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# PENNSYLVANIA BULLETIN

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The Courts  
Department of Banking  
Department of Conservation and Natural Resources  
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Department of Health  
Department of Labor and Industry  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
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Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
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State Athletic Commission  
State Board of Nursing  
State Real Estate Commission

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

**No. 433, December 2010**

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

## *Pennsylvania Bulletin*

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

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

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the 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 where the agency may omit the proposal step; they 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, they must re-propose.

### **Citation to the *Pennsylvania Bulletin***

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

### ***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* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. 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*.

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.

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

### Fiscal Notes

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

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

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**Adopted Rules**

100 ..... 1146

**Proposed Rules**

300 ..... 5566  
 500 ..... 522, 5566

**249 Pa. Code (Philadelphia Rules)**

Unclassified .... 237, 1075, 1629, 1730, 2013, 3326, 4917, 6390

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 838, 1399, 2934, 6641

**255 Pa. Code (Local Court Rules)**

Unclassified ..... 23, 24, 237, 238, 414, 415, 523, 701, 702, 838, 840, 969, 1079, 1080, 1147, 1403, 1490, 1498, 1629, 1630, 1632, 1633, 1730, 1731, 1732, 1733, 1893, 1896, 1897, 2014, 2254, 2257, 2414, 2416, 2418, 2419, 2420, 2531, 2635, 2636, 2742, 2743, 2745, 2934, 2935, 2938, 3083, 3087, 3089, 3327, 3493, 3661, 3822, 3823, 3824, 3943, 4153, 4248, 4249, 4250, 4251, 4384, 4648, 4745, 4749, 4752, 4754, 4918, 4923, 4924, 5063, 5064, 5065, 5128, 5129, 5130, 5293, 5453, 5567, 5568, 5569, 5570, 5762, 5764, 6079, 6080, 6259, 6260, 6261, 6262, 6397, 6515, 6516, 6641, 6643, 6645, 6778 6933, 6934

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART II. GENERAL ADMINISTRATION [ 204 PA. CODE CH. 29 ]

[Correction]

#### Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 357 Judicial Administration Doc.

An error occurred in the document which appeared at 40 Pa.B. 6774 (November 27, 2010). The cost in § 29.402(b)(5) was published incorrectly. The correct version of § 29.402(b) is as follows with ellipses referring to the remaining text of this section:

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

\* \* \* \* \*

(b) *Criminal cases.*—In calendar year 2011, 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.....	\$45.00
(2) Summary conviction, motor vehicle cases, other than paragraph (3).....	\$35.50
(3) Summary conviction, motor vehicle cases, hearing demanded.....	\$42.50
(4) Misdemeanor.....	\$51.00
(5) Felony.....	\$59.00

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

\* \* \* \* \*

[Pa.B. Doc. No. 10-2256. Filed for public inspection November 24, 2010, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### BERKS COUNTY

#### Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts; No. CP-06-AD-0000029-2010; Clerk of Courts

#### Administrative Order

And Now, this 12th day of November, 2010, pursuant to the Public Access Policy of the Unified Judicial System of

Pennsylvania: Official Case Records of the Magisterial District Courts adopted by the Pennsylvania Supreme Court effective July 1, 2010, it is *Ordered* that the following fee schedule for public access requests is adopted for the Magisterial District Courts within the Twenty-third Judicial District of Pennsylvania.

The District Court Administrator of Berks County is *Ordered* and *Directed* to provide copies of this Administrative Order and Local Rule as follows:

1. File seven (7) certified copies of this Administrative Order and Local Rule with the Administrative Office of Pennsylvania Courts.

2. Distribute two (2) certified copies of this Administrative Order and Local Rule and one (1) computer diskette or CD-ROM containing this Order and Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy of this Administrative Order and Local Rule with the Minor Court Rules Committee.

4. Distribute one (1) copy of this Administrative Order and Local Rule to the *Berks County Law Journal* for publication.

5. Keep continuously available for public inspection copies of the Administrative Order and Local Rule in the offices of the Prothonotary and Clerk of Courts.

This Administrative Order shall become effective thirty days after publication in the *Pennsylvania Bulletin* and shall be publicly posted in each magisterial district court in Berks County.

By the Court

JEFFREY L. SCHMEHL,  
President Judge

#### Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts

#### Fee Schedule for Public Access Requests to the Official Case Records of the Magisterial District Courts within the Twenty-third Judicial District

1. Photocopies—\$.25 per page.

2. Staff time—No fee for the first hour of staff time required to respond to a public access request. After the first hour, the fee shall be \$6.00 per 1/4 hour.

3. Actual postage costs incurred by the court.

4. Estimated costs to be prepaid.

5. Fees paid for services rendered are nonrefundable.

6. Checks shall be made payable to the Berks County Treasurer when presented for payment of fees for complex or voluminous requests.

[Pa.B. Doc. No. 10-2305. Filed for public inspection December 3, 2010, 9:00 a.m.]

## LEHIGH COUNTY

Clerk of Judicial Records Criminal Division Fee  
Schedule; Case No. AD-10-2010

## Order

*And Now*, this 10th day of November, upon consideration of the within Petition for Increase of Fees, presented by Lehigh County Clerk of Judicial Records, Andrea E. Naugle, and in accordance with Act 36 of 2000, the Criminal Fee Law,

*It Is Ordered* that the Fee Schedule of the Lehigh County Clerk of Judicial Records—Criminal Division is amended,

*It Is Further Ordered* that the Fee Schedule of the Lehigh County Clerk of Judicial Records—Criminal Division, is approved and hereby shall become effective January 3, 2011. All filings received by the Lehigh County Clerk of Judicial Records—Criminal Division beginning January 3, 2011 shall incur costs according to the new Fee Schedule.

*By the Court*

WILLIAM H. PLATT,  
*President Judge*

**Andrea E. Naugle**  
**Lehigh County Clerk of Judicial Records**

**Criminal Division Fee Schedule**

\$198.60	—	for all proceedings in all cases disposed of at any time during or after trial
\$148.95	—	for all proceedings in all cases disposed of before trial
\$ 24.75	—	for all proceedings in summary matters
\$ 5.00	—	for automation fee in the initiation of any action or legal proceeding
\$ 9.85	—	for all certifications
\$ 23.85*	—	for all other matters filed in the office and for all reports prepared by the clerk
\$ 54.60*	—	for filing an appeal from a summary conviction before a Magisterial District Judge
\$ 55.85	—	for an appeal from the Court of Common Pleas to an appellate court
\$ 67.05*	—	for filing a new/renewal petition for private detective matter
\$ 8.60	—	for photo identification card

\*Includes \$5.00 automation fee

A fee of 5.59¢ per dollar for the first \$1,000 and 1.86¢ per dollar for each additional \$1,000 or fraction thereof for the handling of money paid into court

Copies and computer docket printouts by clerk at office convenience

\$ .50	—	Each page requested for pick up
\$ 1.00	—	Mail; 1st page
\$ .50	—	Each additional page
\$ 1.00	—	Microfilm copy

[Pa.B. Doc. No. 10-2306. Filed for public inspection December 3, 2010, 9:00 a.m.]

## YORK COUNTY

## Amendment of Local Rules of Judicial Administration; No. 2010—MI—000-189-55; No. CP-67-AD-0000035-2010

**Administrative Order Amending Local Rules  
of Judicial Administration**

*And Now*, this 17th day of November, 2010, it is hereby *Ordered* and *Decreed* that the following York County Local Rules of Judicial Administration are hereby *Amended* to govern administration of the Court of Common Pleas of York County, Pennsylvania.

These *Amendments* of York County Rules of Judicial Administration shall become effective on January 2, 2011. Any prior local rules, and any prior administrative order or any part of a prior administrative order which is in conflict with any portion of these Rules is vacated and repealed.

*It Is Further Ordered* that in accordance with Pa.R.J.A. 103(c), the District Court Administrator shall:

(a) File ten (10) certified copies thereof with the Administrative Office of Pennsylvania Courts, for distribution as set forth in Pa.R.J.A. 103(c)(2)

(b) Distribute a diskette hereof to the Legislative Reference Bureau for Publication in the *Pennsylvania Bulletin*;

(c) Send electronic copies of the Rules to each of the following committees of the Supreme Court of Pennsylvania:

1. The Advisory Committee on Appellate Court Rules
2. Civil Procedural Rules Committee
3. Criminal Procedural Rules Committee
4. Minor Court Civil Procedural Rules Committee
5. Juvenile Rules Committee

(e) Distribute one (1) certified copy of these amendments to the York County Rules of Judicial Administration to each, the Prothonotary and to the Clerk of Courts of York County, to be kept continuously available for public inspection and for copying. Upon request and payment of reasonable fees for reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

(f) Cause these amendments to York County Local Rules of Judicial Administration to be posted conspicuously on the web site of the County of York and cause copies to be made in paper and digital format, for distribution, upon payment of reasonable costs of reproduction.

(e) Supervise the distribution thereof to all Judges, Magisterial District Judges, and all members of the Bar of this Court.

*By the Court*

RICHARD K. RENN,  
*President Judge*

The York County Rules of Judicial Administration are amended as follows:

The caption "INSPECTION OF RECORDS" shall be inserted in the Rules before YCJA 509.

The following new rule shall be added, pursuant to 204 Pa. Code Section 213.5(c):

**YCJA 513. Fees for Access to Magisterial District Court Records.**

A. A Magisterial District Court may charge reasonable fees for providing public access to official case records of the Court pursuant to 204 Pa. Code Sec. 213.1 et seq. The fees to be charged are set forth below. Changes to the fee structure may be made, from time to time, by the President Judge by administrative order.

(1) For copying records or transmitting records by facsimile or other electronic means: \$0.25 per page

(2) For processing complex or voluminous requests, in addition to the costs of copying set forth in (1) above: \$8.00 per quarter hour of staff time spent, in excess of the first quarter hour. What constitutes a complex or voluminous request may vary from court to court depending on factors such as court resources and caseload.

B. Fees may be waived in full or in part in the discretion of the Magisterial District Judge if the Judge determines that the requester is indigent.

C. Prepayment of fees incurred in processing a request is at the discretion of the Magisterial District Judge.

D. Fees paid for services provided pursuant to this Rule are not refundable.

E. Fees collected pursuant to this Rule shall be identified as revenue to the magisterial district court, but shall be timely remitted to the County of York.

F. Any appeal from the application of this Rule or pursuant to 204 Pa. Code Section 213 et seq., or the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts shall be made to the District Court Administrator.

[Pa.B. Doc. No. 10-2307. Filed for public inspection December 3, 2010, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 7—AGRICULTURE

### MILK MARKETING BOARD

[ 7 PA. CODE CH. 143 ]

#### Transactions Between Dealers and Producers

The Milk Marketing Board (Board) amends Chapter 143 (relating to transactions between dealers and producers) by adding § 143.29 (relating to weighing and sampling of direct load milk) and amending § 143.46 (relating to producer receipt for farm bulk milk) under the authority of section 307 of the Milk Marketing Law (31 P. S. § 700j-307).

Notice of proposed rulemaking was published at 40 Pa.B. 3127 (June 12, 2010) with a 30-day public comment period. The Board did not receive comments during the public comment period. The Senate Committee on Agriculture and Rural Affairs and the House Agriculture and Rural Affairs Committee (House and Senate Committees) did not offer comments, suggestions or objections to the proposed rulemaking. The Independent Regulatory Review Commission (IRRC) did not offer recommendations, comments or objections to the proposed rulemaking. No changes have been made from the proposed rulemaking to this final-form rulemaking.

The Board considered this final-form rulemaking and its purpose under the directives of Executive Order 1996-1, "Regulatory Review and Promulgation."

#### *Purpose*

The purpose of the final-form rulemaking is to establish regulations to govern the weighing and sampling of milk when it is loaded directly from the milking parlor or milkhouse on a dairy farm into a movable bulk milk tanker for transportation. Most milk produced on dairy farms in this Commonwealth is pumped into bulk tanks on the farm for cooling and storage and picked up every day or every other day and loaded onto bulk milk tankers for transport to the processor. Current Board regulations establish procedures to ensure accurate weighing and sampling of this milk for purposes of payment to producers and require a receipt for the milk to be left with the producer at the time of pickup. While the number of dairy herds in this Commonwealth is decreasing, the average size of dairy herds is increasing. Many dairy herds in this Commonwealth now produce enough milk to fill a semi-trailer bulk milk tanker in 24 hours or less. In these cases it is more efficient and cost effective to rapidly cool the milk and pump it directly onto a bulk milk tanker rather than storing the milk in a bulk tank for later pickup and transport. The existing regulations rely upon bulk tank calibration charts to determine the volume of milk and require agitation by means of the bulk tank agitator prior to sampling of milk in a stationary on-farm bulk tank and therefore will not work for milk loaded directly into mobile bulk tankers. Currently, there are several farms in this Commonwealth direct-loading their milk, using a variety of methods for weighing and sampling that milk. The final-form rulemaking establishes uniform procedures to ensure the accurate weighing and sampling of this milk and also amends the requirements for the producer's receipt for direct load milk.

#### *Comments*

The Board did not receive comments during the public comment period. IRRC and the House and Senate Committees did not offer comments, suggestions or objections to the proposed rulemaking.

#### *Paperwork Estimates*

The final-form rulemaking requires additional information pertaining to the method of weighing and sampling to be included on the producer's receipt for milk picked up from farms, but relaxes the requirement that the receipt be left at the farm at the time of pick-up.

#### *Fiscal Impact*

The final-form rulemaking will not have fiscal impact on the majority of dairy producers who still store milk in bulk tanks, nor on the buyers or haulers of that milk. The final-form rulemaking should not have a negative fiscal impact on those few producers, haulers, weigher/samplers or dealers who will be affected by the regulations. These affected persons may see a positive fiscal impact in the form of time savings and increased efficiency by being able to eliminate the step of pumping milk from bulk tanks into tankers for transport.

#### *Effective Date*

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

#### *Sunset Date*

There is not a sunset date.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 27, 2010, the Board submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 3127, to IRRC and the Chairpersons of the House and Senate Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board 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 September 14, 2010, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, this final-form rulemaking was deemed approved by IRRC, effective September 15, 2010.

#### *Contact Person*

The official responsible for information on this final-form rulemaking is Keith Bierly, Secretary, Milk Marketing Board, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4194.

#### *Findings*

The Board finds that:

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

(2) A public comment period was provided as required by law.

(3) The final-form rulemaking is necessary and appropriate for the administration of the act.

*Order*

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 7 Pa. Code Chapter 143, are amended by adding § 143.29 and by amending § 143.46 to read as set forth at 40 Pa.B. 3127.

(b) The Board will submit this order and 40 Pa.B. 3127 to the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Board shall certify this order and 40 Pa.B. 3127 and deposit them with the Legislative Reference Bureau as required by law.

(d) The order shall take effect upon final-form publication in the *Pennsylvania Bulletin*.

RICHARD KRIEBEL,  
*Chairperson*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 5655 (October 9, 2010).)

**Fiscal Note:** Fiscal Note 47-14 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 10-2308. Filed for public inspection December 3, 2010, 9:00 a.m.]

**Title 31—INSURANCE**

**INSURANCE DEPARTMENT**

**[ 31 PA. CODE CH. 160 ]**

[Correction]

**Standards to Define Insurers Deemed to be in Hazardous Financial Condition**

An error occurred in the final-form rulemaking which appeared at 40 Pa.B. 6661, 6662 (November 20, 2010). The final-form rulemaking should have shown the signature as Robert L. Pratter, Acting Insurance Commissioner.

[Pa.B. Doc. No. 10-2192. Filed for public inspection November 19, 2010, 9:00 a.m.]

**Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS**

**STATE REAL ESTATE COMMISSION**

**[ 49 PA. CODE CH. 35 ]**

**Seller Property Disclosure Statement**

The State Real Estate Commission (Commission) adopts §§ 35.284a and 35.335a (relating to disclosures

required by the Real Estate Seller Disclosure Law; and seller property disclosure statement) to read as set forth in Annex A.

*Statutory Authority*

This final-form rulemaking is authorized under 68 Pa.C.S. § 7304(a) (relating to disclosure form) and sections 404 and 604(a)(15.1) of the Real Estate Licensing and Registration Act (RELRA) (63 P. S. §§ 455.404 and 455.604(a)(15.1)).

*Summary*

Section 35.284a tracks the duties imposed on licensees who represent sellers and buyers as well as transaction licensees under 63 Pa.C.S. Chapter 73 (relating to Real Estate Seller Disclosure Law) (act). Section 35.335a sets forth the minimum property disclosure statement required under section 7304(b) of the act.

*Response to Comments*

Notice of proposed rulemaking was published at 40 Pa.B. 2281 (May 1, 2010). Publication was followed by a 30-day public comment period during which the Commission received a public comment from the Pennsylvania Association of Realtors (PAR) and comments from seven individual licensees: Frank Bartalotta, Diane M. LePera, Linda McKissick, Donna Olson, Anthony Rocchino, Terry Sutton and Robin Zellers. Following the close of the public comment period, the Commission received comments from the Independent Regulatory Review Commission (IRRC) and the House Professional Licensure Committee (HPLC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

§ 35.284a(a)—*Seller's agents*

§ 35.284a(b)—*Buyer's agents*

IRRC questioned whether “seller’s agents” and “buyer’s agents” adequately cover all of the agency relationships wherein a real estate licensee is required to provide a seller/buyer with the disclosure statement. PAR recommended that the Commission consider “licensee working with the seller” and “licensee working with the buyer.” The Commission concurs with IRRC and PAR that “seller’s agents” and “buyer’s agents” are not inclusive enough, as these titles do not include transaction licensees who have entered into agreements with sellers and buyers for document preparation and do not include subagents who work on behalf of sellers. However, because “licensees working with the seller/buyer” is too broad, in this final-form rulemaking the Commission amended these titles to read “a licensee who represents sellers or a transaction licensee who has entered into an agreement with sellers” in subsection (a) and “a licensee who represents buyers or a transaction licensee who has entered into an agreement with buyers” in subsection (b). As part of this amendment, the Commission addressed the HPLC’s question as to whether the references to “seller’s agents” and “buyer’s agents” were grammatically correct by making the subject singular.

§ 35.284a(a)(1)—*Seller's agent shall advise sellers of duty to disclose known material defects by completing a property disclosure statement*

Terry Sutton and Robin Zellers questioned whether sellers of commercial, industrial or multifamily residential properties shall also complete the seller disclosure statements. Section 7302 of the act (relating to application of chapter) delineates that only residential properties are included in the seller disclosure requirement. “Resi-



dential real estate transfer” is defined in 68 Pa.C.S. § 7103(a) (relating to application of part) as consisting of “not less than one nor more than four residential dwelling units. . . .”

Anthony Rocchino and Donna Olsen questioned whether disclosure is required for new construction, estates or bank foreclosures. Eight exceptions to the requirement that the seller disclosure statement be provided for residential properties are listed in 68 Pa.C.S. § 7103(b) and two are listed in section 7302(a) of the act. Under those sections, transfers of estates, foreclosures and new residential construction are exempt.

Anthony Rocchino also questioned whether disclosures are required when the seller has not lived in the home or investment property or managed the property actively. These scenarios do not fall within the exceptions in 68 Pa.C.S. § 7103(b) and section 7302(a) of the act and a disclosure is required. However, under section 7306 of the act (relating to information unavailable to seller), if an item of information required to be disclosed is unknown or not available to the seller, the seller may make a disclosure based on the best information available to the seller.

§ 35.284a(a)(3)—*Seller shall deliver a completed disclosure statement or one marked “refused” to buyer/buyer’s agent*

PAR remarked that the act imposes the duty on the seller and not the licensee representing or working with the seller to deliver the disclosure statement. However, PAR acknowledged that in most cases licensees involved in the transaction assume this responsibility. The Commission concurs with PAR and therefore, under this paragraph, requires licensees who represent sellers or transaction licensees who have entered into agreements with sellers to deliver either the completed disclosure statement or one marked refused.

Linda McKissick commented that sellers should not be permitted to refuse to complete the seller disclosure statement. Further, PAR commented that requiring the delivery of refused-marked statements could potentially increase the number of sellers who refuse to complete seller disclosure statements and increase liability. IRRC requested that the Commission address the impact of requiring delivery of disclosure statements marked “refused.”

