7. Anadarko E&P Company, LP, Pad ID: Elbow F&G Pad B, ABR-201206007, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: June 18, 2012.

8. EXCO Resources (PA), LLC, Pad ID: Elk Run Hunt Club Drilling Pad 2, ABR-201206008, Davidson Township, Sullivan County, PA; Consumptive Use of Up to 8.000 mgd; Approval Date: June 22, 2012.

9. SWEPI, LP, Pad ID: Guillaume 714, ABR-201206009, Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: June 22, 2012.

10. Great Plains Operating, LLC, d/b/a Great Mountain Operating, Pad ID: SGL Tract 268-Pad B, ABR-201206010, Morris Township, Tioga County, PA; Consumptive Use of Up to 6.000 mgd; Approval Date: June 22, 2012.

11. Inflection Energy, LLC, Pad ID: Eck, ABR-201206011, Fairfield Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: June 27, 2012.

12. Inflection Energy, LLC, Pad ID: G. Adams, ABR-201206012, Mill Creek Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: June 29, 2012.

13. Inflection Energy, LLC, Pad ID: Eichenlaub B Pad, ABR-201206013, Upper Fairfield Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: June 29, 2012.

14. Inflection Energy, LLC, Pad ID: Eichenlaub A Pad, ABR-201206014, Upper Fairfield Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: June 29, 2012.

15. Inflection Energy, LLC, Pad ID: Iffland, ABR-201206015, Upper Fairfield Township, Lycoming County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: June 29, 2012.

16. Southwestern Energy Production Company, Pad ID: KOZIOL PAD, ABR-201206016, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: June 29, 2012.

17. Campbell Oil & Gas, Inc., Pad ID: Mid Penn Unit B Well Pad, ABR-201206017, Bigler Township, Clearfield County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: June 29, 2012.



18. XTO Energy Incorporated, Pad ID: PA Tract Unit H, ABR-201206018, Chapman Township, Clinton County, PA; Consumptive Use of Up to 4.000 mgd; Approval Date: June 29, 2012.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* August 21, 2012.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 12-1853. Filed for public inspection September 14, 2012, 9:00 a.m.]

### Projects Rescinded for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has rescinded the following list of projects during May 1, 2012, through June 30, 2012.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

#### *Supplementary Information*

This notice lists the projects, described as follows, being rescinded for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period specified previously:

#### *Approvals By Rule Rescissions Under 18 CFR 806.22(f):*

1. Talisman Energy USA, Inc., Pad ID: 02 016 DCNR 587, ABR-201008071, Ward Township, Tioga County, PA; Rescind Date: May 18, 2012.

2. Talisman Energy USA, Inc., Pad ID: 05 069 Porcupine Enterprise, LLC, ABR-201009035, Orwell Township, Bradford County, PA; Rescind Date: May 18, 2012.

3. Talisman Energy USA, Inc., Pad ID: 05 064 Manchester K, ABR-201010012, Orwell Township, Bradford County, PA; Rescind Date: May 18, 2012.

4. Talisman Energy USA, Inc., Pad ID: 05 070 Corbin T, ABR-201010024, Orwell Township, Bradford County, PA; Rescind Date: May 18, 2012.

5. Talisman Energy USA, Inc., Pad ID: 03 088 Andrews A, ABR-201103005, Wells Township, Bradford County, PA; Rescind Date: May 18, 2012.

6. Talisman Energy USA, Inc., Pad ID: 03 081 Bergeys, ABR-201105012, Wells Township, Bradford County, PA; Rescind Date: May 18, 2012.

7. Talisman Energy USA, Inc., Pad ID: 05 257 Lombardo J, ABR-201108028, Pike Township, Bradford County, PA; Rescind Date: May 18, 2012.

8. Talisman Energy USA, Inc., Pad ID: 05 203 Race, ABR-201109001, Windham Township, Bradford County, PA; Rescind Date: May 18, 2012.

9. Talisman Energy USA, Inc., Pad ID: 05 068 PNMT and Associates Inc., ABR-201109008, Pike Township, Bradford County, PA; Rescind Date: May 18, 2012.

10. Novus Operating, LLC, Pad ID: Lucca, ABR-201106028, Covington and Sullivan Townships, Tioga County, PA; Rescind Date: June 25, 2012.

11. Penn Virginia Oil & Gas Corporation, Pad ID: Cady #1, ABR-20091026, Brookfield Township, Tioga County, PA; Rescind Date: June 25, 2012.

12. Penn Virginia Oil & Gas Corporation, Pad ID: Hurler, ABR-201103002, Harrison Township, Potter County, PA; Rescind Date: June 25, 2012.

13. Penn Virginia Oil & Gas Corporation, Pad ID: Kibbe Pad, ABR-201104026, Harrison Township, Potter County, PA; Rescind Date: June 25, 2012.

14. Penn Virginia Oil & Gas Corporation, Pad ID: Godshall B Pad, ABR-201107008, Hector Township, Potter County, PA; Rescind Date: June 25, 2012.

15. Penn Virginia Oil & Gas Corporation, Pad ID: Godshall A Pad, ABR-201107026, Hector Township, Potter County, PA; Rescind Date: June 25, 2012.

16. Penn Virginia Oil & Gas Corporation, Pad ID: Original Ten Pad, ABR-201107025, Hector Township, Potter County, PA; Rescind Date: June 25, 2012.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* August 21, 2012.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 12-1854. Filed for public inspection September 14, 2012, 9:00 a.m.]