Section 7311 of the act (relating to failure to comply) permits sellers to refuse to provide the disclosure statement by stating that the transaction will not be invalidated because the seller fails to provide the disclosure statement. Thus, the ability to refuse is not new. Requiring sellers to mark the disclosure statements refused provides applicable licensees with documentary evidence that they satisfied their duties. Further, there is no empirical evidence to suggest that the number of refusals will increase simply because licensees shall deliver the refused-marked statement. To the contrary, it is not financially advantageous for sellers to refuse. First, section 7311 of the act subjects sellers who fail to complete disclosure statements to damages for failure to comply with the disclosure requirement. Second, because as PAR points out, it is commonplace for completed disclosure statements to be transmitted to the multiple listing service (MLS) and made available online. For marketing purposes, it would be highly noticeable for a seller not to include a completed disclosure statement with the listing.

The Commission is also not persuaded by the concern that liability for licensees will increase because they will

have more to disclose under the act, in that section 7310 of the act (relating to nonliability of agent) places an affirmative obligation of disclosure on agents for sellers and buyers who have actual knowledge of a material defect that was not disclosed to the buyer or of a misrepresentation regarding a material defect. Because this comment is premised on increased refusals and because the obligation on licensees to report known material defects is also not new, it is also only speculative that there will be an increase in liability. In this final-form rulemaking, the Commission did not amend this provision.

Both IRRC and PAR question what delivery method would be satisfactory under this provision. PAR recommended that the Commission add the clause “publishing the Seller’s Property Disclosure Statement at a location where selling agents have access.” While the Commission concurs with PAR that placement on the MLS is commonly used and would in fact favor this method, section 7305 of the act (relating to delivery of disclosure form) restricts the method of delivery to “personal delivery; first class mail; certified mail, return receipt requested; or facsimile transmission.” Until the act is amended, the Commission cannot permit online delivery to satisfy the statutory requirement. Accordingly, it has not incorporated the language recommended by PAR.

§ 35.284a(b)(1)—*Buyer’s agent shall advise buyers of seller’s duty*

In the event that the buyer is not represented, PAR recommended that the Commission should require that the licensee who has entered into a business relationship with the seller bear the responsibilities in § 35.284a(b)(1). While the Commission has chosen not to implement this affirmative duty, it believes that this conversation will occur when, under subsection (a)(3), licensees who represent sellers or transaction licensees who have entered into agreements with sellers deliver either the completed disclosure statement or one marked refused to the buyer when the buyer does not have representation.

§ 35.284a(b)(2)—*Buyer’s agent shall deliver a completed disclosure statement or one marked “refused” to buyer*

PAR commented that delivery of the completed/refused-marked disclosure statement by the buyer’s agent would be redundant if delivery had already been made under subsection (a). IRRC requested the Commission to clarify this issue. The Commission concurs with this comment and changed the requirement from delivery to assurance that delivery has been made.

§ 35.284a(c) and (d)—*Seller’s agents and buyers agents are required to disclose known defects but are not required to make independent inspection*

IRRC requested that the Commission address whether these subsections should apply to anyone involved in the transaction. Like its comment to subsections (a) and (b), PAR recommended that they do. The Commission concurs with PAR and revised these subsections consistent with the changes made to subsections (a) and (b).

Diane M. LePera questioned what are “known material defects.” Section 7102 of 68 Pa.C.S. (relating to definitions) defines “material defect” as “a problem with a residential real property or any portion of it that would have a significant adverse impact on the value of the property or that involves an unreasonable risk to people on the property. The fact that a structural element, system or subsystem is near, at or beyond the end of the normal useful life of such a structural element, system or

subsystem is not by itself a material defect.” When sellers, licensees representing sellers/buyers or transaction licensees who have entered into agreements with them know of these conditions it is a “known material defect.”

Linda McKissick questioned whether this section requires licensees to verify the information provided by seller on the disclosure statement. Under section 7310 of the act, licensees representing sellers/buyers or transaction licensees who have entered into agreements with them are not liable for a violation of the act unless the aforementioned licensee had actual knowledge of a material defect that was not disclosed to the buyer or of a misrepresentation regarding a material defect. In fact, while sellers are required to provide accurate information about known material defects under sections 7303 and 7308 of the act (relating to disclosure of material defects; and affirmative duty of seller), they are not required to conduct a specific investigation or inquiry in an effort to complete the property disclosure statement.

*§ 35.335a—Seller disclosure statement*

PAR commented that Question (12) on the disclosure statement should require a listing of items that are included in the sale and not just those in need of repair. In that 68 Pa.C.S. § 7103 only requires sellers to disclose material defects, the Commission believes that it is overly burdensome to require a listing of appliances that are included in the sale rather than simply those that are in need of repair.

The HPLC recommended that the Commission delete the address and telephone number in Question (13) so that the regulations would not have to be amended in the event that the Mine Subsidence Insurance Fund changes its address or telephone number. The Commission agrees with the HPLC and deleted this information.

The HPLC questioned whether it would be useful to list another reason for easements other than utility service in Question (13)(vi). The Commission appreciates that in addition to utility service easements may be granted for flag-lots, walking trails and shared driveways. Nonetheless, because the act only lists utility service and the Commission chose not to amend the former disclosure statement in another area aside from removing an address and a telephone number at the HPLC’s urging, the Commission has not amended this question.

Frank Bartakotta recommended that the Commission include specific questions about lead-based paint and mold on the disclosure statement. These conditions are currently included within Question (14) on the disclosure form. A further amendment is not required.

The HPLC questioned why there was an asterisk in Question (15) following “condominium.” The Commission removed this typographical error in this final-form rule-making.

*Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will not have adverse fiscal impact or paperwork requirements on the Commission, licensees, the Commonwealth, its political subdivisions or the public sector.

*Sunset Date*

The Commission continually monitors the effectiveness of its regulations through communication with the regulated population; accordingly, a sunset date has not been set.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 21, 2010, the Commission submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 2281, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 28, 2010, the final-form rulemaking was approved by the HPLC. On October 20, 2010, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 21, 2010, and approved the final-form rulemaking.

*Contact Person*

Further information may be obtained by contacting Patricia Ridley, Administrator, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3658.

*Findings*

The Commission finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) The amendments to the final-form rulemaking do not enlarge the purpose of proposed rulemaking published at 40 Pa.B. 2281.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts in Part B of this preamble.

*Order*

The Commission, acting under its authorizing statutes, orders that:

(a) The regulations of the Commission, 49 Pa. Code Chapter 35, are amended by adding §§ 35.284a and 35.335a to read as set forth in Annex A.

(b) The Commission shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

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

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

JOSEPH TARANTINO, Jr.,  
*Chairperson*

*(Editor’s Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 6487 (November 6, 2010).)

**Fiscal Note:** Fiscal Note 16A-5618 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 35. STATE REAL ESTATE COMMISSION

Subchapter E. STANDARDS OF CONDUCT AND PRACTICE

GENERAL ETHICAL RESPONSIBILITIES

§ 35.284a. Disclosures required by the Real Estate Seller Disclosure Law.

(a) A licensee who represents sellers or a transaction licensee who has entered into an agreement with sellers shall:

(1) Advise sellers of their duty to disclose any known material defects with the property by completing a property disclosure statement that satisfies the requirements in 68 Pa.C.S. § 7304 (relating to disclosure form).

(2) Provide sellers with a property disclosure statement that meets or exceeds the disclosures set forth in § 35.335a (relating to seller property disclosure statement).

(3) Deliver the completed property disclosure statement or the property disclosure statement marked "refused" to the buyer, the licensee who represents the buyer or the transaction licensee who has entered into an agreement with the buyer prior to the execution of an agreement of sale.

(b) A licensee who represents buyers or a transaction licensee who has entered into an agreement with buyers shall:

(1) Advise buyers that sellers have a duty to provide a completed property disclosure statement.

(2) Assure that the completed property disclosure statement or the property disclosure statement marked "refused" was delivered to the buyer prior to the execution of an agreement of sale.

(c) Licensees described in subsections (a) and (b) are required to disclose, to the buyer in writing, all material defects that are not otherwise disclosed and of which the licensee has actual knowledge.

(d) Licensees described in subsections (a) and (b) are not required to conduct an independent investigation to confirm seller's disclosures on the property disclosure statement.

REAL ESTATE DOCUMENTS

§ 35.335a. Seller property disclosure statement.

The seller's property disclosure statement must, at a minimum, contain the following disclosures:

Seller's Property Disclosure Statement

Property address: \_\_\_\_\_

Seller: \_\_\_\_\_

A seller must disclose to a buyer all known material defects about property being sold that are not readily observable. This disclosure statement is designed to assist the seller in complying with disclosure requirements and to assist the buyer in evaluating the property being considered.

This statement discloses the seller's knowledge of the condition of the property as of the date signed by the seller and is not a substitute for any inspections or warranties that the buyer may wish to obtain. This statement is not a warranty of any kind by the seller or a warranty or representation by any listing real estate broker, any selling real estate broker or their agents. The buyer is encouraged to address concerns about the condition of the property that may not be included in this statement. This statement does not relieve the seller of the obligation to disclose a material defect that may not be addressed on this form.

A material defect is a problem with the property or any portion of it that would have a significant adverse impact on the value of the residential real property or that involves an unreasonable risk to people on the land. The fact that a structural element, system or subsystem is near, at or beyond the end of its normal useful life is not by itself a material defect.

(1) Seller's expertise. The seller does not possess expertise in contracting, engineering, architecture or other areas related to the construction and condition of the property and its improvements, except as follows: \_\_\_\_\_

(2) Occupancy. Do you, the seller, currently occupy this property? \_\_\_ yes \_\_\_ no

If "no," when did you last occupy the property? \_\_\_\_\_

(3) Roof.

(i) Date roof was installed: \_\_\_\_\_ . Documented? \_\_\_ yes \_\_\_ no \_\_\_ unknown

(ii) Has the roof been replaced or repaired during your ownership? \_\_\_ yes \_\_\_ no

If "yes," were the existing shingles removed? \_\_\_ yes \_\_\_ no \_\_\_ unknown

(iii) Has the roof ever leaked during your ownership? \_\_\_ yes \_\_\_ no

(iv) Do you know of any problems with the roof, gutters or downspouts? \_\_\_ yes \_\_\_ no

Explain any "yes" answers that you give in this section:

\_\_\_\_\_

(4) Basements and crawl spaces (Complete only if applicable).

(i) Does the property have a sump pump? \_\_\_ yes \_\_\_ no \_\_\_ unknown

(ii) Are you aware of any water leakage, accumulation or dampness within the basement or crawl space? \_\_\_ yes \_\_\_ no

If "yes," describe in detail: \_\_\_\_\_

\_\_\_\_\_

(iii) Do you know of any repairs or other attempts to control any water or dampness problem in the basement or crawl space? \_\_\_ yes \_\_\_ no

If "yes," describe the location, extent, date and name of the person who did the repair or control effort: \_\_\_\_\_

\_\_\_\_\_

(5) Termites/wood destroying insects, dry rot, pests.

(i) Are you aware of any termites/wood destroying insects, dry rot or pests affecting the property? \_\_\_ yes \_\_\_ no

(ii) Are you aware of any damage to the property caused by termites/wood destroying insects, dry rot or pests? \_\_\_ yes \_\_\_ no

(iii) Is your property currently under contract by a licensed pest control company? \_\_\_ yes \_\_\_ no

(iv) Are you aware of any termite/pest control reports or treatments for the property in the last five years? \_\_\_ yes \_\_\_ no

Explain any "yes" answers that you give in this section:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(6) *Structural items.*

(i) Are you aware of any past or present water leakage in the house or other structures? \_\_\_ yes \_\_\_ no

(ii) Are you aware of any past or present movement, shifting, deterioration or other problems with walls, foundations or other structural components? \_\_\_ yes \_\_\_ no

(iii) Are you aware of any past or present problems with driveways, walkways, patios or retaining walls on the property? \_\_\_ yes \_\_\_ no

Explain any "yes" answers that you give in this section:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When explaining efforts to control or repair, please describe the location and extent of the problem and the date and person by whom the work was done, if known:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(7) *Additions/remodeling.* Have you made any additions, structural changes or other alterations to the property? \_\_\_ yes \_\_\_ no

If "yes," please describe: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(8) *Water and sewage.*

(i) What is the source of your drinking water? \_\_\_ public \_\_\_ community system \_\_\_ well on property \_\_\_ other

If "other," please explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(ii) If your drinking water source is not public: \_\_\_\_\_

When was your water last tested? \_\_\_\_\_

What was the result of the test? \_\_\_\_\_

Is the pumping system in working order? \_\_\_ yes \_\_\_ no

If "no," please explain: \_\_\_\_\_

(iii) Do you have a softener, filter or other purification system? \_\_\_ yes \_\_\_ no

If "yes," is the system: \_\_\_ leased \_\_\_ owned

(iv) What is the type of sewage system? \_\_\_ public sewer \_\_\_ private sewer \_\_\_ septic tank \_\_\_ cesspool \_\_\_ other

If "other," please explain: \_\_\_\_\_

(v) Is there a sewage pump? \_\_\_ yes \_\_\_ no

If "yes," is it in working order? \_\_\_ yes \_\_\_ no

(vi) If applicable, when was the septic system or cesspool last serviced? \_\_\_\_\_

(vii) Is either the water or sewage system shared? \_\_\_ yes \_\_\_ no

If "yes," please explain: \_\_\_\_\_

(viii) Are you aware of any leaks, backups or other problems relating to any of the plumbing, water and sewage-related items? \_\_\_ yes \_\_\_ no

If "yes," please explain: \_\_\_\_\_

(9) *Plumbing system.*

(i) Type of plumbing: \_\_\_ copper \_\_\_ galvanized \_\_\_ lead \_\_\_ PVC \_\_\_ unknown \_\_\_ other

If "other," please explain: \_\_\_\_\_

(ii) Are you aware of any problems with any of your plumbing fixtures (including, but not limited to: kitchen, laundry or bathroom fixtures, wet bars, hot water heater, etc.)? \_\_\_ yes \_\_\_ no

If "yes," please explain: \_\_\_\_\_

(10) *Heating and air conditioning.*

(i) Type of air conditioning: \_\_\_ central electric \_\_\_ central gas \_\_\_ wall \_\_\_ none

(ii) List any areas of the house that are not air conditioned: \_\_\_\_\_

(iii) Type of heating: \_\_\_ electric \_\_\_ fuel oil \_\_\_ natural gas \_\_\_ other

If "other," please explain: \_\_\_\_\_

(iv) List any areas of the house that are not heated: \_\_\_\_\_

(v) Type of water heating: \_\_\_ electric \_\_\_ gas \_\_\_ solar \_\_\_ other

If "other," please explain: \_\_\_\_\_

(vi) Are you aware of any underground fuel tanks on the property? \_\_\_ yes \_\_\_ no

If "yes," please describe: \_\_\_\_\_

Are you aware of any problems with any item in this section? \_\_\_ yes \_\_\_ no

If "yes," please explain: \_\_\_\_\_

(11) *Electrical system.* Are you aware of any problems or repairs needed in the electrical system? \_\_\_ yes \_\_\_ no

If "yes," please explain: \_\_\_\_\_

(12) *Equipment and appliances.*  
The following items included in the sale are in need of repair or replacement: \_\_\_\_\_

(13) *Land (soils, drainage and boundaries).*

(i) Are you aware of any fill or expansive soil on the property? \_\_\_ yes \_\_\_ no

(ii) Are you aware of any sliding, settling, earth movement, upheaval, subsidence or earth stability problems that have occurred on or that affect the property? \_\_\_ yes \_\_\_ no

NOTE TO BUYER: Some properties may be subject to mine subsidence damage. Maps of the counties and mines where mine subsidence damage may occur and mine subsidence insurance are available through the Department of Environmental Protection, Mine Subsidence Insurance Fund.

(iii) Are you aware of any existing or proposed mining, strip mining or any other excavations that might affect this property? \_\_\_ yes \_\_\_ no

(iv) To your knowledge, is this property or part of it located in a flood zone or wetlands area? \_\_\_ yes \_\_\_ no

(v) Do you know of any past or present drainage or flooding problems affecting the property? \_\_\_ yes \_\_\_ no

(vi) Do you know of any encroachments, boundary line disputes or easements? \_\_\_ yes \_\_\_ no

NOTE TO BUYER: Most properties have easements running across them for utility services and other reasons. In many cases, the easements do not restrict the ordinary use of the property, and the seller may not be readily aware of them. Buyers may wish to determine the existence of easements and restrictions by examining the property and ordering an abstract of title or searching the records in the Office of the Recorder of Deeds for the county before entering into an agreement of sale.

(vii) Are you aware of any shared or common areas (for example, driveways, bridges, docks, walls, etc.) or maintenance agreements? \_\_\_ yes \_\_\_ no

Explain any "yes" answers that you give in this section:

(14) Hazardous substances.

(i) Are you aware of any underground tanks or hazardous substances present on the property (structure or soil), including, but not limited to, asbestos, polychlorinated byphenyls (PCBs), radon, lead paint, urea-formaldehyde foam insulation (UFFI), etc? \_\_\_ yes \_\_\_ no

(ii) To your knowledge, has the property been tested for any hazardous substances? \_\_\_ yes \_\_\_ no

(iii) Do you know of any other environmental concerns that might impact upon the property? \_\_\_ yes \_\_\_ no

Explain any "yes" answers that you give in this section:

(15) Condominiums and other homeowners associations (complete only if applicable).

Type: \_\_\_ condominium\* \_\_\_ cooperative \_\_\_ homeowners association \_\_\_ other

If "other," please explain: \_\_\_\_\_

NOTICE REGARDING CONDOMINIUMS AND COOPERATIVES:

According to section 3407 of the Uniform Condominium Act (68 Pa.C.S. § 3407) (relating to resales of units) and 68 Pa.C.S. § 4409 (relating to resales of cooperative interests), a buyer of a resale unit in a condominium or cooperative must receive a certificate of resale issued by the association in the condominium or cooperative. The buyer will have the option of canceling the agreement with return of all deposit moneys until the certificate has been provided to the buyer and for 5 days thereafter or until conveyance, whichever occurs first.

(16) Miscellaneous.

(i) Are you aware of any existing or threatened legal action affecting the property? \_\_\_ yes \_\_\_ no

(ii) Do you know of any violations of Federal, State or local laws or regulations relating to this property? \_\_\_ yes \_\_\_ no

(iii) Are you aware of any public improvement, condominium or homeowner association assessments against the property that remain unpaid or of any violations of zoning, housing, building safety or fire ordinances that remain uncorrected? \_\_\_ yes \_\_\_ no

(iv) Are you aware of any judgment, encumbrance, lien (for example, comaker or equity loan) or other debt against this property that cannot be satisfied by the proceeds of this sale? \_\_\_ yes \_\_\_ no

(v) Are you aware of any reason, including a defect in title, that would prevent you from giving a warranty deed or conveying title to the property? \_\_\_ yes \_\_\_ no

(vi) Are you aware of any material defects to the property, dwelling or fixtures which are not disclosed elsewhere on this form? \_\_\_ yes \_\_\_ no

A material defect is a problem with the property or any portion of it that would have a significant adverse impact on the value of the residential real property or that involves an unreasonable risk to people on the land.

Explain any "yes" answers that you give in this section:

The undersigned seller represents that the information set forth in this disclosure statement is accurate and complete to the best of the seller's knowledge. The seller hereby authorizes any agent for the seller to provide this information to prospective buyers of the property and to other real estate agents. The seller alone is responsible for the accuracy of the information contained in this statement. The seller shall cause the buyer to be notified in writing of any information supplied on this form that is rendered inaccurate by a change in the condition of the property following the completion of this form.

SELLER \_\_\_\_\_ DATE \_\_\_\_\_  
SELLER \_\_\_\_\_ DATE \_\_\_\_\_  
SELLER \_\_\_\_\_ DATE \_\_\_\_\_

EXECUTOR, ADMINISTRATOR, TRUSTEE

The undersigned has never occupied the property and lacks the personal knowledge necessary to complete this disclosure statement.

\_\_\_\_\_ DATE \_\_\_\_\_

RECEIPT AND ACKNOWLEDGMENT BY BUYER

The undersigned buyer acknowledges receipt of this disclosure statement. The buyer acknowledges that this statement is not a warranty and that, unless stated otherwise in the sales contract, the buyer is purchasing this property in its present condition. It is the buyer's responsibility to satisfy himself or herself as to the condition of the property. The buyer may request that the property be inspected, at the buyer's expense and by qualified professionals, to determine the condition of the structure or its components.

BUYER \_\_\_\_\_ DATE \_\_\_\_\_  
BUYER \_\_\_\_\_ DATE \_\_\_\_\_  
BUYER \_\_\_\_\_ DATE \_\_\_\_\_

[Pa.B. Doc. No. 10-2309. Filed for public inspection December 3, 2010, 9:00 a.m.]

## Title 58—RECREATION

### PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 523, 541, 543, 549 AND 565 ]

#### Table Game Equipment, Minibaccarat, Midibaccarat, Blackjack and Three Card Poker Amendments; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (P.L. 1, No. 1) (Act 1) and the specific authority in 4 Pa.C.S. § 1302A(1) and (2) (relating to regulatory authority), amends temporary regulations in Chapters 523, 541, 543, 549 and 565 to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

#### *Purpose of the Temporary Rulemaking*

This temporary rulemaking amends Chapter 523 (relating to table game equipment) to clarify a previous amendment and amends the rules of Minibaccarat, Midibaccarat and Three Card Poker in response to requests received from certificate holders.

#### *Explanation of Chapters 523, 541, 543, 549 and 565*

The Board has received numerous requests for optional side wagers on games that are currently approved for play.

In the temporary rulemaking published at 40 Pa.B. 6095 (October 23, 2010) (Fiscal Note 125-133), the Board amended § 523.10(l) (relating to exchange and redemption of gaming chips and plaques) regarding the acceptance of value chips as personal gratuities to allow for the acceptance of value chips in exchange for food and beverage served on the gaming floor. In § 523.10(l), language was added to clarify that only cocktail servers who are serving on the gaming floor from nonfixed locations may accept value chips in exchange for food or beverage served to patrons on the gaming floor. Nonfixed locations would be the gaming floor but would not include the bars, restaurants or grab-and-go locations.

In Chapters 541 and 543 (relating to Minibaccarat; and Midibaccarat), the Dragon Bonus Wager was added as an optional side wager. The requirements for table layouts were added in §§ 541.2(c)(6) and 543.2(c)(6) (relating to Minibaccarat table physical characteristics; and Midibaccarat table physical characteristics). The rules of the side wager were added in §§ 541.8(a)(4) and 543.8(a)(4) (relating to wagers) with the payout odds added in §§ 541.13(d) and 543.13(d) (relating to payout odds; vigorous).

Also in Chapter 543, § 543.9 (relating to hands of player and banker; procedure for dealing initial two cards to each hand) has been amended to eliminate a dealing inconsistency between Minibaccarat and Midibaccarat. This temporary rulemaking clarifies players in Midibaccarat do touch the cards, which is unlike Minibaccarat where players are not permitted to touch cards. The language regarding dealing procedures when players are not allowed to touch the cards was therefore removed.

In the temporary rulemaking published at 40 Pa.B. 6520 (November 13, 2010) (Fiscal Note 125-134), the Board amended § 549.20 (relating to Royal Match 21 Wager), regarding Blackjack. In § 549.20(g), a pay table was added to accommodate the Royal Match 21 Wager on

electronic Blackjack which pays out on the Crown Treasure Bonus at odds of 1,000 for 1.

In Chapter 565 (relating to Three Card Poker), the Six Card Bonus Wager was added to Three Card Poker. The requirements for table layouts were added in § 565.2 (relating to Three Card Poker table physical characteristics), the card rankings for the wager were added in § 565.6(d) (relating to Three Card Poker rankings) and the procedures for the completion of play when a player places a Six Card Bonus Wager were added in § 565.11 (relating to Procedures for completion of each round of play). Section 565.11b (relating to Six Card Bonus Wager) is added to provide the dealing procedure for the wager. The payout odds were added to § 565.12 (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

#### *Affected Parties*

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

#### *Fiscal Impact*

#### *Commonwealth*

The Board does not expect that the amendments in 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 Act 1.

#### *Private sector*

This temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games. The addition of an optional side wager may increase the wagers in Minibaccarat, Midibaccarat, Blackjack and Three Card Poker.

#### *General public*

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

#### *Paperwork Requirements*

If a certificate holder elects to offer additional side wagers, it will have to submit updated rules submissions for approval and update gaming guides offered to the public to reflect the additional wagers available.

#### *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 #125-136.

Contact Person

The contact person for questions about this temporary rulemaking is Susan A. Yocum, Assistant Chief Counsel, at (717) 265-8356.

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which 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. § 1303A, the temporary regulations are exempt from the requirements of 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 Chapters 523, 541, 543, 549 and 565, are amended by adding § 565.11b and by amending §§ 523.10, 541.2, 541.8, 541.13, 543.2, 543.8—543.10, 543.13, 543.14, 549.20, 565.1, 565.2, 565.6, 565.7, 565.11 and 565.12 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(2) The temporary regulations are effective December 4, 2010.

(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.

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-136. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 523. TABLE GAME EQUIPMENT

§ 523.10. Exchange and redemption of gaming chips and plaques.

\* \* \* \* \*

(1) Employees of a certificate holder may be authorized to receive value chips as personal gratuities. Additionally, cocktail servers and other employees who are serving food and beverage on the gaming floor from nonfixed locations may be authorized to receive value chips in exchange for

food and beverage purchased and served to patrons on the gaming floor. Employees of a certificate holder who are authorized to receive value chips as personal gratuities may redeem the value chips at the cashiers' cage or at another secure location, as approved by the Board, prior to leaving the licensed facility. Value chips redeemed at a noncage employee redemption site shall be exchanged on a daily basis with the cashiers' cage in accordance with procedures approved by the Board. Each certificate holder shall submit to the Board for approval internal controls to ensure the proper exchange and accounting of the value chips received as personal gratuities and for the purchase of food and beverage on the gaming floor.

\* \* \* \* \*

CHAPTER 541. MINIBACCARAT

§ 541.2. Minibaccarat table physical characteristics.

\* \* \* \* \*

(c) The layout for a Minibaccarat table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

\* \* \* \* \*

(6) If a certificate holder offers the Dragon Bonus Wager:

(i) A separate area designated for the placement of the Dragon Bonus Wager.

(ii) Inscriptions that advise patrons of the payout odds for the Dragon Bonus Wager. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for the Dragon Bonus Wager shall be posted at each Minibaccarat table.

\* \* \* \* \*

§ 541.8. Wagers.

(a) The following wagers shall be permitted to be made by a player at the game of Minibaccarat:

(1) A wager on the Banker's Hand which shall:

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand.

(ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.

(iii) Be void if the Banker's Hand and the Player's Hand have the same Point Count and either:

(A) Be returned to the player.

(B) If the licensee charges vigorish in accordance with § 541.13(g) (relating to payout odds; vigorish), be charged a vigorish equal to 25% of the wager.

(2) A wager on the Player's Hand which shall:

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand.

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand.

(iii) Be void and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(3) A Tie Bet which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(ii) Lose if Point Counts of the Banker's Hand and the Player's Hand are not equal.

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

- (i) Win if the selected hand is:
  - (A) A Natural and the other hand is not a Natural.
  - (B) A Natural 9 and the other hand is a Natural 8.
  - (C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.
- (ii) Lose if the selected hand is:
  - (A) A Natural 8 and the other hand is a Natural 9.
  - (B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.
  - (C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.
- (iii) Tie if the selected hand is a Natural and the other hand is a Natural of equal Point Count and either:
  - (A) Be returned to the player.
  - (B) If the licensee charges a vigorish in accordance with § 541.13(g), be charged a vigorish equal to 25% of the wager.

(b) Wagers at Minibaccarat shall be made by placing gaming chips or plaques on the appropriate areas of the Minibaccarat layout. A verbal wager, accompanied by cash may be accepted provided the verbal wager is confirmed by the dealer calling the game and the cash is expeditiously converted into gaming chips or plaques.

(c) No wager at Minibaccarat may be made, increased or withdrawn after the dealer has announced "no more bets."

**§ 541.13. Payout odds; vigorish.**

- (a) A winning wager made on the Player's Hand shall be paid off by a certificate holder at odds of 1 to 1.
- (b) A winning Tie Bet shall be paid off by a certificate holder at odds of at least 8 to 1.
- (c) Except as otherwise provided in subsection (g), a winning wager made on the Banker's Hand shall be paid off by a certificate holder at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to the amount specified in the Rules Submission under § 521.2 (relating to table games Rules Submissions) of either 4% or 5% of the amount won.
- (d) If a certificate holder offers the Dragon Bonus Wager, a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 521.2:

<i>Hand</i>	<i>Payout A</i>	<i>Payout B</i>	<i>Payout C</i>
Win by 9 Points	30 to 1	20 to 1	30 to 1
Win by 8 Points	10 to 1	8 to 1	10 to 1
Win by 7 Points	6 to 1	7 to 1	4 to 1
Win by 6 Points	4 to 1	4 to 1	4 to 1
Win by 5 Points	2 to 1	3 to 1	2 to 1
Win by 4 Points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1

(e) When collecting the vigorish, the certificate holder may round off the vigorish to 5 cents or the next highest multiple of 5 cents.

(f) A dealer, in accordance with the option selected in the certificate holders Rules Submission under § 521.2, may collect the vigorish from a player at the time the winning payout is made or may defer it to a later time; provided, however, that outstanding vigorish shall be collected prior to reshuffling the cards in a dealing shoe or when the player leaves the gaming table, whichever occurs first. The amount of any vigorish not collected at the time of the winning payouts shall be tracked by placing a coin or marker button containing the amount of the vigorish owed in a rectangular space in front of the dealer on the layout imprinted with the number of the player owing the vigorish. The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(g) A certificate holder may, in its Rules Submission under § 521.2, elect to charge every player at a Minibaccarat table a vigorish equal to 25% of the player's wager on the Banker's Hand if the Point Counts of the Banker's Hand and the Player's Hand are equal. The vigorish authorized by this subsection shall be collected at the end of the round of play and prior to any cards being dealt for the next round of play. If a certificate holder elects to charge the vigorish authorized by this subsection, the vigorish otherwise required by subsection (c) may not be collected.

(h) The type and percentage of vigorish charged at a Minibaccarat table applies to all players at that table. The same type and percentage of vigorish shall be used for all Minibaccarat tables located within a licensed facility.

**CHAPTER 543. MIDIBACCARAT**

**§ 543.2. Midibaccarat table physical characteristics.**

\* \* \* \* \*

(c) The layout for a Midibaccarat table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

\* \* \* \* \*

(6) If a certificate holder offers the Dragon Bonus Wager:

(i) A separate area designated for the placement of the Dragon Bonus Wager.

(ii) Inscriptions that advise patrons of the payout odds for the Dragon Bonus Wager. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for the Dragon Bonus Wager shall be posted at each Midibaccarat table.

\* \* \* \* \*

**§ 543.8. Wagers.**

(a) The following wagers shall be permitted to be made by a player at the game of Midibaccarat:

(1) A wager on the Banker's Hand which shall:

(i) Win if the Banker's Hand has a Point Count higher than that of the Player's Hand.

(ii) Lose if the Banker's Hand has a Point Count lower than that of the Player's Hand.

(iii) Be void if the Banker's Hand and the Player's Hand have the same Point Count and either:

(A) Be returned to the player.



(B) If the licensee charges vigorish in accordance with the provisions of § 543.13(g) (relating to payout odds; vigorish), be charged a vigorish equal to 25% of the wager.

(2) A wager on the Player's Hand which shall:

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand.

(ii) Lose if the Player's Hand has a Point Count lower than that of the Banker's Hand.

(iii) Be void and be returned to the player if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(3) A Tie Bet which shall:

(i) Win if the Point Counts of the Banker's Hand and the Player's Hand are equal.

(ii) Lose if Point Counts of the Banker's Hand and the Player's Hand are not equal.

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie if the selected hand is a Natural and the other hand is a Natural of equal Point Count and either:

(A) Be returned to the player.

(B) If the licensee charges a vigorish in accordance with § 541.13(g), be charged a vigorish equal to 25% of the wager.

(b) Wagers at Midibaccarat shall be made by placing gaming chips or plaques on the appropriate areas of the Midibaccarat layout. A verbal wager, accompanied by cash may be accepted provided the verbal wager is confirmed by the dealer calling the game and the cash is expeditiously converted into gaming chips or plaques.

(c) No wager at Midibaccarat may be made, increased or withdrawn after the dealer has announced "no more bets."

**§ 543.9. Hands of player and banker; procedure for dealing initial two cards to each hand.**

(a) There shall be two hands dealt in the game of Midibaccarat, one of which shall be designated the Player's Hand and the other designated the Banker's Hand.

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

(c) The dealer shall then deal an initial four cards from the dealing shoe. The first and third cards dealt shall be placed face down on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed face down on the area designated for the Banker's

Hand. After all four cards have been dealt, the dealer shall place the Banker's Hand underneath the right corner of the dealing shoe until the procedure in paragraph (1) is completed.

(1) The dealer shall then hand the two cards of the Player's Hand, face down, to the player with the highest wager on the Player's Hand. After viewing the Player's Hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the Player's Hand and announce the point count of the Player's Hand.

(2) The dealer shall then hand the two cards of the Banker's Hand, face down, to the player with the highest wager on the Banker's Hand. After viewing the Banker's Hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the Banker's Hand and announce the point count of the Banker's Hand.

(3) Any third card required to be dealt to the Player's Hand shall be placed face down on the area designated for the Player's Hand. The dealer shall then hand the card, face down, to the player who was handed and returned the Player's Hand. After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the Player's Hand.

(4) Any third card required to be dealt to the Banker's Hand shall be placed face down on the area designated for the Banker's Hand. The dealer shall then hand the card, face down, to the player who was handed and returned the Banker's Hand. After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the Banker's Hand.

(5) If two or more players wager an equally high amount on the Player's Hand, the player making the wager who is closest to the dealer moving counterclockwise around the table shall be handed the Player's Hand and any third card required to be dealt. If two or more players wager an equally high amount on the Banker's Hand, the player making the wager who is closest to the dealer moving counterclockwise around the table shall be handed the Banker's Hand and any third card required to be dealt.

**§ 543.10. Procedure for dealing a third card.**

(a) After the dealer positions the cards in accordance with § 541.9(c) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), the point counts of the Player's Hand and Banker's Hand shall be announced as provided therein.

(b) Following the announcement of the Point Counts of each hand, the dealer shall determine whether to deal a third card to each hand in conformity with the requirements of § 543.11 (relating to rules for determining whether a third card shall be dealt). Any third cards required to be dealt shall be dealt as provided in § 541.9(c).

(c) In no event may more than one additional card be dealt to either hand.

(d) Whenever the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand will be completed. Upon completion of that hand, the dealer calling the game shall announce "last hand." At the completion of one more hand, the cards shall be replaced with new decks of cards.

§ 543.13. Payout odds; vigorish.

(a) A winning wager made on the Player's Hand shall be paid off by a certificate holder at odds of 1 to 1.

(b) A winning Tie Bet shall be paid off by a certificate holder at odds of at least 8 to 1.

(c) Except as otherwise provided in subsection (g), a winning wager made on the Banker's Hand shall be paid off by a certificate holder at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to the amount specified in the Rules Submission under § 521.2 (relating to table games Rules Submissions) of either 4% or 5% of the amount won.

(d) If a certificate holder offers the Dragon Bonus Wager, a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 521.2:

Hand	Payout A	Payout B	Payout C
Win by 9 Points	30 to 1	20 to 1	30 to 1
Win by 8 Points	10 to 1	8 to 1	10 to 1
Win by 7 Points	6 to 1	7 to 1	4 to 1
Win by 6 Points	4 to 1	4 to 1	4 to 1
Win by 5 Points	2 to 1	3 to 1	2 to 1
Win by 4 Points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1

(e) When collecting the vigorish, the certificate holder may round off the vigorish to 5 cents or the next highest multiple of 5 cents.

(f) A dealer, in accordance with the option selected in the certificate holders Rules Submission under § 521.2, may collect the vigorish from a player at the time the winning payout is made or may defer it to a later time; provided, however, that outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first. The amount of any vigorish not collected at the time of the winning payouts shall be tracked by placing a coin or marker button containing the amount of the vigorish owed in a rectangular space in front of the dealer on the layout imprinted with the number of the player owing the vigorish. The coin or marker button shall not be removed from the layout until the vigorish owed is collected.

(g) A certificate holder may, in its Rules Submission under § 521.2, elect to charge every player at a Midibaccarat table a vigorish equal to 25% of the player's wager on the Banker's Hand if the Point Counts of the Banker's Hand and the Player's Hand are equal. The vigorish authorized by this subsection shall be collected at the end of the round of play and prior to any cards being dealt for the next round of play. If a certificate holder elects to charge the vigorish authorized by this subsection, the vigorish otherwise required by subsection (c) may not be collected.

(h) The type and percentage of vigorish charged at a Midibaccarat table shall apply to all players at that table. The same type and percentage of vigorish shall be used for all Midibaccarat tables located within a licensed facility.

§ 543.14. Irregularities.

\* \* \* \* \*

(f) The dealer or floorperson assigned to the table may require any player to relinquish the right to turn over the cards pursuant to § 543.9(c) (relating to hands of player and banker; procedure for dealing initial two cards to each hand), if the player unreasonably delays the game or violates either the act or this part. Whenever the voluntary or compulsory relinquishment of that right occurs, the dealer shall offer it to the player immediately to the right of the previous player, and, if he does not accept it or there is no player in that position, the dealer shall offer it to each of the other players in turn counterclockwise around the table for the remainder of that round of play. If no player accepts the cards, the dealer shall turn the cards over and place them on the designated areas of the layout.

CHAPTER 549. BLACKJACK

§ 549.20. Royal Match 21 Wager.

(a) A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer a player the option of placing a Royal Match 21 Wager with an optional Crown Treasure Bonus. The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Crown Treasure Bonus*—Additional payout when both the player and dealer have a Royal Match.

*Royal Match*—King and queen of the same suit.

*Suited Match*—Two cards of the same suit that are not a king and queen.

(b) Prior to the first card being dealt for each round of play, a player who has placed a basic wager required under § 549.4 (relating to wagers) may make an additional Royal Match 21 Wager, which shall have no bearing on any other wagers made by the player. The Royal Match 21 Wager of a player shall be in an amount not less than \$1 and may not exceed the lesser of:

(1) The amount of the wager made by the player under § 549.4(a).

(2) A maximum amount established by the certificate holder in the certificate holder's Rules Submission under § 521.2.

(c) A Royal Match 21 Wager shall be made by placing value chips on the appropriate area of the Blackjack layout.

(d) The Royal Match 21 Wager of a player shall win if the first two cards of the player are a Suited Match or a Royal Match. If a certificate holder offers the Crown Treasure Bonus, a player shall win a bonus payout if both the player and the dealer have a Royal Match.

(e) Except as provided in subsection (f), for certificate holders that offer the Crown Treasure Bonus, immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before any card reader device is utilized, the dealer shall, starting with the player to his far right and moving counterclockwise around the table, settle all Royal Match 21 Wagers by collecting the losing wagers and paying the winning wagers in accordance with subsection (g).

(f) If a certificate holder offers the Crown Treasure Bonus and:

(1) The dealer's up card is not a king or a queen, the dealer shall settle all Royal Match 21 Wagers in accordance with subsection (e).

(2) The dealer's up card is a king or a queen and:

(i) A player does not have Royal Match, the dealer shall settle the Royal Match 21 Wager in accordance with subsection (e).

(ii) A player has a Royal Match, that player's Royal Match 21 Wager shall be settled after the dealer's hole card is exposed but prior to settling the player's basic wager required under § 549.4. If after exposing the hole card the dealer also has a Royal Match, the player shall be paid a Crown Treasure Bonus, in accordance with subsection (g), in addition to the payout for his Royal Match.

(g) The certificate holder shall pay out winning Royal Match 21 Wagers at the odds contained in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 521.2:

(1) If a single deck of cards is being used:

Hand	Payout A	Payout B
Royal Match	10 to 1	5 to 1
Suited Match	3 to 1	3 to 1
Crown Treasure	\$1,000	\$1,000

(2) If multiple decks of cards are being used:

Hand	Payout C	Payout D	Payout E
Royal Match	30 to 1	25 to 1	25 to 1
Suited Match	2.5 to 1	2.5 to 1	3 to 1
Crown Treasure	\$1,000	\$1,000	\$1,000

(3) If an electronic gaming table is being used:

Hand	Payout F	Payout G
Royal Match	5 to 1	25 to 1
Suited Match	3 to 1	2.5 to 1
Crown Treasure	1,000 for 1	1,000 for 1

**CHAPTER 565. THREE CARD POKER**

**§ 565.1. Definitions.**

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

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Three Card Poker table is the holder of an Envy Bonus qualifying hand.

*Envy Bonus qualifying hand*—A Three Card Poker hand with a rank of ace, king and queen of the same suit.

*Hand*—The Three Card Poker hand that is held by each player and the dealer after the cards are dealt.

*Pair Plus Wager*—The wager that a player is required to make prior to any cards being dealt in order to compete against a posted scale of payouts, regardless of the outcome of the player's hand against the dealer's hand.

*Play Wager*—An additional wager that a player must make if the player opts to remain in competition against the dealer after the player reviews his hand.

*Progressive payout hand*—An ace, king and queen of the same suit; a straight flush; three-of-a-kind; or, if included in the payable selected by the certificate holder in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), a straight, as defined in § 565.6 (relating to Three Card Poker rankings).

*Round of play*—One complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been paid off or collected in accordance with the rules of this chapter.

*Six Card Bonus Wager*—An optional wager that a player will be able to form a winning five-card Poker hand from the three cards dealt to the dealer and the three cards dealt to the player.

**§ 565.2. Three Card Poker table physical characteristics.**

(a) Three Card Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side.

(b) The layout for a Three Card Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

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

(2) A separate designated betting area at each betting position for the placement of an Ante Wager.

(3) A separate designated betting area located immediately in front of each Ante Wager betting area for the placement of a Play Wager.

(4) A separate designated betting area located immediately behind each Ante Wager betting area for the placement of a Pair Plus Wager.

(5) If the certificate holder offers a Progressive Payout Wager, a separate area for each player, located immediately behind the Pair Plus Wager betting area, designated for the placement of the Progressive Payout Wager.

(6) If the certificate holder offers the Six Card Bonus Wager, a separate area for each player, located immediately behind the Pair Plus Wager betting area, designated for the placement of the Six Card Bonus Wager.

(7) Inscriptions that advise patrons of the payout odds or amounts for Ante and Play Wagers, Pair Plus Wagers and Ante bonuses, the Progressive Payout Wager, the Six Card Bonus Wager and the Envy Bonus and the phrase "Dealer Plays with Queen High or Better."

(c) If payout odds are not inscribed on the layout as required by subsection (b)(7), a sign identifying the payout odds or amounts for all authorized wagers shall be posted at each Three Card Poker table.

\* \* \* \* \*

**§ 565.6. Three Card Poker rankings.**

\* \* \* \* \*

(d) If a certificate holder offers the optional Six Card Bonus Wager under § 565.11b (relating to Six Card Bonus Wager), the rank of a winning five-card Poker hand, in order of highest to lowest rank, shall 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 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, regardless of suit.

(4) A full house, which is a hand consisting of three-of-a-kind.

(5) A flush, which is a hand consisting of five cards of the same suit.

(6) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, regardless of suit.

**§ 565.7. Wagers.**

(a) The following wagers may be placed in the game of Three Card Poker:

\* \* \* \* \*

(5) If the certificate holder offers the Six Card Bonus Wager, after placing a Pair Plus Wager, a player may also place a Six Card Bonus Wager on whether the player will be dealt a hand type as set forth in § 565.12(k) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

\* \* \* \* \*

(d) Ante Wagers, Pair Plus Wagers, Progressive Payout Wagers and Six Card Bonus Wagers shall be placed prior to the dealer announcing “no more bets” in accordance with § 565.8, § 565.9 or § 565.10 (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). Except for Play Wagers, a wager may not be made, increased, or withdrawn after the dealer has announced “no more bets.” Play Wagers shall be placed in accordance with § 565.11(b) (relating to procedures for completion of each round of play).

\* \* \* \* \*

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

(a) After the dealing procedures required under § 565.8, § 565.9 or § 565.10 (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. Each player who wagers at Three Card Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(b) After examination of his cards, each player who has placed an Ante Wager shall have the option to either make a Play Wager in an amount equal to the player’s Ante Wager or forfeit the Ante Wager and end his participation in the round of play. The dealer shall offer this option to each player, starting with the player farthest to the left of the dealer and moving clockwise around the table in order.

(1) If a player has placed an Ante Wager and a Pair Plus Wager as required under § 565.7(f) (relating to wagers) but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager.

(2) If a player has placed an Ante Wager and a Progressive Payout Wager but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Progressive Payout Wager but does not forfeit the eligibility to receive an Envy Bonus under § 565.12(h) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

(3) If a player has placed an Ante Wager, a Pair Plus Wager and a Six Card Bonus Wager, but does not make a Play Wager, the player shall forfeit both the Ante Wager and the Pair Plus Wager but may not forfeit the Six Card Bonus Wager.

(c) After each player has either placed a Play Wager on the designated area of the layout or forfeited his Ante

Wager and hand, the dealer shall collect all forfeited wagers and associated cards, except for the cards of those players who placed a Six Card Bonus Wager in accordance with § 565.11b (relating to Six Card Bonus Wager), and place the cards in the discard rack. The dealer shall then reveal the dealer’s cards and place the cards so as to form the highest possible ranking hand. If an automated dealing shoe is used to deal the cards, the cover card shall be removed from the dealer’s hand and placed on the table layout immediately next to the automated dealing shoe.

\* \* \* \* \*

**§ 565.11b. Six Card Bonus Wager.**

(a) A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer a player the option of placing a Six Card Bonus Wager on whether the player’s three cards and the dealer’s three cards will form a winning five-card Poker hand as set forth in § 565.12(k) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

(b) If a Six Card Bonus Wager has been made by one or more players, the dealer shall observe the procedures in § 565.11 (relating to procedures for completion of each round of play) with the following modifications:

(1) The dealer shall, starting from the dealer’s right and moving counterclockwise around the table, settle all Ante Wagers, Pair Plus Wagers, Play Wagers and Progressive Payout Wagers of each player, provided that the cards of a player who has placed a Six Card Bonus Wager shall remain on the layout regardless of the outcome of the player’s other wagers.

(2) After settling all other wagers of a player who has placed a Six Card Bonus Wager, the dealer shall arrange the dealer’s three cards and the player’s three cards to form the best possible five-card Poker hand. If a player:

(i) Does not have a three-of-a-kind or better, as described in § 565.6(d) (relating to Three Card Poker rankings), the dealer shall collect the Six Card Bonus Wager and place the cards of the player in the discard rack.

(ii) Has a three-of-a-kind or better, as described in § 565.6(d), the dealer shall pay the winning Six Card Bonus Wager in accordance with § 565.12(k).

**§ 565.12. Payout odds; Envy Bonus; rate of progression; payout limitation.**

\* \* \* \* \*

(k) If a certificate holder offers the Six Card Bonus Wager, the certificate holder shall pay out winning Six Card Bonus Wagers at the amounts in one of the following pay tables selected by the certificate holder in the certificate holder’s Rules Submission filed in accordance with § 521.2:

<i>Hand</i>	<i>Payout A</i>	<i>Payout</i>	<i>Payout C</i>
Royal Flush	1,000 to 1	1,000 to 1	1,000 to 1
Straight Flush	200 to 1	200 to 1	200 to 1
Four-of-a-Kind	50 to 1	100 to 1	100 to 1
Full House	25 to 1	20 to 1	20 to 1
Flush	20 to 1	15 to 1	15 to 1
Straight	10 to 1	10 to 1	10 to 1
Three-of-a-kind	5 to 1	8 to 1	7 to 1

[Pa.B. Doc. No. 10-2310. Filed for public inspection December 3, 2010, 9:00 a.m.]

# NOTICES

## 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 November 16, 2010.

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

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-9-2010	WVS Financial Corp. Employee Stock Ownership Plan and Trustee Jonathan D. Hoover	Approved
	Application for approval to acquire up to 24.9% of the common stock of WVS Financial Corp., Pittsburgh, the parent bank holding company of West View Savings Bank, Pittsburgh.	

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-4-2010	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	475 Ben Franklin Road South Indiana Indiana County	Opened
11-10-2010	First Star Bank Bethlehem Northampton County	2415 Park Avenue Easton Northampton County	Approved

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-10-2010	First Star Bank Bethlehem Northampton County	3590 Northwood Avenue Palmer Northampton County	Approved

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
11-12-2010	Community First Bank Reynoldsville Jefferson County	Approved and Effective
	Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety and also authorize the issuance of preferred stock.	
11-16-2010	Greater Delaware Valley Savings Bank Broomall Delaware County	Filed
	Amendment to Article IX of the institution's Articles of Incorporation provides for a liquidation account for certain depositors of the institution.	

### 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.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 10-2311. Filed for public inspection December 3, 2010, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Beaver River Conservation and Management Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Beaver River Conservation and Management Plan (Plan) and is placing the Beaver River Corridor covered in the Plan in Beaver and Lawrence Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Pennsylvania Environmental Council submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

- The Beaver River Corridor from the confluence of the Shenango and Mahoning Rivers in Lawrence County to its mouth at the Ohio River in Beaver County. The corridor extends from 1 mile east from the river's east bank to 1 mile west from the river's west bank—an area of approximately 90.62 square miles.
- All unnamed tributaries that flow directly into the Beaver River within the study area.
- Hamilton Run Watershed in Brighton Township and Bridgewater Borough in Beaver County.
- McKinley Run Watershed in Daugherty and Rochester Townships and Rochester Borough in Beaver County.
- Block House Run Watershed in Daugherty and Pulaski Townships and New Brighton Borough in Beaver County.
- Brady's Run Watershed in Brighton, Chippewa and Patterson Townships and Fallston Borough in Beaver County.
- Grimm's Run Watershed in Chippewa, Patterson and White Townships and West Mayfield Borough in Beaver County.
- Walnut Bottom Run Watershed in Patterson and White Townships and Beaver Falls City in Beaver County.
- Bennett Run Watershed in Daugherty and North Sewickley Townships in Beaver County.
- Wallace Run Watershed in Bog Beaver and Chippewa Townships and West Mayfield Borough in Beaver County.
- Thompson Run Watershed in North Sewickley Township in Beaver County.

- Clarks Run Watershed in Big Beaver Township and Homewood Borough in Beaver County.
- Stockman Run Watershed in Big Beaver Township and Koppel Borough in Beaver County.
- Wampum Run Watershed in New Beaver Township and Wampum Borough in Lawrence County.
- Eckles Run Watershed in New Beaver Township and Wampum Borough in Lawrence County.
- Snake Run Watershed in Shenango and Wayne Townships in Lawrence County.
- McKee Run Watershed in Shenango and Taylor Townships in Lawrence County.
- Jenkins Run Watershed in Little Beaver, New Beaver and North Beaver Townships in Lawrence County.
- Edwards Run Watershed in North Beaver Township in Lawrence County.

This action becomes effective December 4, 2010. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at the Pennsylvania Environmental Council, Southwest Regional Office, 22 Terminal Way, Pittsburgh, PA 15219, (412) 481-9400, [www.pecpa.org/region/southwest](http://www.pecpa.org/region/southwest); and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 783-2712.

Maps and supporting data are available by contacting the Pennsylvania Environmental Council.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 10-2312. Filed for public inspection December 3, 2010, 9:00 a.m.]

### Conewago Creek River Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Conewago Creek River Conservation Plan (Plan) and is placing the Conewago Creek Watershed and all tributaries covered in the Plan in Adams, Cumberland and York Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Pennsylvania Environmental Council submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area (Adams, Cumberland and York Counties) from the border between this Commonwealth and Maryland to its confluence with the Susquehanna River—507.57 square miles.

2. Long Arm Creek Watershed (York County), a tributary stream of the Conewago Creek Watershed, from the border between this Commonwealth and Maryland to its confluence with the South Branch of Conewago Creek.

3. The South Branch of the Conewago Creek Watershed (Adams and York Counties), a tributary stream of the Conewago Creek Watershed, from the border between this Commonwealth and Maryland to its confluence with the Swift Run Creek in Adams County.

4. All other tributary streams within the Conewago Creek Watershed in this Commonwealth.

This action becomes effective December 4, 2010. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at the Pennsylvania Environmental Council, Southwest Regional Office, 22 Terminal Way, Pittsburgh, PA 15219, (412) 481-9400; and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 783-2712.

Maps and supporting data are available by contacting the Pennsylvania Environmental Council.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 10-2313. Filed for public inspection December 3, 2010, 9:00 a.m.]

### Lake Erie Watershed Conservation Management Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Lake Erie Watershed Conservation Management Plan (Plan) and is placing the Lake Erie Watershed covered in the Plan in Crawford and Erie Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Lake Erie Region Conservancy submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of the Lake Erie Region (Crawford and Erie Counties) from the headwaters to its confluence with Lake Erie (Erie County)—508 square miles.

2. All tributary streams within the Lake Erie Region Watershed.

This action becomes effective December 4, 2010. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at The Lake Erie Region Conservancy, 501 East 38th Street, Erie, PA 16546, (814) 824-2407, <http://lerc.mercyhurst.edu>;

and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 783-2712.

Maps and supporting data are available by contacting The Lake Erie Region Conservancy.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 10-2314. Filed for public inspection December 3, 2010, 9:00 a.m.]

### Sugar and Towanda Creeks Rivers Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Sugar and Towanda Creeks Rivers Conservation Plan (Plan) and is placing the Sugar and Towanda Creeks Watersheds covered in the Plan in Bradford and Tioga Counties on the Pennsylvania Rivers Conservation Registry (Registry).

The Bradford County Conservation District submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Sugar Creek (Bradford and Tioga Counties) from the headwaters to its confluence with the Susquehanna River in Bradford County—189.04 square miles.

2. All tributary streams within the Sugar Creek Watershed.

3. The watershed area of Towanda Creek (Bradford and Tioga Counties) from the headwaters to its confluence with the Susquehanna River in Bradford County—277.3 square miles.

4. All tributary streams within the Towanda Creek Watershed.

This action becomes effective December 4, 2010. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at the Bradford County Conservation District, Stoll Natural Resource Center, R. R. 5, Box 5030C, Towanda, PA 18848, (215) 536-4066; and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 783-2712.

Maps and supporting data are available by contacting the Bradford County Conservation District.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 10-2315. Filed for public inspection December 3, 2010, 9:00 a.m.]

**Upper Tohickon Creek Watershed Conservation Plan**

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Upper Tohickon Creek Watershed Conservation Plan (Plan) and is placing the Upper Tohickon Creek Watershed covered in the Plan in Bucks County on the Pennsylvania Rivers Conservation Registry (Registry).

Richland Township, Bucks County submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Upper Tohickon Creek (Bucks County) from the headwaters to the Lake Nockamixon Dam in Haycock Township in Bucks County—73.7 square miles.

2. All tributary streams within the Upper Tohickon Creek Watershed.

This action becomes effective December 4, 2010. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the Final Plan is available for review at Richland Township, 1328 California Road, Suite A, Quakertown, PA 18951, (215) 536-4066; and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 783-2712.

Maps and supporting data are available by contacting Richland Township.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 10-2316. Filed for public inspection December 3, 2010, 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. These determinations are published as proposed actions for comments prior to taking final actions.

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

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final



determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

### I. NPDES Renewal Applications

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0060348 (Sewage)	PA DOT Rest Area 62 I-84 West Palmyra Twp, PA 18426	Pike County Palmyra Township	An unnamed tributary to Kleinhans Creek (1-C) HQ-CWF	N
PA0020435 (Sewage)	Little Washington Wastewater Company White Haven WWTP 50 E Woodhaven Drive White Haven, PA 18661	Luzerne County White Haven Borough	Lehigh River (2-A) HQ-CWF	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0086673 (Sew)	Marklesburg Borough Authority PO Box 24 3324 Old Mountain Road, Suite B James Creek, PA 16657-0024	Huntingdon County Marklesburg Borough	UNT to James Creek / 11-D	Y
PA0247821 (Sew)	ADCIM LLC PO Box 3634 Gettysburg, PA 17325	Adams County Straban Township	Rock Creek / 13-D	Y
PA0083712 (IW)	Bear Valley Joint Authority PO Box 308 St. Thomas, PA 17252-0308	Franklin County St. Thomas Township	Broad Run / 13-C	Y
PA0082201 (Sew)	Letterkenny Township Municipal Authority 4924 Orrstown Road Orrstown, PA 17244-9503	Franklin County Letterkenny Township	Conodoguinet Creek / 7-B	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0222879 (Sewage)	Hickory Creek Wilderness Ranch Economite Road Tidioute, PA 16351	Warren County Limestone Township	Unnamed Tributary of Camp Run 16-F	Y

### II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

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

**PA0050148**, Sewage, **Warwick Township Water and Sewer Authority**, P. O. Box 315, Jamison, PA 18929. This facility is located in Warwick Township, **Bucks County**.

Description of Proposed Activity: Renewal of a NPDES permit to discharge treated sewage from Fish Creek STP, located at 1980 Deer Run Drive.

The receiving stream, an unnamed tributary to Neshaminy Creek, is in the State Water Plan watershed 2F and is classified for: TSF, MF, aquatic life, water supply, and recreation. The nearest downstream public water supply intake for the Aqua Pennsylvania Neshaminy Plant is located on Neshaminy Creek.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.85 MGD.

Parameters	Average		Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
	Monthly (mg/l)	Weekly (mg/l)		
CBOD <sub>5</sub>				
(05-01 to 10-31)	15	23		30
(11-01 to 04-30)	25	40		50
Suspended Solids	30	45		60
Ammonia (as N)				
(05-01 to 10-31)	1.5			3.0
(11-01 to 04-30)	3.0			6.0
NO <sub>2</sub> +NO <sub>3</sub> as N				
(07-01 to 10-31)	9.5			
(11-01 to 06-30)	Monitor/Report			
Total Kjeldahl Nitrogen	Monitor/Report			
Phosphorous (as P)				
first 12 months				
(04-01 to 10-31)	1.0			2.0
(11-01 to 03-31)	Monitor/Report			
after 12 months				
(04-01 to 10-31)	1.0			2.0
(11-01 to 03-31)	2.0			4.0
Fecal Coliform	200 #/100 ml as a geometric mean, nor greater than 1,000 #/100 ml			
Dissolved Oxygen	Minimum of 6.0 mg/l at all times			
pH	Within limits of 6.0—9.0 Standard Units at all times			
Copper, Total	Monitor/Report			
Hardness, Total	Monitor/Report			
Iron, Total	Monitor/Report			
Iron, Dissolved	Monitor/Report			
Aluminum, Total	Monitor/Report			

In addition to the effluent limits, the permit contains the following major special conditions:

1. Designation of Responsible Operator
2. Remedial Measures if Public Nuisance
3. No Stormwater to Sewers
4. Necessary Property Rights
5. Small Stream Discharge
6. Change in Ownership
7. Proper Sludge Disposal
8. TMDL/WLA Analysis
9. Operator Training
10. Laboratory Certification

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

**PA0063428**, Sewage, SIC Code 7999, **Tuthill Corp dba Blue Mountain Ski Area**, PO Box 216, Palmerton, PA 18071-0216. Facility Name: Blue Mountain Ski Area. This existing facility is located in Lower Towamensing Township, **Carbon 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), Aquashicola Creek, is located in State Water Plan watershed 2-B and is classified for Trout Stocking, Migratory Fishes, 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 002 are based on a design flow of 0.30 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	3.2
CBOD <sub>5</sub>	XXX	XXX	XXX	25	40	50
Total Suspended Solids	XXX	XXX	XXX	30	45	60

<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>	
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1,000
Fecal Coliform (CFU/100 ml)				2000		
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	10,000

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

- none

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

The EPA Waiver is in effect.

**PA0063606**, Industrial Waste, SIC Code 4911, **Reliant Energy, Inc.**, 121 Champion Way, Canonsburg, PA 15317-5817. Facility Name: Bangor Ash Disposal Site. This existing facility is located in Bangor Borough, **Northampton County**.

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

The receiving stream, Brushy Meadow Creek, a Tributary to Martins Creek, is located in State Water Plan watershed 01F and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0792 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	XXX
Total Arsenic	XXX	XXX	XXX	Report	Report	XXX
Total Boron	XXX	XXX	XXX	Report	Report	XXX
Chromium, VI	XXX	XXX	XXX	Report	Report	XXX
Total Selenium	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.1335 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	XXX
Total Arsenic	XXX	XXX	XXX	Report	Report	XXX
Total Boron	XXX	XXX	XXX	Report	Report	XXX
Chromium, VI	XXX	XXX	XXX	Report	Report	XXX
Total Selenium	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.213 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	XXX
Total Arsenic (Interim)	XXX	XXX	XXX	Report	Report	XXX
Total Arsenic (Final) *	0.06	0.09	XXX	Report	Report	XXX
Total Boron (Interim)	XXX	XXX	XXX	Report	Report	XXX
Total Boron (Final) *	10.0	15.6	XXX	Report	Report	XXX
Chromium, VI	XXX	XXX	XXX	Report	Report	XXX
Total Selenium (Interim)	XXX	XXX	XXX	Report	Report	XXX
Total Selenium (Final) *	0.03	0.04	XXX	Report	Report	XXX

\* Final permit limits will be in effect from the end of the 3rd year of the permit term to Permit Expiration Date.

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

The EPA Waiver is in effect.

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

**PA0263788**, Sewage, SIC Code 4952, 8811, **James Hitchcock**, 3001 Little Hickory Road, Tionesta, PA 16253. Facility Name: James Hitchcock SFTF. This proposed facility is located in President Township, **Venango County**.

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

The receiving stream is an unnamed tributary (Vangesan Run) to Allegheny River, located in State Water Plan watershed 16-E and classified for cold water fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily 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	20	XXX	40
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX

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

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

**WQM Permit No. 5210401**, Sewerage, **Lake Adventure Community Association**, 5000 Lake Adventure Drive, Milford, PA 18337

This proposed facility is located in Dingman Twp., **Pike County**, PA.

Description of Proposed Action/Activity: This project involves phased replacement of Pump Stations No. 1, No. 4 and No. 5.

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

**WQM Permit No. 6710408**, Sewerage, **Penn Township**, 20 Wayne Avenue, Hanover, PA 17331.

This proposed facility is located in Penn Township, **York County**.

Description of Proposed Action/Activity: Construction/Operation of the stations the Timber Land Interceptor.

**WQM Permit No. 6710409**, Sewerage, **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17319.

This proposed facility is located in Newberry Township, **York County**.

Description of Proposed Action/Activity: Construction/Operation of the Mulligan Sewer Interceptor.

**WQM Permit No. 2210402**, Sewerage, **Mike Henry, Executor**, 3831 Snavely Road, Middletown, PA 17057.

This proposed facility is located in South Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to replace the malfunctioning system at the James W. Henry Estate, 7269 Union Deposit Road, Hummelstown, PA 17036.

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

**WQM Permit No. 6510411**, Sewerage, **Greenridge Reclamation, LLC**, 234 Landfill Road, Scottdale, PA 15683

This proposed facility is located in East Huntingdon Township, **Westmoreland County**

Description of Proposed Action/Activity: Application for the construction and operation of a pump station.

**WQM Permit No. 3086402-A2**, Sewerage, **Lower Ten Mile Joint Sewer Authority**, 144 Chartiers Road, Jefferson, PA 15344

This existing facility is located in East Bethlehem Township, **Washington County**

Description of Proposed Action/Activity: Application for permit amendment to expand the Williamstown Sewage Treatment Plant.

**WQM Permit No. 9084S-A4**, Sewerage, **City of Jeannette Municipal Authority**, PO Box 294, Penn, PA 15675-0294

This existing facility is located in the City of Jeanette and Penn Borough, **Westmoreland County**

Description of Proposed Action/Activity: Application for permit amendment to expand the Sewage Treatment Plant.

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

**WQM Permit No. 6110403**, Sewerage, **James Hitchcock**, 3001 Little Hickory Road, Tionesta, PA 16253

This proposed facility is located in President Township, **Venango County**.

Description of Proposed Action/Activity: A Single Residence Small Flow Treatment Facility.

**WQM Permit No. 2504414**, Sewerage, **Amendment No. 1, Larry Hites d/b/a Calfin's Place**, 7495 Route 6N, Edinboro, PA 16412

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

Description of Proposed Action/Activity: The proposed project is the replacement of the sand filter of a commercial Small Flow Treatment Facility.

#### 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*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151038	Southdown Homes 55 Country Club Drive, Ste 24 Downingtown, PA 19335	Chester	East and West Brandywine and Wallace Townships	Culbertson Run (HQ-TSF)
PAI01 151040	Rosedon Holding Co Family LP 161 Pennsylvania Avenue PO Box 470 Wayne, PA 19087-0470	Chester	East Vincent Township	Stony Run (HQ-TSF)
PAI01 511008	Arsenal Condominium Assoc PO Box 267676 Elkins Park, PA 19027 And Haines & Kibblehouse, Inc. 2052 Lucon Road Skippack, PA 19474	Philadelphia	City of Philadelphia	Delaware River (WWF)

*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>
PAI023910008	Penn's West, Inc 1150 S. Cedar Crest Blvd. Allentown PA 18103	Lehigh Co.	Lower Macungie Twp	Little Lehigh Creek (HQ-CWF, MF)
PAI023910002	Upper Macungie Twp 8330 Schantz Rd. Breinigsville, PA 18031	Lehigh Co.	Upper Macungie Twp	Iron Run (HQ-CWF, MF)
PAI024804032R	Nic Zawarski & Sons Developers, Inc 1441 Linden St. Bethlehem PA 18018	Northampton Co.	Forks	Bushkill Creek (HQ-CWF, MF)
PAI023910003	PPL Electric Utilities Corp. 2 N. 9th Street Allentown PA 18101-1179	Lehigh Co.	South Whitehall Twp.	Little Cedar Creek (HQ-CWF, MF)
PAI024505021	LTS Development Seven Bridge Road RR #5, Box 5348 East Stroudsburg, PA 18301	Monroe Co.	Price, Stroud and Smithfield Twps.	Michaels Run (HQ-CWF, MF)

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

*Armstrong County Conservation District, Armsdale Administration Building, Suite B-2, 124 Armsdale Road, Kittanning, PA 16201-3738 (724-548-3425)*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050305004 R	Armstrong County Industrial Development Council 124 Armsdale Road Suite 205 Kittanning, PA 16201	Armstrong	South Buffalo Township	Pine Run (HQ-TSF)

The following permit listed was incorrectly published as an Individual Permit Action and is being republished as an Application.

*Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456 (724-438-4497)*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052607002-1	Atlantic Wind, LLC (Subsidiary of Iberdrola Renewables, Inc.) Suite 500 201 King of Prussia Road Radnor, PA 19087	Fayette	Georges, Wharton and Springhill Townships	Big Sandy Creek (HQ-CWF) Laurel Run (HQ-CWF) Mountain Creek (CWF) Quebec Run (EV) Rubles Run (CWF)

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

## **STATE CONSERVATION COMMISSION**

### **NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

#### **NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<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>
Melvin Huber 457 Coldsprings Road Elizabethtown, PA 17022	Lancaster	61.3	348.0	Layers	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

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

#### Application No. 4510508, Public Water Supply.

Applicant	<b>Pennsylvania American Water Co.</b>
[Township or Borough]	Middle Smithfield Township <b>Susquehanna County</b>
Responsible Official	David R. Kaufman, V.P. Engineering 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Community Water System
Consulting Engineer	Stephen A. Marcino, PE Applied Water Management Valley Forge Square, II 661 Moore Road, Suite 110 King of Prussia 19406 484-612-0050
Application Received Date	November 9, 2010

Description of Action	Application for construction of a new treatment building for iron & manganese removal at Well No. 2 and installation of larger diameter chlorine contact pipe. Additionally, installation of new well pumps at Well Nos. 1 & 2 and piping to connect with the treatment plant. Work also includes installation of a sewer pump and lateral to the nearest interceptor.
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*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

#### Application No. 5910504—Construction Public Water Supply.

Applicant	<b>Dominion Transmission, Inc.</b>
[Township or Borough]	Clymer Township
County	<b>Tioga</b>
Responsible Official	Mr. Kevin Zink Director Area Transmission Operations Dominion Transmission, Inc. 5094 Route 349 Westfield, PA 16950
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Gregory M. Cummings, P.E. Larson Design Group 1 West Market Street 3rd Floor, Suite 401 Corning, NY 1483
Application Received	November 16, 2010
Description of Action	Remove barium from the potable water supply at the office building.

## 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:

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Former Getty Pumping Station Griffith Road,** Muncy Creek Township, **Lycoming County.** SAIC, 6310 Allentown Blvd., Harrisburg, PA 17112 on behalf of Texaco Downstream Properties, Inc., c/o CBRES, 6001 Bollinger Canyon Road, San Ramon, CA 94583 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with various volatile and semi volatile organic compounds associated with petroleum products such as diesel fuel and crude oil. The applicant proposes to remediate the site to meet the Site-specific Standard. The intended future use of the property is unknown.

## 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*

**04-00083B: Beaver Valley Allow Foundry Company** (4165 Brodhead Road, Monaca, PA 15061) for installation of new dust collector at Monaca Plant in Monaca Borough, **Beaver County.**

**03-00250: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201-9642) for installation of a new coal processing facility at Long Run Mine in West Franklin Township, **Armstrong County.**

**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.**



*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

**67-03157A: SWF Industrial, Inc.** (6287 Lincoln Highway Hellam, PA 17406) for installation of two paint spray booths for miscellaneous metal coating operations and for the installation of one paint mixing/degreasing room in which cleaning and storage will occur at the SWF Ind., Inc. Hellam facility in Hellam Township, **York County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

67-03157A is for the installation of two paint spray booths and one paint mixing/degreasing room at the SWF Industrial, Inc. Hellam Township facility. The particulate emissions will be controlled by dry panel filters. SWF Industrial, Inc. will be considered a synthetic minor facility by limiting volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions by limiting coatings usage to 9106 gallons per year. Best available technology (BAT) for this source type is a limit on pounds of VOCs per gallon of coating solids. A limit of 4.52 lbs. VOCs/gallon coating solids is required for general coatings, and a limit of 6.67 lbs. VOCs/gallon coating solids is required for specialized coatings, which is more clearly specified in EPA Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings. The company shall be subject to and comply with 25 Pa Code § 129.52 Surface Coating Processes, 25 Pa Code § 129.63 Degreasing Operations, and 25 Pa. Code § 129.51 Sources of VOCs. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The expected actual air emissions from the proposed project are 15.4 TPY VOC and 3.27 TPY HAP.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- 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 PA Bulletin, will exist for the submission of comments or protests.

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

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

**06-05100F: Ontelaunee Power Operating Co.** (5115 Pottsville Pike, Reading, PA 19605) for establishing limits for periods of tuning two combined cycle turbines at the their Ontelaunee Plant in Ontelaunee Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval 06-05100F is to establish limits for periods of tuning for two combined cycle combustion turbines with emissions controlled by an SCR. The company shall be subject to and comply with 40 CFR Part 60 Subpart GG and Best Available Technology (BAT). The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The project will not trigger PSD or NSR requirements. The expected change in actual air emissions from the proposed project are a reduction of 1 tpy of NO<sub>x</sub>, a reduction of 6 tpy of CO and a reduction of 1 tpy of ammonia.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- 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 PA Bulletin, will exist for the submission of comments or protests, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Thomas Hanlon, East Permitting Section Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

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

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

Contact: B. Hatch, Environmental Engineer Managers—  
Telephone: 412-442-4163/5226

**63-00957: Green Holdings Enlow Inc.** (1221 Avenue of America, Suite 4200, New York, NY 10020). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-63-00957 to allow the installation and initial temporary operation of a green house gas (GHG) abatement system known as the Enlow GHG Abatement Project located in Morris Township, Washington County. The project will consist of three Durr Ecopure regenerative thermal oxidizers (RTOs) on the E-22 mine ventilation exhaust shaft from the Consol Enlow underground coal mine.

Potential emissions from the facility are estimated to be 9.6 tons of nitrogen oxides (NO<sub>x</sub>), 9.2 tons of carbon monoxide (CO), 1.1 tons of particulate matter (PM<sub>10</sub>), 0.3 tons of sulfur dioxide (SO<sub>x</sub>), less than 1.0 ton of volatile organic compounds (VOC), and 0.9 tons of hazardous air pollutants (HAP) annually. The facility is a natural minor and the plan approval will include federally enforceable emission limitations on visible, fugitive, and malodorous emissions, as well as, requirements for stack testing, monitoring, proper maintenance, and record keeping. The Plan Approval has been conditioned to ensure compliance with all applicable rules. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with Pa. Code Title 25 Subchapter F.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Mark Gorog, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Plan Approval (PA-63-00957).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

For additional information you may contact Mark Gorog at 412-442-4150.

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

Contact: Edward Braun, Chief—Telephone: 215-685-9476

**S09-011: Riverside Materials, Inc.** (2870 E Allegheny Avenue, Philadelphia, PA 19134) for operation of an asphalt paving mixture manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a hot mix asphalt drum with baghouse, a crushing plant, and a hot oil heater.

The operating permit will be reissued under the Pennsylvania Code Title 25, 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.

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#### PUBLIC HEARINGS

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*Southcentral Region: Air Quality Program, 909  
Elmerton Avenue, Harrisburg, PA 17110*

Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

**06-05069: East Penn Mfg. Co., Inc.** (PO Box 147, Deka Road, Lyon Station, PA 19536-0147) for control of NO<sub>x</sub> and VOC emissions from the various lead/acid storage battery manufacturing operations at their facility in Richmond Township, **Berks County**.

In accordance with 25 Pa. Code Chapter 127 and 40 CFR Part 51.102 (State Implementation Plan) the Department of Environmental Protection (DEP) intends to issue an Operating Permit to East Penn Mfg Co, Inc (PO Box 147, Deka Road, Lyon Station, PA 19536-0147) to approve their RACT Plan for the control of NO<sub>x</sub> and VOC emissions from the various lead/acid storage battery manufacturing operations at their facility in Richmond Township, Berks County. The conditions of this RACT approval may be included in the pending Title V Permit No. 06-05069, or may be issued as a separate permit to be incorporated into the Title V permit at a later date. In the event that a separate RACT permit is issued, it will be designated as 06-01069R. The conditions of the RACT approval would be submitted to EPA as a revision to the State Implementation Plan.

Based on the information provided by East Penn, and the Department's analysis, this plan complies with the requirements of 25 Pa. Code Sections 129.91 and 129.92. The plan involves the restriction in emissions of NO<sub>x</sub> and VOC by imposing emission caps, and/or by requiring the operation of the various sources in a manner that limits the amount of emissions generated by their use. These restrictions will be incorporated in an Operating Permit. Included with the restrictions will be record keeping, work practices, monitoring and reporting requirements. The existing affected small combustion sources from the company's 12/00 RACT application are subject to the presumptive RACT requirements in 25 Pa. Code Section 129.93(c)(1). The potential emissions from these sources are presently limited, for non-RACT purposes, to 80.1 tpy of NO<sub>x</sub> in an existing permit, via a fuel usage cap. The equivalent VOC PTE based on the fuel usage cap is 3.7 tpy. The existing affected non-combustion operations from the company's 12/00 RACT application, and their proposed restricted potential emissions are battery finishing (VOC 15 tpy), concasting (VOC 4.5 tpy), gasoline and diesel handling (VOC 2.0 tpy), spraypainting (VOC 7.6 tpy) and miscellaneous chemical usage (VOC 27.2 tpy).

All of the pertinent documents are available for public review at DEP's Southcentral Regional Office. Reviews may be scheduled by contacting Mr. Thomas Hanlon at (717) 705-4862 between 8:30 A.M. and 3:30 P.M. Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments or protests on the proposal. The hearing will be held at DEP's Southcentral Regional Office on January 12, 2011 from 9:00 AM until all scheduled comments on the proposal are received. The public is invited to present testimony at the hearing and should contact Mr. Thomas Hanlon at (717) 705-4862 to reserve a time to present testimony. Oral testimony will be limited to ten minutes for each presenter. Each group or organization is requested to designate one witness to present testimony on its behalf. Commenters shall provide two written copies of their remarks at the time of the hearings. A person may oppose the proposed RACT approval by filing a written protest with the Department. Persons interested in submitting written comments should send their comments to Mr. Thomas Hanlon, East Permitting Section Chief, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, postmarked no later than the public hearing date.

#### OPERATING PERMITS

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

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**06-05019: Hofmann Industries, Inc.** (P. O. Box 2147, Sinking Spring, PA 17608) for operation of their steel pipe and tubing manufacturing facility in Sinking Spring Borough, **Berks County**. This is a renewal of their State-Only Operating Permit issued in 2005.

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

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

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

**23-00026: Glasgow, Inc.** (PO Box 1089, Glenside, PA 19038) for renewal of the State Only Operating Permit for an asphalt plant in Springfield Township, **Delaware County**. The renewal updates the list of exempt sources and includes a schedule for compliance stack testing of the source. The renewed Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility shall remain a synthetic minor facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

**40-00059: Reilly Finishing Technologies** (130 Alden Road, Nanticoke, PA 18634) a State Only Operating Permit for plating metals and metal products operation in Nanticoke City, **Luzerne County**. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**05-05026: Steckman Ridge, LP** (1809 Rock Hill Church Road, Clearville, PA 15535) for a natural gas compressor station with a compressor engine controlled by oxidation catalyst, dehydration units controlled by thermal oxidizer, emergency generator, and associated equipment in Monroe Township, **Bedford County**. The primary emissions from the sources are NO<sub>x</sub>, CO and VOCs, with the facility's potential controlled annual emissions rates of less than 100 tons each of NO<sub>x</sub> and CO, and less than 50 tons of VOCs. The synthetic minor operating permit will incorporate Plan Approval No. 05-03019A. The permit will include restrictions, monitoring, recordkeeping, reporting, and work practice requirements designed to meet the air quality standards.

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

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

**56-00100: Highland Tank Manufacturing Company** (One Highland Road, Stoystown, PA 15563) for operation of fabricated plate work at shot blast facility in Quemahoning Borough, **Somerset County**. This is a State Only Permit renewal submittal.

**11-00519: Trinity Industries, Inc.** (109 48th Street, Pittsburgh, PA 15201) for the reheat and heat treating furnaces at the Standard Forged Products facility in Johnstown, **Cambria County**. This is a State Only Permit renewal submittal.

**65-00595: Westmoreland Regional Hospital** (532 West Pittsburgh Street, Greensburg, PA 15601) for operation of boilers at hospital in Greensburg, **Westmoreland County**. This is a State Only Permit renewal submittal.

**65-00629: CBC Latrobe Acquisition LLC** (100 33rd Street, Latrobe, PA 15650) for operation of brewery in Latrobe Borough, **Westmoreland County**. This is a State Only Permit renewal submittal.

**03-00139: Brady's Bend Corporation** (209 Cove Run Road, East Brady, PA 16028) for the manufacture of crushed and broken limestone at the Kaylor Mine No. 3 in Bradys Bend Township, **Armstrong County**. This is a State Only Permit renewal submittal.

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

*Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940*

**10-00119: Allegheny Mineral Corp.—Slippery Rock Plant** (P. O. Box 1022, Kittanning, PA 16201) for a Natural Minor Permit re-issuance to operate a limestone processing facility in Slippery Rock Township, **Butler County**.

#### 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; 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 applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control 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).

The following permit applications to conduct mining activities have been received by the Department. A copy of an 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 may be submitted by a person or an officer or head of 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 the person submitting comments or objections, the 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. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are in Table 2. Discharges from noncoal mines located in some

geologic settings (for example, in coal fields) may require additional 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. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur will be 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 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 Loads.

Persons wishing to comment on NPDES permit applications should submit statements to the Department at the address of the district mining office indicated before each application 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. A comment 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 § 92.61. 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 Applications Received*

*Effluent Limits*—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH <sup>1</sup>		greater than 6.0;	less than 9.0
Alkalinity greater than acidity <sup>1</sup>			

<sup>1</sup>The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**17071301 and NPDES Permit # PA0235784, Rosebud Mining Company,** (201 Market Street, Kittanning, PA 16201-9642), to revise the permit for the Harmony Mine in Burnside Township, **Clearfield County** to add subsidence control plan area acres. Subsidence Control Plan Acres Proposed 1446.8. No additional discharges. Application received: October 27, 2010.

**30081301 and NPDES Permit # PA0235741, Foundation Mining, LLC,** (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to operate the Foundation Mine in Center, Jackson, and Richhill Townships, **Greene County** a new underground longwall mine and related NPDES permit. Application also includes a request for a Section 401 Water Quality Certification. Written comments or objection on the permit application and the request for Section 401 Water Quality Application may be submitted to the Department. Surface Acres Proposed 642.0, Underground Acres Proposed 9438.0, Subsidence Control Plan Acres Proposed 6768.0. Receiving streams: Hoge Run, Unnamed Tributary to House Run, House Run, McCourtney Run, and Garner Run, all classified for the following use: HQ-WWF. Application received: July 2, 2010.

**32031301 and NPDES Permit # PA0235580, Rosebud Mining Company,** (301 Market Street, Kittanning, PA 16201), to revise the permit for the Lowry Deep Mine in White Township, **Indiana County** to install a sludge disposal borehole and associated pipeline form treatment pond facilities. Surface Acres Proposed 2.5. No. additional discharges. Application received: September 27, 2010.

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

**63050101 and NPDES Permit No. PAPA0250695. Mulligan Mining, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Renewal application for reclamation only of an existing bituminous surface mine, located in Smith Township, **Washington County**, affecting 55.9 acres. Receiving streams: unnamed tributary to Little Raccoon 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: November 15, 2010.

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

**16000101 and NPDES Permit No. PA0241695. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803) Renewal of an existing bituminous surface strip and limestone & sandstone removal operation in Licking and Richland Townships, **Clarion County** affecting 83.6 acres. Receiving streams: Unnamed tributaries of the Clarion River to the Clarion River, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 12, 2010.

**24960101 and NPDES Permit No. PA0227170. AMFIRE Mining Company, LLC** (Suite 2800, One Energy Place, Latrobe, PA 15650) Renewal of an existing bituminous surface strip, auger, and use of a co-product operation in Horton Township, **Elk County** affecting 235.0 acres. Receiving streams: Four unnamed tributaries of Mead Run and Mead Run to Little Toby Creek to Toby Creek to the Clarion River, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 12, 2010.

**24100105 and NPDES Permit No. PA0258971. Allegheny Enterprises, Inc.** (3885 Roller Coaster Road, Corsica, PA 15829) Commencement, operation and restoration of a bituminous strip operation in Benezette Township, **Elk County** affecting 165.0 acres. Receiving streams: Bennetts Branch Sinnemahoning Creek, classified for the following state-wide uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 12, 2010.

**16100106 and NPDES Permit No. PA0258989. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254) Commencement, operation and restoration of a bituminous strip operation in Farmington & Highland Townships, **Clarion County** affecting 22.5 acres. Receiving streams: Three unnamed tributaries to Toby Creek and one unnamed tributary to Weiser Run, both classified for the following state-wide uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 17, 2010.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-Day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*	greater than 6.0; less than 9.0		

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**48080301T. Grand Central Sanitary Landfill, Inc.**, (910 West Pennsylvania Avenue, Pen Argyl, PA 18072), transfer of an existing quarry operation from Penn Big Slate Co., Inc. in Pen Argyl Borough, **Northampton County** affecting 174.59 acres, receiving stream: Waltz Creek. Application received: November 4, 2010.

**64010807. Paul R. Gustin**, (PO Box 105, Preston Park, PA 18455), Stage I & II bond release from a quarry operation in Mt. Pleasant Township, **Wayne County** affecting 1.0 acre on property owned by Edward Engelhardt. Application received: November 16, 2010.

**64070813. Paul R. Gustin**, (PO Box 105, Preston Park, PA 18455), Stage I & II bond release from a quarry operation in Mt. Pleasant Township, **Wayne County** affecting 2.0 acres on property owned by Thomas Eroh. Application received: November 16, 2010.

### 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

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E59-505. David K. Moyer**, 623 Halteman Road, Souderton, PA 18964-2304. Water Obstruction and Encroachment Joint Permit Application, in Gaines Township, **Tioga County**, ACOE Susquehanna River Basin District (Marshlands, PA Quadrangle N: 41° 44' 22"; W: 77° 32' 19").

To construct and maintain 20 linear feet of metal arch pipe having a span of 103-inches and an underclearance of 70-inches over Lick Run (HQ-CWF). The culvert is located off Lick Run Road, 2.25 miles southwest of Rexford in Gaines Township, Tioga County. This project proposes to permanently impact 20 linear feet of Lick Run, which is designated a High Quality-Cold Water Fishery and impact 0.0 acres jurisdictional wetlands.

## ACTIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0218448 Sewage	Whitethorn Homeowner's Association 230 Shaw Court New Alexandria, PA 15670	Westmoreland County Salem Township	UNT of Whitethorn Creek	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0239593 Sewage	Gregory S. Bonnett 7351 Williams Road North East PA 16428-4661	Erie County North East Township	Twelvemile Creek 15	Y

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

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

**NPDES Permit No. PA0244538**, Industrial Waste, **Buckman's Inc.**, 105 Airport Road, Pottstown, PA 19464-3438.

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

Description of Proposed Action/Activity: Approval for the issuance of an NPDES Permit to discharge industrial wastewater, storm water and uncontaminated groundwater from their facility known as Buckman's Inc., to Possum Hollow Run in Watershed 3-D.

**NPDES Permit No. PA0055468**, Sewage, **H.D. Holdings, LLC**, PO Box 74, Bally, PA 19503.

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

Description of Proposed Action/Activity: Approval for the renewal/transfer of an NPDES permit to discharge 0.0053 MGD treated sewage from a facility known as Pleasant Run Trailer STP to Deep Creek via wetland in Watershed 3-E.

**NPDES Permit No. PA0036412**, Sewage, **Tel Hai Retirement Community**, PO Box 190, Honey Brook, PA 19344.

This proposed facility is located in Honey Brook Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of the NPDES permit to discharge 0.055 mgd of treated sewage from a facility known as Tel Hai Retirement Community STP to Two Long Run in Watershed 3-H.

**NPDES Permit No. PA0040436**, Sewage, **Chadds Ford Investment Company**, 514 McCue Road, Avondale, PA 19311-9534.

This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of the NPDES permit to discharge treated sewage from a facility known as Bowling Green of Brandywine STP to East Branch White Clay Creek in Watershed 3-I.

**NPDES Permit No. PA0053783**, Sewage, **Avon Grove School District**, 383 South Jennersville Road, West Grove, PA 19390.

This proposed facility is located in New London Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of the NPDES permit to discharge treated sewage from a facility known as Penn London Elementary School to West Branch White Clay Creek in Watershed 3-I.

**NPDES Permit No. PA0024066**, Sewage, **West Grove Borough Authority**, 117 Rosehill Avenue, PO Box 61, West Grove, PA 19390-61.

This proposed facility is located in London Grove Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of the NPDES permit to discharge 0.250 mgd of treated sewage from a facility known as West Grove Borough STP to Middle Branch White Clay Creek in Watershed 3-I.

**NPDES Permit No. PA0263753**, Sewage, **Anita M. Gaerttner**, 8105 Edinboro Road, Erie, PA 16509-4468.

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

Description of Proposed Action/Activity: Issuance of a new NPDES permit for discharge of treated sewage from a Small Flow Treatment Facility.

**NPDES Permit No. PA0032913**, Sewage, **Scenic Mobile Home Park Inc.**, Shenango Park Road, Transfer, PA 16154.

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

Description of Proposed Action/Activity: Issuance of a NPDES permit for an existing discharge of treated sewage.

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

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

**WQM Permit No. 6385406-A1**, Sewerage, **Cecil Township Municipal Authority**, 3599 Millers Run Road, Suite 104, Cecil, PA 15321

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

Description of Proposed Action/Activity: Permit amendment issuance for the construction and operation of replacement sewers.

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

**WQM Permit No. WQG018784**, Sewerage, **Anita M. Gaerttner**, 8105 Edinboro Road, Erie, PA 16509-4468

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

Description of Proposed Action/Activity: A Single Residence Small Flow Treatment Facility.

**WQM Permit No. 208401**, Sewerage, **Amendment No. 1, Sugar Creek Sewage Authority**, 19 Creek Road, Sugar Grove, PA 16350

This proposed facility is located in Sugar Grove Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of a WQM permit for the proposed project which consists of the addition of one duplex booster pumping station to the proposed Sugar Grove Area Sewage Authority Phase III Wastewater Collection Project. The pumping station will serve 8 EDU's and will allow the proposed collection system to maintain 2 feet/second scouring velocity.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions**

**V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023910008	Penn's West, Inc 1150 S. Cedar Crest Blvd. Allentown PA 18103	Lehigh Co.	Lower Macungie Twp	Little Lehigh Creek (HQ-CWF, MF)
PAI023910002	Upper Macungie Twp 8330 Schantz Rd. Breinigsville, PA 18031	Lehigh Co.	Upper Macungie Twp	Iron Run (HQ-CWF, MF)
PAI024804032R	Nic Zawarski & Sons Developers, Inc 1441 Linden St. Bethlehem PA 18018	Northampton Co.	Forks	Bushkill Creek (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>
PAI023910003	PPL Electric Utilities Corp. 2 N. 9th Street Allentown PA 18101-1179	Lehigh Co.	South Whitehall Twp.	Little Cedar Creek (HQ-CWF, MF)
PAI024505021	LTS Development Seven Bridge Road RR #5, Box 5348 East Stroudsburg, PA 18301	Monroe Co.	Price, Stroud and Smithfield Twps.	Michaels Run (HQ-CWF, MF)

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041406001R(1)	William Stranahan Mount Nittany Medical Center 1800 E Park Ave State College, PA 16803	Centre	College Township	Spring 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 in 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 (PAR)
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
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional 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	CAFOs
PAG-13	Stormwater Discharges from MS4

#### *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>
Tinicum Township Delaware County	PAG0200 231013	The Four Individuals 76 Industrial Highway Essington, PA 19029	Unnamed Tributary Darby Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bethel, Concord, Lower and Upper Chichester Townships Delaware County	PAG0200 2305059-R	PA Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Naamans Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Marple Township Delaware County	PAG0200 2305030-R	National Realty Corporation 1604 Walnut Street Philadelphia, PA 19103	Langford Run to Darby Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAG0200 0904023-R	Bensalem Township 2400 Byberry Road Bensalem, PA 19020	Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warwick Township Bucks County	PAG0200 0910037	Provco Pineville Jamison, LP 795 E. Lancaster Avenue Building Two—Ste 200 Villanova, PA	Unnamed Tributary Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG0200 0910062	Anthony Ventresca 4000 Saw Mill Road Doylestown, PA 18901	Pine Run to North Branch Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511036	Department of Parks & Recreation City of Philadelphia One Parkway Building, 10th Fl 1515 Arch Street Philadelphia, PA 19102-1587	Delaware River/Tacony Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bethlehem Twp. Northampton Co.	PAG02004810013	Anita Kingsbauer St. Luke's Hsp & Health Network 801 Ostrum Street PO Box 5345 Bethlehem PA 18018	Lehigh River (WWF, MF) UNT to Lehigh River (CWF, MF)	Northampton Co Conservation District 610-749-1971
Clinton Township Lycoming County	PAG2004110007	Quail Tools, Inc. 83 Allegiance Circle Evanston, WY 82930	Trib 19373 West Branch Susquehanna River WWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville, PA 17754 (570) 433-3003
City of Williamsport Lycoming County	PAG2004110008	John Moran 601 Liberty St. Watsonstown, PA 17777	UNT to Fox Hollow Creek WWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville, PA 17754 (570) 433-3003
Muncy Creek Township Lycoming County	PAG2004110017	John Pinion 5201 N. Council Rd Oklahoma City, OK 73132	Muncy Creek CWF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville, PA 17754 (570) 433-3003
Somerset County Lincoln Township	PAG2005610007	Lincoln Township Municipal Authority P. O. Box 162 Sipesville, PA 15561	Quemahoning, Unnamed Tributary to Quemahoning and North Branch of Quemahoning Creek (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4652

*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>
Washington County East Finley Township	PAG2006310021	Consol Pennsylvania Coal Company, LLC 1000 Consol Energy Drive Canonsburg, PA 15317	Rock Run (TSF)	Washington County CD 602 Courthouse Square Washington, PA 15301 724-228-6774
Neshannock Township Lawrence County	PAG02 037 10 001	Hartman Properties-Glenn Rd Attn: Mr. Dallas Hartman 2815 Wilmington Road New Castle PA 16105	UNT Shenango River WWF	Lawrence Conservation District 724-652-4512

*General Permit Type—PAG-3*

*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>
Shrewsbury Township / York County	PAR803690	First Student, Inc. (#20578) 600 Vine Street, Suite 1400 Cincinnati, OH 45202	UNT to Glen Rock Valley/CWF/7H	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County / Middletown Borough	PAR803688	First Student, Inc. (#20576) 600 Vine Street, Suite 1400 Cincinnati, OH 45202	Swatara Creek/7D/WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / Mount Joy Township	PAR803687	First Student, Inc. (#20539) 110 Perimeter Park, Suite E Knoxville, TN 37922	Donegal Creek/TSF/7G	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County / West Hempfield Township	PAR803689	First Student, Inc. (#20577) 600 Vine Street, Suite 1400 Cincinnati, OH 45202	UNT Chickies Creek/WWF/7G	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Clinton Township Butler County	PAR218319	ESM Group Inc. 955 Saxonburg Boulevard Saxonburg, PA 16056	Unnamed Tributary to Rocky Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4*

*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>
Blair County / Greenfield Township	PAG043648	George C. Harbaugh 564 Maple Lane East Freedom, PA 16637	UNT Frankstown Branch Juniata River / WWF / 11-A	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-12*

*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>
Terry Township, Bradford County	PAG124809	Daniel P. Hershberger, Hershberger Farm, 612 Viall Hill Road, Towanda, PA 18848	UNT of Susquehanna River	PADEP—NCRO 208 West Third Street, Williamsport, PA 17701 570-327-3636

**PUBLIC WATER SUPPLY (PWS) 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 free 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**

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

**Permit No. Minor Amendment—Operation** Public Water Supply.

Applicant	<b>Roulette Township</b>
[Township or Borough]	Roulette Township
County	<b>Potter</b>
Responsible Official	Mr. Christopher D. Landon Roulette Township 80 Railroad Avenue P. O. Box 253 Roulette, PA 16746
Type of Facility	Public Water Supply—Operation
Consulting Engineer	Dale Sorensen, P.E. Northwest Engineering, Inc. P. O. Box Q Tidioute, PA 16351
Permit Issued Date	November 17, 2010

Description of Action	Operation of 144 feet of 24-inch detention piping to provide 4-log inactivation of viruses of Well No. 4 water and verification of existing 4-log treatment of viruses of Well No. 7 water.
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**Permit No. 5308501—Operation** Public Water Supply.

Applicant	<b>Roulette Township</b>
[Township or Borough]	Roulette Township
County	<b>Potter</b>
Responsible Official	George Baker, Chairman Roulette Township P. O. Box 253 Roulette, PA 16746
Type of Facility	Public Water Supply—Operation
Consulting Engineer	N/A
Permit Issued Date	November 17, 2010
Description of Action	Increased yield for Well #4.

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

**Permit No. 2510501**, Public Water Supply

Applicant	<b>Erie City Water Authority</b>
Township or Borough	City of Erie
County	<b>Erie County</b>
Type of Facility	Public Water Supply
Consulting Engineer	James Nordquist, PE
Permit to Construct Issued	11/18/2010

**Operations Permit** issued to **Borough of Pleasantville**, Pleasantville Borough, **Venango County** on November 19, 2010. Action is for operation of water supply treatment facilities at Pleasantville Borough in response to an operation inspection conducted by Department personnel on November 1, 2010, and in accordance with construction permit 6109501, issued July 24, 2009.

**Transfer of Operations Permit** issued to **South Western Alpha Housing & Health Care, Inc**, Coolspring Township, **Mercer County** on November 19, 2010. Action is for transfer of operation of water supply treatment facilities at the former Woodland Place properties. The Department consolidates all permits under permit number 4386502-T2. This action includes all plans, specifications, reports and supporting documents, etc that had originally been authorized under permit 366W001-T1, and 4386502-T1.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Eagles Mere Borough	915 Laporte Avenue Eagles Mere, PA 17731	Sullivan

*Plan Description:* The approved Special Study provides for the decommissioning of the existing Forest Inn wastewater treatment plant and construction of a pump station to convey a maximum flow of 4,000 gpd to the Outlet wastewater treatment facility. The existing conveyance system and Outlet wastewater treatment facility have sufficient capacity to handle the additional flows. The total project cost is estimated at \$348,000 and is expected to be locally funded. The Department's review of the sewage facilities Special Study has not identified any significant environmental impacts resulting from this proposal. Any required WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## **HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

### **Notice of Interim Response Everbrite Industries Site**

#### **Lansford Borough, Carbon County**

The Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), under the authority of the Hazardous Sites Cleanup Act, 35 P.S. § 6020.101 et seq. ("HSCA"), has initiated a prompt interim response action at the Everbrite Industries Site ("Site"). This response has been undertaken pursuant to Sections 505(b) & (c) of HSCA, 35 P.S. § 6020.505(b) & (c). The Site is located at 401 West Bertsch Street in Lansford Borough, Carbon County, Pennsylvania.

The Site contains abandoned chemical containers within a large, deteriorating brick building. The Panther Valley School District purchased the property through a tax sale and contacted the Department concerning the hazardous substances on the property. A site visit was conducted by the Department on August 26, 2010. Between 50–100 55-gallon drums and numerous labeled and unlabeled smaller containers of hazardous substances were observed within the building. The following chemical classes were documented as observed from labels on the drums: Acids (70% Hydrofluoric Acid), Bases (19% Ammonium Hydroxide), Amines (85% Triethanolamine), Oxidizers (35% Hydrogen Peroxide), and Flammable Liquids (Ethyl and Isopropyl Alcohols).

These containers were stored in proximity to each other without any secondary containment to prevent the mixing of incompatible chemicals should they leak. Mixing of incompatible chemical could cause a fire and/or an air release that could pose a threat to nearby residential occupants and recreational area users. Although the building has been secured by the School District, the abandoned chemicals present a potential threat and pose a risk to human health and the environment. Sections of the roof of the building have collapsed and further collapse could cause a release of the chemicals and the potential for mixing of incompatible chemicals. Some of the chemical pose threats from direct contact, toxicity, flammability, or reactivity.

The Department has determined that the following hazardous substances as defined by HSCA have been abandoned and therefore, released as defined by HSCA, or present a threat of release at the Site: Hydrochloric Acid, Hydrofluoric Acid, Sulfuric Acid (Acids) and Ammonium Hydroxide (Base)—(Corrosive Hazardous Waste—D002), Hydrogen Peroxide (Oxidizer and Reactive Hazardous Waste—D003), and Ethyl Alcohol, Isopropyl Alcohol (Flammable Liquids and Ignitable Hazardous Waste—D001).

Based upon the fact that a release of a hazardous substance as defined by HSCA has occurred and that the threat of a release of hazardous substances exists and that an ongoing release is likely if no actions are taken, the Department is authorized to undertake a response action at this Site under Section 501(a) of HSCA, 35 P.S. § 6020.501(a).

A Prompt Interim Response is justified at this Site for the following reasons: Characterization and removal of the hazardous substances and wastes is needed in a time frame that prohibits developing and closing an administrative record prior to response initiation given the condition of the building and the potential threats to public health and the environment. This prompt interim response action will cost less than \$1 million and take less than 1 year to implement.

The Department is undertaking a prompt interim response at the Site pursuant to its authority under Section 501(a) of HSCA, 35 P.S. § 6020.501(a). Prompt action is necessary to protect the public health, safety, and the environment from the release and threat of release of hazardous substances from the Site. The Department evaluated two alternatives for this proposed interim response which include:

- 1) No Action
- 2) Waste Removal and Off-Site Reuse, Recycling, or Disposal: This alternative includes the testing and classification of abandoned wastes and other materials in drums and smaller containers. After classification and lab-packing or consolidation of these chemicals, the containers will be prepared for shipment and staged and stored properly until they can be removed for reuse, recycling, or disposal at facilities approved by the Department.

Based upon an evaluation of the Alternatives using criteria including protection of human health and the environment, compliance with applicable and relevant and appropriate requirements (ARARs), feasibility, permanence, and cost-effectiveness, the Department has selected Alternative 2 as the proposed interim response for the Site.

This notice is being provided pursuant to Section 506(b) of HSCA 35 P.S. § 6020.501(b). The administrative record, which contains the information that forms the basis and documents the selection of the response action, is available for public review and comment. The administrative record is located at the Lansford Borough Municipal Office, 26 East Patterson Street, Lansford, Pennsylvania and is available for review Monday through Friday from 9am to 3pm. The administrative record will be open for comment from December 4, 2010 through March 4, 2011. Persons may submit written comments into the record during this time only, by sending them to Jeremy Miller, Compliance Specialist, at the Department's Northeast Regional Office at 2 Public Square, Wilkes-Barre, PA 18701, or by delivering them to that office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing for January 11, 2011 at 10 AM at the Panther Valley School District Office, 1 Panther Way, Lansford. The testimony at the public hearing will be limited to the prompt interim response, which involves removal and off-site reuse, recycling, and/or disposal of the hazardous substances and waste. An informal public meeting will be held after the public hearing is concluded. Persons wishing to present testimony at the January 11, 2011 hearing

regarding this prompt interim response should register with Jeremy Miller before January 04, 2011 by telephone at (570) 826-2511, or in writing to Jeremy Miller at the Department's Northeast Regional Office. If no person registers to present oral comments by the date specified above, the hearing will not be held.

Persons with a disability who wish to attend the January 11, 2011 hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should contact Jeremy Miller or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

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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:

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Hiner Transport Accident**, Lamar Township, **Clinton County**. Northridge Group Inc., 1172 Ridge Road, North-

umberland, PA 17857 on behalf of Hiner Transport, 1350 South Jefferson St., Huntington, IN 46750 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel, motor oil and antifreeze/water. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Hanley Trucking Accident**. Franklin Township, **Snyder County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Hanley Trucking, 1191 McGill Hollow Road, Linden, PA 17744 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Cocolamus Creek Disposal**. Franklin Township, **Snyder County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Cocolamus Creek Disposal, 31109 State Route 35N, McAllisterville, PA 17049 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**BTS Carriers, Inc.**, White Deer Township, **Union County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of BTS Carriers, Inc., 50983 Western Drive, Plymouth, MI 48170 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

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Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment

report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Faunce Road Hydraulic Oil Spill.** Knox Township, Clearfield County. Dawson Geophysical Company, 400 S. Pointe Blvd., Suite 425, Canonsburg, PA 15317 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with trans-fluid. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 10, 2010.

## AIR QUALITY 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*

**04-00083B: Beaver Valley Allow Foundry Company** (4165 Brodhead Road, Monaca, PA 15061) for installation of new dust collector at Monaca Plant in Monaca Borough, **Beaver County**.

**03-00250: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201-9642) for installation of a new coal processing facility at Long Run Mine in West Franklin Township, **Armstrong County**.

**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.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**67-03157A: SWF Industrial, Inc.** (6287 Lincoln Highway Hellam, PA 17406) for installation of two paint spray booths for miscellaneous metal coating operations and for the installation of one paint mixing/degreasing room in which cleaning and storage will occur at the SWF Ind., Inc. Hellam facility in Hellam Township, **York County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

67-03157A is for the installation of two paint spray booths and one paint mixing/degreasing room at the SWF Industrial, Inc. Hellam Township facility. The particulate emissions will be controlled by dry panel filters. SWF Industrial, Inc. will be considered a synthetic minor facility by limiting volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions by limiting coatings usage to 9106 gallons per year. Best available technology (BAT) for this source type is a limit on pounds of VOCs per gallon of coating solids. A limit of 4.52 lbs. VOCs/gallon coating solids is required for general coatings, and a limit of 6.67 lbs. VOCs/gallon coating solids is required for specialized coatings, which is more clearly specified in EPA Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings. The company shall be subject to and comply with 25 Pa. Code § 129.52 Surface Coating Processes, 25 Pa. Code § 129.63 Degreasing Operations, and 25 Pa. Code § 129.51 Sources of VOCs. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The expected actual air emissions from the proposed project are 15.4 TPY VOC and 3.27 TPY HAP.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

**06-05100F: Ontelaunee Power Operating Co.** (5115 Pottsville Pike, Reading, PA 19605) for establishing limits for periods of tuning two combined cycle turbines at the their Ontelaunee Plant in Ontelaunee Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval 06-05100F is to establish limits for periods of tuning for two combined cycle combustion turbines with emissions controlled by an SCR. The company shall be subject to and comply with 40 CFR Part 60 Subpart GG and Best Available Technology (BAT). The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The project will not trigger PSD or NSR requirements. The expected change in actual air emissions from the proposed project are a reduction of 1 tpy of NO<sub>x</sub>, a reduction of 6 tpy of CO and a reduction of 1 tpy of ammonia.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed permit by the permit number listed above.
- 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, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Thomas Hanlon, East Permitting Section Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

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

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

*Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**63-00957: Green Holdings Enlow Inc.** (1221 Avenue of America, Suite 4200, New York, NY 10020). Notice is hereby given in accordance with 25 PA Code §§ 127.44—46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-63-00957 to allow the installation and initial temporary operation of a green house gas (GHG) abatement system known as the Enlow GHG Abatement Project located in Morris Township, **Washington County**. The project will consist of three Durr Ecopure regenerative thermal oxidizers (RTOs) on the E-22 mine ventilation exhaust shaft from the Consol Enlow underground coal mine.

Potential emissions from the facility are estimated to be 9.6 tons of nitrogen oxides (NO<sub>x</sub>), 9.2 tons of carbon monoxide (CO), 1.1 tons of particulate matter (PM<sub>10</sub>), 0.3 tons of sulfur dioxide (SO<sub>x</sub>), less than 1.0 ton of volatile organic compounds (VOC), and 0.9 tons of hazardous air pollutants (HAP) annually. The facility is a natural minor and the plan approval will include federally enforceable emission limitations on visible, fugitive, and malodorous emissions, as well as, requirements for stack testing, monitoring, proper maintenance, and record keeping. The Plan Approval has been conditioned to ensure compliance with all applicable rules. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with Pa. Code Title 25 Subchapter F.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Mark Gorog, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments. Identification of the proposed Plan Approval (PA-63-00957).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

For additional information you may contact Mark Gorog at 412-442-4150.

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

*Contact: Edward Braun, Chief—Telephone: 215-685-9476*

**S09-011: Riverside Materials, Inc.** (2870 E Allegheny Avenue, Philadelphia, PA 19134) for operation of an asphalt paving mixture manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a hot mix asphalt drum with baghouse, a crushing plant, and a hot oil heater.

The operating permit will be reissued under the Pennsylvania Code Title 25, 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.

#### PLAN APPROVAL

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#### PUBLIC HEARINGS

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**06-05069: East Penn Mfg. Co., Inc.** (PO Box 147, Deka Road, Lyon Station, PA 19536-0147) for control of NOx and VOC emissions from the various lead/acid storage battery manufacturing operations at their facility in Richmond Township, **Berks County**.

In accordance with 25 Pa. Code Chapter 127 and 40 CFR Part 51.102 (State Implementation Plan) the Department of Environmental Protection (DEP) intends to issue an Operating Permit to East Penn Mfg Co, Inc (PO Box 147, Deka Road, Lyon Station, PA 19536-0147) to approve their RACT Plan for the control of NOx and VOC emissions from the various lead/acid storage battery manufacturing operations at their facility in Richmond Township, Berks County. The conditions of this RACT approval may be included in the pending Title V Permit No. 06-05069, or may be issued as a separate permit to be incorporated into the Title V permit at a later date. In the event that a separate RACT permit is issued, it will be designated as 06-01069R. The conditions of the RACT approval would be submitted to EPA as a revision to the State Implementation Plan.

Based on the information provided by East Penn, and the Department's analysis, this plan complies with the requirements of 25 Pa. Code Sections 129.91 and 129.92. The plan involves the restriction in emissions of NOx and VOC by imposing emission caps, and/or by requiring the operation of the various sources in a manner that limits the amount of emissions generated by their use. These restrictions will be incorporated in an Operating Permit. Included with the restrictions will be record keeping, work practices, monitoring and reporting requirements. The existing affected small combustion sources from the company's 12/00 RACT application are subject to the presumptive RACT requirements in 25 Pa. Code Section 129.93(c)(1). The potential emissions from these sources are presently limited, for non-RACT purposes, to 80.1 tpy of NOx in an existing permit, via a fuel usage cap. The equivalent VOC PTE based on the fuel usage cap is 3.7 tpy. The existing affected non-combustion operations from the company's 12/00 RACT application, and their proposed restricted potential emissions are battery finishing (VOC 15 tpy), concasting (VOC 4.5 tpy), gasoline and diesel handling (VOC 2.0 tpy), spraypainting (VOC 7.6 tpy) and miscellaneous chemical usage (VOC 27.2 tpy).

All of the pertinent documents are available for public review at DEP's Southcentral Regional Office. Reviews may be scheduled by contacting Mr. Thomas Hanlon at

(717) 705-4862 between 8:30 A.M. and 3:30 P.M. Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments or protests on the proposal. The hearing will be held at DEP's Southcentral Regional Office on January 12, 2011 from 9:00 AM until all scheduled comments on the proposal are received. The public is invited to present testimony at the hearing and should contact Mr. Thomas Hanlon at (717) 705-4862 to reserve a time to present testimony. Oral testimony will be limited to ten minutes for each presenter. Each group or organization is requested to designate one witness to present testimony on its behalf. Commenters shall provide two written copies of their remarks at the time of the hearings. A person may oppose the proposed RACT approval by filing a written protest with the Department. Persons interested in submitting written comments should send their comments to Mr. Thomas Hanlon, East Permitting Section Chief, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, postmarked no later than the public hearing date.

#### OPERATING PERMITS

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

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**06-05019: Hofmann Industries, Inc.** (P. O. Box 2147, Sinking Spring, PA 17608) for operation of their steel pipe and tubing manufacturing facility in Sinking Spring Borough, **Berks County**. This is a renewal of their State-Only Operating Permit issued in 2005.

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

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

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

**23-00026: Glasgow, Inc.** (PO Box 1089, Glenside, PA 19038) for renewal of the State Only Operating Permit for an asphalt plant in Springfield Township, **Delaware County**. The renewal updates the list of exempt sources and includes a schedule for compliance stack testing of the source. The renewed Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility shall remain a synthetic minor facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

**40-00059: Reilly Finishing Technologies** (130 Alden Road, Nanticoke, PA 18634) a State Only Operating Permit for plating metals and metal products operation in Nanticoke City, **Luzerne County**. The proposed State

Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**05-05026: Steckman Ridge, LP** (1809 Rock Hill Church Road, Clearville, PA 15535) for a natural gas compressor station with a compressor engine controlled by thermal oxidizer, dehydration units controlled by thermal oxidizer, emergency generator, and associated equipment in Monroe Township, **Bedford County**. The primary emissions from the sources are NO<sub>x</sub>, CO and VOCs, with the facility's potential controlled annual emissions rates of less than 100 tons each of NO<sub>x</sub> and CO, and less than 50 tons of VOCs. The synthetic minor operating permit will incorporate Plan Approval No. 05-03019A. The permit will include restrictions, monitoring, recordkeeping, reporting, and work practice requirements designed to meet the air quality standards.

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

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

**56-00100: Highland Tank Manufacturing Company** (One Highland Road, Stoystown, PA 15563) for operation of fabricated plate work at shot blast facility in Quemahoning Borough, **Somerset County**. This is a State Only Permit renewal submittal.

**11-00519: Trinity Industries, Inc.** (109 48th Street, Pittsburgh, PA 15201) for the reheat and heat treating furnaces at the Standard Forged Products facility in Johnstown, **Cambria County**. This is a State Only Permit renewal submittal.

**65-00595: Westmoreland Regional Hospital** (532 West Pittsburgh Street, Greensburg, PA 15601) for operation of boilers at hospital in Greensburg, **Westmoreland County**. This is a State Only Permit renewal submittal.

**65-00629: CBC Latrobe Acquisition LLC** (100 33rd Street, Latrobe, PA 15650) for operation of brewery in Latrobe Borough, **Westmoreland County**. This is a State Only Permit renewal submittal.

**03-00139: Brady's Bend Corporation** (209 Cove Run Road, East Brady, PSA 16028) for the manufacture of crushed and broken limestone at the Kaylor Mine No. 3 in Bradys Bend Township, **Armstrong County**. This is a State Only Permit renewal submittal.

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

*Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940*

**10-00119: Allegheny Mineral Corp.—Slippery Rock Plant** (P. O. Box 1022, Kittanning, PA 16201) for a Natural Minor Permit re-issuance to operate a limestone processing facility in Slippery Rock Township, **Butler County**.

## 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 Applications Returned

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

**63100102 and NPDES Permit No. PA0251968. Arthur J. Boyle** (P. O. Box 400, Laughlintown, PA 15655). Application for commencement, operation, and reclamation of a bituminous surface mining site located in Centerville Borough, **Washington County**, proposed to affect 32.2 acres, is hereby cancelled. Receiving streams: unnamed tributaries to the Monongahela River. Application received: May 7, 2010. Application cancelled: November 17, 2010.

### Coal Permits Actions

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**30841307 and NPDES Permit # PA0213438, Emerald Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit the Emerald Mine No. 1 in Franklin and Washington Townships, **Greene County** to add acreage for longwall mining and perform stream remediation as may be necessary to alleviate subsidence pooling impacts to Purman Run in two areas bound by the following points on the Waynesburg USGS Quad, N: 8.53 inches: W: 9.00 inches to N: 7.43 inches: W: 8.90. Underground Acres Proposed 3071.0, Subsidence Control Plan Acres Proposed 3071.0. In conjunction with this approval, the Department is granting 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. No additional discharges. Application received: March 22, 2007. Permit issued: November 16, 2010.

**32891701 and NPDES Permit # PA0124591, Belaire Corporation—Eastern Division**, (Box 245, Armagh, PA 15920-0245), to renew the permit for the Hutchison Hollow Treatment Plant in East Wheatfield Township, **Indiana County** and related NPDES permit. No additional discharges. Application received: February 27, 2004. Permit issued: November 17, 2010.

**56061301 and NPDES Permit # PA0235709, RoxCOAL, Inc.**, (P. O. Box 149, Friedens, PA 15541), to

revise the permit for the Kimberly Run Mine in Somerset Township, **Somerset County** to add surface activity site acres to the permit area for installation of additional treatment facilities and sludge drying area. Surface Acres Proposed 4.1. No additional discharges. Application received: February 5, 2010. Permit issued: November 15, 2010.

**56773707 and GP12-56773707-R6, PBS Coals, Inc.**, (P. O. Box 260, Friedens, PA 15541), to revise the permit for the Cambria Fuel Refuse Disposal Area in Stonycreek Township, **Somerset County** to establish an emission inventory for a temporary coal processing and transfer facility to process raw refuse from the site based on peak production of 450,000 tons of raw refuse per year. Emission sources include scalping/screening, storage pile development, storage pile wind erosion, truck loading, and vehicular traffic on unpaved roads. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-56773707-R6. No additional discharges. Application received: July 19, 2010. Permit issued: November 17, 2010.

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

**02743004 and NPDES Permit No. PA0126756. Deep Valley Coal & Disposal, Inc.** (7111 Steubenville Pike, Oakdale, PA 15071). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in North Fayette Township, **Allegheny County**, affecting 35.0 acres. Receiving streams: Pinkerton Run to Robinson Run to Charles Creek. Application received: February 1, 2010. Permit renewal issued: November 16, 2010.

**30793024 and NPDES Permit No. PA0117650. Beazer East, Inc.** (c/o Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219). NPDES renewal issued for continued treatment of discharges at a bituminous surface mining site located in Morgan Township, **Greene County**, affecting 327.7 acres. Receiving streams: unnamed tributaries to South Fork Ten Mile Creek, to South Fork Ten Mile Creek, to Ten Mile Creek. Renewal application received: July 12, 2010. NPDES Renewal issued: November 17, 2010.

*Noncoal Permits Actions*

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

**33050304. Glen Gery Corporation** (P. O. Box 7001, 1166 Spring Street, Wyomissing, PA 19610) Renewal of NPDES Permit No. PA0258008 in Oliver Township, **Jefferson County** affecting 51.5 acres. Receiving streams: Beaver Run. Application received: September 24, 2010. Permit Issued: November 17, 2010.

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

**09890303C3 and NPDES Permit No. PA0594661. Naceville Materials**, (6100 Easton Road, Pipersville, PA 18947), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Plumstead Township, **Bucks County**, receiving stream: intermittent tributary to North Branch Meshaminy Creek. Application received: September 29, 2010. Renewal issued: November 18, 2010.

**39950301C2 and NPDES Permit No. PA0223646. Haines & Kibblehouse, Inc.**, (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of

treated mine drainage from a quarry operation in Cornwall Borough, **Lebanon County**, receiving stream: unnamed tributary to Snitz Creek. Application received: October 5, 2010. Renewal issued: November 18, 2010.

**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*

**30104009. Shallenberger Construction** (2611 Memorial Avenue, Connellsville, PA 15425). Blasting activity permit for the construction of the Burchianti Unit-Atlas Resources Well Site, located in Monongahela Township, **Greene County**. The duration of blasting is expected to last 180 days. Blasting permit issued: November 17, 2010.

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

**25104002. Controlled Demolition, Inc.** (2737 Merymans Mill Road, Phoenix, MD 31131) Blasting Activity Permit for demolition of I-90 bridge in the City of Erie, **Erie County**. This blasting activity permit will expire on February 10, 2011. Permit Issued: November 12, 2010.

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

**36104166. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Nelson Zimmerman dwelling in Ephrata Township, **Lancaster County** with an expiration date of December 10, 2010. Permit issued: November 12, 2010.

**51104102. Eastern Blasting Co., Inc.**, (1292 Street Road, New Hope, PA 18938), construction blasting for St. Joseph's University in the City of Philadelphia, **Philadelphia County** with an expiration date of December 12, 2011. Permit issued: November 12, 2010.

**67104116. Abel Construction Co., Inc.**, (P. O. Box 476, Mountville, PA 17554), construction blasting for Bairs Mill Road & Bridge in Hellam Township, **York County** with an expiration date of November 12, 2011. Permit issued: November 16, 2010.

**45104123. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Winona Lakes in Middle Smithfield Township, **Monroe County** with an expiration date of November 30, 2011. Permit issued: November 18, 2010.

**45104124. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Farms in Coolbaugh Township, **Monroe County** with an expiration date of November 30, 2010. Permit issued: November 18, 2010.

**45104125. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Stroud Township Water & Sewer Lines in Stroud Township, **Monroe County** with an expiration date of November 12, 2011. Permit issued: November 18, 2010.

## 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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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### Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E08-467. Glenn O. Hawbaker, Inc.**, PO Box 450, Wyalusing, PA 18853-0450. Water Obstruction and Encroachment Joint Permit. Wyalusing Asphalt Plant. Wyalusing Township, **Bradford County**, ACOE Baltimore District. (Laceyville SW, PA Quadrangle, Latitude: 41° 39' 17.08" N; 76° 13' 51.2" W).

To place and maintain fill in 0.36 acres isolated palustrine emergent, scrub shrub wetland systems for the purpose of constructing an asphalt plant, associated

facilities and occupying two other tenants. This 26 acre parcel will require 18 acres of earth disturbance. Replacement wetlands (0.408 acres) will be built on site. The site is located approximately 1.5 miles east of the SR 2010/SR 0006 intersection, on the south side of SR 0006 and north of the North Branch Susquehanna River in Wyalusing Township, Bradford County.

**E49-311. Mount Carmel Area School District**, 600 W 5th St., Mount Carmel, PA 17851. Field House, in Mount Carmel Township, **Northumberland County**, ACOE Baltimore District (Mount Carmel, PA Quadrangle Latitude: 40° 47' 43"; Longitude: 76° 25' 22").

To construct, operate and maintain a new field house, ticket booths, and an ADA ticket booth in the floodplain of Shamokin Creek. The total project proposes to impact 5,425 square feet to replace the existing facilities. The existing facilities will remain in place and be utilized for other needs by the School District. This project is located along the south eastern end of the existing track at the Mount Carmel High School.

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Beaver County.*

**E04-334. County of Beaver**, 810 3rd Street, Beaver, PA 15009. To remove existing structure and construct new box culvert in Raccoon Township, **Beaver County**, Pittsburgh ACOE District. (Aliquippa, PA Quadrangle: N: 19.3 inches; W: 17.0 inches; Latitude: 40° 36' 23"; Longitude: 80° 22' 21") To remove the existing structure (Pohl's Road Bridge—T379) and to construct and maintain a new box culvert having a span of 17.5 feet with an underclearance of 4.0 feet in and across the channel of an Unnamed Tributary to Service Run (HQ-CWF) and to operate and maintain approximately 50 feet of an existing 24 inch diameter culvert with a new 24 inch diameter culvert and to extend the downstream end approximately 25 feet with a new 24-inch diameter culvert and a R-4 RipRap emergency dissipater within a second Unnamed Tributary to Service Run and to operate and maintain various outfall structures for the purpose of improving highway safety. The project is located on Pohl's Road (T-379), approximately 1,800.0 feet southwest from the intersection of Pohl's Road (T-379) and Green Garden Road (S.R. 3016).

**E32-494. Pennsylvania Department of Transportation, District 10**, 2550 Oakdale Ave., P. O. Box 429, Indiana, PA 15701. To replace two lane bridge in Buffington and East Wheatfield Townships, **Indiana County**, Pittsburgh ACOE District. (New Florence, PA Quadrangle: N: 16.7 inches, W: 0.2 inches; Latitude: 40° 46' 19" and Longitude: 79° 8' 33"). To remove the existing SR 403 two lane, 21 ft wide, two span bridge having a total length of 155 ft, and having a minimum underclearance of 15 ft; construct and maintain adjacent to and downstream a two lane 32 ft wide, two span bridge having a total length of 160 ft with an underclearance of 12.5 ft; construct and remove temporary causeways causeways for construction and demolition of the bridge; and construct and maintain associated stormwater outfalls over and in Blacklick Creek (TSF) with a drainage area of 139 square miles.

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

**E37-183, Lawrence County Commissioners, Lawrence County Government Center**, 430 Court Street, New Castle, PA 16101. South Mill Street ridge Across Neshannock Creek in City of New Castle,

**Lawrence County.** ACOE Pittsburgh District (New Castle South, PA Quadrangle N: 40° 59' 54.6"; W: 80° 20' 39.3")

To remove the existing single span truss bridge and to construct and maintain a 44.6 ft long steel girder bridge having two clear spans of 109 feet (bearing to bearing) and a maximum underclearance of 14 feet on a 45° skew across Neshannock Creek (TSF) on South Mill Street between SR 422 Business (East Washington Street) and SR 108/168 (South Croton Avenue).

#### 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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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

10/08/2010  
ESCGP-1 No.: ESX10-051-0038  
Applicant Name: Chief Oil & Gas LLC  
CONTACT: Michael D. Hritz  
Address: 6051 Wallace Road, Ext. Suite 210  
City: Wexford State: PA Zip Code:  
County: Fayette Township(s): Henry Clay  
Receiving Stream(s) and Classifications: UNT to Hall Run (WWF) UNT to Glade Run (in Maryland)/Ohio River Basin

10/26/2010  
ESCGP-1 No.: ESX10-125-0094  
Applicant Name: Range Resources—Appalachia LLC  
Contact Person: Carla L. Suszkowski  
Address: 380 Southpointe Boulevard  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Donegal  
Receiving Stream(s) and Classifications: UNT to Buck Run HQ

10/14/2010  
ESCGP-1 No.: ESX10-111-0005  
Applicant Name: Somerset Regional Water Resources, LLC  
Contact Person: Larry Mosteller  
Address: 888 Stoystown Road  
City: Somerset State: PA Zip Code: 15501  
County: Somerset Township(s): Somerset  
Receiving Stream(s) and Classifications: UNT East Branch of Coxes Creek/Youghiogheny River-TSF, Other  
Secondary Water: Casselman River

10/08/2010  
ESCGP-1 No.: ESX10-125-0088  
Applicant Name: Atlas Energy Resources, LLC  
Contact Person: Jeremy Hritz  
Address: 800 Mountain View Drive  
City: Smithfield State: PA Zip Code: 15478  
County: Washington Township(s): West Bethlehem  
Receiving Stream(s) and Classifications: UNT to Little Tenmile Creek and Little Tenmile Creek, Other

10/26/2010  
ESCGP-1 No.: ESX10-051-0040  
Applicant Name: Atlas Resources, LLC  
Contact Person: Jeremy Hritz  
Address: 800 Mountain View Drive  
City: Smithfield State: Pa Zip Code: 15478  
COUNTY Fayette Township(s): German  
Receiving Stream(s) and Classifications: UNT 41111 to Middle Run, Other  
Secondary Water Middle Run

10/25/2010  
ESCGP-1 No.: ESX10-059-00883  
Applicant Name: CNX Gas Company LLC  
Contact Person: Daniel Bitz  
Address: 200 Evergreene Drive  
City: Waynesburg State: PA Zip Code: 15370  
County: Greene Township(s): Morris  
Receiving Stream(s) and Classifications: UNT to Bates Fork, Bates Fork to Browns Creek, Other  
Secondary Water Monongahela River

11/18/2010  
ESCGP-1 No.: ESX10-125-0095  
Applicant Name: Range Resources—Appalachia, LLC  
Contact Person: Carla L Suszkowski  
Address: 380 Southpointe Boulevard  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Mt. Pleasant  
Receiving Stream(s) and Classifications: UNT to Millers Run and UNT to Raccoon Creek, Other  
Secondary Water Millers Run to Raccoon Creek

10/01/2010  
ESCGP-1 No.: ESX10-059-0077  
Applicant Name: Laurel Mountain Midstream, LLC  
Contact Person: Lisa Reaves  
Address: 1550 Coraopolis Heights Road  
City: Moon Township State: PA Zip Code: 15108  
County: Greene Township(s): Jefferson & Cumberland Township  
Receiving Stream(s) and Classifications: UNT's to Muddy Creek (WWF), Other  
Secondary Water UNT's to Pumpkin Run (WWF)

11/01/2010  
ESCGP-1 No.: ESX10-051-0041  
Applicant Name: Laurel Mountain Midstream, LLC  
Contact Person: Lisa Reaves  
Address: 2800 Post Oak Boulevard  
City: Houston State: TX Zip Code: 77056

County: Fayette Township(s): German, Luzerne, and Menallen  
 Receiving Stream(s) and Classifications: UNT to Monongahela River, Meadow Run, Kelley Run, Rush Run, Wallace Run, Lilly Run, Middle Run and Dunlap Creek, Other

*Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX10-033-0005  
 Applicant Name EXCO Resources (PA), LLC  
 Contact Person Larry Sanders  
 Address 3000 Ericsson Drive, Suite 200  
 City, State, Zip Warrendale, PA 15086  
 County Clearfield Township(s) Troutville Borough  
 Receiving Stream(s) and Classification(s) UNT to Beaver Run, Beaver Run

ESCGP-1 # ESX10-015-0328  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) Orwell Twp.  
 Receiving Stream(s) and Classification(s) Johnson Creek

ESCGP-1 # ESX10-015-0327  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) Windham Twp.  
 Receiving Stream(s) and Classification(s) UNT to Wysox Creek

ESCGP-1 # ESX10-015-0325  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory/Eric Potter  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) Tuscarora Twp.  
 Receiving Stream(s) and Classification(s) Trib. to Mill Creek

ESCGP-1 # ESX10-115-0062  
 Applicant Name Carrizo Marcellus, LLC  
 Contact Person Gary Byron  
 Address 251 Drain Lick Road, Box 231  
 City, State, Zip Drifting, PA 16384  
 County Susquehanna Township(s) Jessup Twp.  
 Receiving Stream(s) and Classification(s) East Branch Wyalusing Creek, UNT to East Branch Wyalusing Creek

ESCGP-1 # ESX10-015-0331  
 Applicant Name EOG Resources Inc  
 Contact Person Nathan Wells  
 Address 400 Southpoint Blvd, Plaza 1, Suite 300  
 City, State, Zip Canonsburg, PA 15317  
 County Bradford Township(s) Ridgebury Twp.  
 Receiving Stream(s) and Classification(s) UNT/Bentley Creek Watershed, Bentley Creek

ESCGP-1 # ESX10-115-0061  
 Applicant Name Cabot Oil & Gas Corp  
 Contact Person Jeffrey Keim  
 Address 5 Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna Township(s) Forest Lake Twp.  
 Receiving Stream(s) and Classification(s) Forest Lake Creek, UNT to Forest Lake Creek

ESCGP-1 # ESX10-115-0059  
 Applicant Name Cabot Oil & Gas Corp  
 Contact Person Jeffrey Keim  
 Address 5 Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna Township(s) Dimock and Jessup Twps

Receiving Stream(s) and Classification(s) UNT to Elk Lake, UNT to White Creek

ESCGP-1 # ESX10-115-0067  
 Applicant Name Cabot Oil & Gas Corp  
 Contact Person Jeffrey Keim  
 Address 5 Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna Township(s) Bridgewater Twp.  
 Receiving Stream(s) and Classification(s) UNTs to Meshoppen Creek

ESCGP-1 # ESX10-035-0015  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251-1330  
 County Clinton Township(s) Grugan & Chapman Twps.  
 Receiving Stream(s) and Classification(s) UNT to Hyner Run

ESCGP-1 # ESX10-117-0237  
 Applicant Name East Resources Management, LLC  
 Contact Person Jefferson Long  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga Township(s) Richmond Twp.  
 Receiving Stream(s) and Classification(s) Lambs Creek and Manns Creek/Tioga River Basin, Tioga River

ESCGP-1 # ESX10-117-0235  
 Applicant Name East Resources Management, LLC  
 Contact Person Jefferson Long  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga Township(s) Farmington Twp.  
 Receiving Stream(s) and Classification(s) UNT to Losey Creek/Susquehanna River Basin in PA—Tioga River, Losey Creek to Crooked Creek

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX10-031-0005B—Burns Farms Well Pad Major Modification  
 Applicant EQT Production Company  
 Contact Todd Klaner  
 Address 455 Racetrack Road, Suite 101  
 City Washington State PA Zip Code 15301  
 County Clarion Township(s) Licking(s)  
 Receiving Stream(s) and Classification(s) Licking Creek—CWF, Secondary Water Clarion River—WWF

ESCGP-1 #ESX10-019-0050—Karen O. Foertsch No. 3H  
 Applicant Phillips Exploration, Inc  
 Contact Gary Clark  
 Address 502 Keystone Drive  
 City Warrendale State PA Zip Code 15086  
 County Butler Township Jefferson  
 Receiving Stream(s) and Classification(s) UNT of Thorn Creek—CWF

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#### SPECIAL NOTICES

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**PA DEP Individual Permit 101703**, Aramingo Rail Transfer LP, 2580 Church Street, Philadelphia, PA 19148

Project Summary: Aramingo Rail Transfer (ART) has submitted an application to the PA DEP Waste Management Program for an Individual permit to construct and operate a rail transfer station that would receive municipal and construction demolition (C&D) waste by trucks then transported by rail for disposal at permitted disposal facilities.

The facility will conduct its operation at its property, 2580 Church Street, along Aramingo Avenue & Church Streets in Philadelphia.

DEP is currently conducting its technical review of the application.

Aramingo Rail Transfer LP plans to hold an informational meeting with the local community on Thursday, December 9, 2010, from 7:00 pm to 8:30 pm at the St. John Cantius Church of Bridesburg at 4415 Almond St., Philadelphia, PA.

The purpose of this meeting is for the community to learn more about ART, the proposed permit application and permit application process.

The permit application can be review at Richmond Library, 2987 Almond Street, Phila. and Bridesburg Recreational Center, 4625 Richmond St., Phila., and DEP Southeast Region, 2 East Main Street, Norristown, PA 19401.

If you have comments about this application you may sent your written comment to: Dr Mohamad Mazid, Waste Management Program, 2 East Main Street, Norristown, PA 19401. If you have questions about Aramingo Rail contact, Mr. John Ryan, Aramingo Rail Transfer LP, 31 Tamarack Rd., Mahopac, NY 10541, Telephone 845-621-0210

[Pa.B. Doc. No. 10-2317. Filed for public inspection December 3, 2010, 9:00 a.m.]

### Agricultural Advisory Board Meeting Cancellation

The Agricultural Advisory Board meeting scheduled for December 15, 2010, has been cancelled. The next meeting is scheduled to occur on February 16, 2011, at 10 a.m. in Susquehanna Room A of the Department of Environmental Protection's (Department) Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 at 10 a.m.

Questions concerning the cancellation or the next scheduled meeting should be directed to Frank Schneider at (717) 772-5972 or fschneider@state.pa.us. The agenda and meeting materials for the February 16, 2011, meeting will be available through the Public Participation Center on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5972 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2318. Filed for public inspection December 3, 2010, 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.depweb.state.pa.us> (DEP Keywords: "eLibrary"). 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.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2010.

#### *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.

#### *Draft Technical Guidance—New Guidance*

DEP ID: 385-2100-002. Title: Policy and Procedure for NPDES Permitting of Discharges of Total Dissolved Solids (TDS)—25 Pa. Code § 95.10 (relating to treatment requirements for new and expanding mass loadings of Total Dissolved Solids (TDS)). Description: On August 21, 2010, revisions to 25 Pa. Code § 95.10 became final. These revisions mandate new treatment requirements for discharges of TDS from NPDES point sources of treated wastewater. The provisions of § 95.10 require detailed guidance for NPDES permit writers to implement the new requirements through NPDES permit conditions and actions. This new guidance document fulfills that need. Written Comments: The Department is seeking comments on draft technical guidance No. 385-2100-002. Interested persons may submit written comments on this draft technical guidance document by January 3, 2010. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to: Thomas Starosta, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Division of Planning and Permits, Rachel Carson State Office Building, 11th Floor, P. O. Box 8774, Harrisburg, PA 17105-8774 or [tstarosta@state.pa.us](mailto:tstarosta@state.pa.us). Contact: Questions regarding the draft technical guidance document should be directed to Thomas Starosta at (717) 787-4317 or [tstarosta@state.pa.us](mailto:tstarosta@state.pa.us).

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2319. Filed for public inspection December 3, 2010, 9:00 a.m.]

### Certification Program Advisory Committee Rescheduled Meeting

The December 6, 2010, meeting of the Certification Program Advisory Committee has been rescheduled to January 11, 2011. (In the event of snow it will be held January 25, 2011.) The meeting will begin at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

Questions concerning this meeting should be directed to Cheri Sansoni at (717) 772-5158 or [csansoni@state.pa.us](mailto:csansoni@state.pa.us).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-6118 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2320. Filed for public inspection December 3, 2010, 9:00 a.m.]

This general permit is for use by eligible persons for the extraction of noncoal minerals, specifically bluestone and other fine grained sandstone predominantly found in the northeast and northern tier counties of this Commonwealth on a mining area that is 5 acres or less. The area to be affected by bluestone extraction under this general permit must be 5 acres or less. Including support area, the size of the general permit area must not exceed 10 acres. The maximum highwall height allowed under this general permit is 100 feet.

This general permit is available for use in the following counties: Bradford, Cameron, Centre, Lackawanna, Lycoming, McKean, Pike, Potter, Sullivan, Susquehanna, Tioga, Wayne and Wyoming. The permit is not valid in the Upper Delaware River Scenic and Recreational River Corridor. The effective date of the permit is 30 days after publication of this notice.

The permit document, application form and instructions have been posted on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (eLibrary, then Permit and Authorization Packages, then Mining, then Industrial Minerals, then General Permits).

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2322. Filed for public inspection December 3, 2010, 9:00 a.m.]

### Coal Mining Reclamation Fee Amount for 2011

The Department of Environmental Protection announces the amount of the Reclamation Fee for 2011. This notice is required by 25 Pa. Code § 86.17 (relating to permit and reclamation fees). Effective January 1, 2011, the Reclamation Fee for calendar year 2011 will be \$0. While the fee will not be assessed in 2011, the regulations require annual adjustments. The fee amount for subsequent years will be calculated in accordance with 25 Pa. Code § 86.17. Refer to this section of the regulations for further information about the process.

This is the result of calculations presented in a report that contains a financial analysis of the revenue and expenditures from the account for Fiscal Year (FY) 2009-2010 and provides projections for FY 2010-2011. The report was reviewed with the Mining and Reclamation Advisory Board on October 28, 2010.

The report is available at the following web site [www.dep.state.pa.us/dep/deputate/minres/bmr/reports/](http://www.dep.state.pa.us/dep/deputate/minres/bmr/reports/).

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2321. Filed for public inspection December 3, 2010, 9:00 a.m.]

### General Permit for Bluestone (5 Acres or Less) Mining; BMR-GP-105

In compliance with section 26(b) of the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. § 3326(b)); section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20) and 25 Pa. Code Chapter 77, the Department of Environmental Protection (Department) by this notice announces the issuance of a general permit for bluestone (5 acres or less) mining (BMR-GP-105).

### Renewed National Pollutant Discharge Elimination System General Permit for Discharges of Stormwater Associated with Industrial Activities (PAG-03)

Under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) by this notice informs the public of the availability of the renewed NPDES General Permit for Discharges of Stormwater Associated with Industrial Activities (PAG-03).

The draft permit was published for public comment at 40 Pa.B. 6041 (October 16, 2010). The Department did not receive any public comments on the draft renewed permit. The renewed General Permit will become effective at 12 a.m. on December 4, 2010, unless rescinded by the Department at an earlier date. This General Permit will continue to be not applicable for stormwater discharges to "high quality" and "exceptional value" waters designated under 25 Pa. Code Chapter 93 (relating to water quality standards). An individual permit is required for these discharges.

The Department will continue to use Standard Industrial Classification Codes, per the United States Environmental Protection Agency's 2008 final Multi-Sector General Permit, to define the categories of industrial activities covered by this permit.

There are several changes to this General Permit compared to the one that will expire on December 4, 2010. The key changes are:

- Some new words: Exposed salt storage and distribution piles, Discharge, Significant spills, have been added and defined to make the permit clearer.



- Several parameters have been removed from monitoring requirements in Appendices A, B, C, D and J as a result of the Tetra Tech study report and agreement with ALCOA, while Appendix L (Petroleum Marketing Terminals) was revised to include 15/30mg/L oil and grease limitations. A new Appendix M (Non-Classified Facilities) was added. Facilities cannot choose coverage under this section, but can only be so assigned by the Director.
- The Notice of Intent (NOI) form now has some new blocks to get more useful information from the permittees. Examples include applicable appendix which the industrial activity falls under, SARA Title 3 questions about reportable quantities are now much clearer.
- The NOI filing fees have changed from \$100 to \$750.
- All Discharge Monitoring Reports have added space for naming the watershed where the monitoring took place, and the certification language has been corrected and standardized.
- A new paragraph has been included to clarify what constitutes no exposure, making it possible for more facilities to qualify for "No Exposure Certification," while the No Exposure Certification questions have included a question about the development of a comprehensive PPC (Preparedness, Prevention and Contingency) plan, which every permittee, intent on using this option must now have.

The permit documents package will be available at the Department's central and regional offices and can still be accessed at the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) by selecting: Permits, Licensing & Certification; Program-Specific Permit/Authorization Packages; Water Management; NPDES; General Permits; PAG-03; Discharges of Stormwater Associated with Industrial Activities.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2323. Filed for public inspection December 3, 2010, 9:00 a.m.]

### Short-Term Construction Mining General Permit; BMR-GP-103; Notice of Modifications

In compliance with section 26(b) of the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. § 3326(b)); section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20) and 25 Pa. Code Chapter 77 Noncoal Regulations, the Department of Environmental Protection (Department) by this notice announces the modifications to the general permit for short-term construction (BMR-GP-103). The modifications were published for comments at 40 Pa.B. 6224 (October 23, 2010). Comments were received from three commentators. Clarification as to the applicability of the GP-103 has been incorporated in the final permit as a result of the comments.

The final modifications include: allowing for blasting to occur if specifically authorized under a Blasting Activity Permit; assessing a fee of \$725 for processing the application and administering the permit; requiring a full-cost reclamation bond; allowing for a one-time revision to the project; allowing for stream or wetland encroachments as long as they can be authorized under a Chapter 105

general permit; and, allowing for processing of material as long as it can be authorized under an Air Quality general permit or waiver. The effective date of the modifications to this permit is 30 days after publication of this notice.

The permit document, application form and instructions have been posted on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (Permit and Authorization Packages, then Mining, then Industrial Minerals, then General Permits).

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-2324. Filed for public inspection December 3, 2010, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Amendments to Charges for Medical Records

Under 42 Pa.C.S. §§ 6152 and 6155 (relating to subpoena of records; and rights of patients), the Secretary of Health (Secretary) is directed to adjust annually the amounts which may be charged by a health care facility or health care provider upon receipt of a request or subpoena for production of medical charts or records. These charges apply to any request for a copy of a medical chart or record except as follows:

(1) Flat fees (as listed in this notice) apply to amounts that may be charged by a health care facility or health care provider when copying medical charges or records either: (a) for the purpose of supporting any claim or appeal under the Social Security Act or any Federal or State financial needs based program; or (b) for a district attorney.

(2) An insurer shall not be required to pay for copies of medical records required to validate medical services for which reimbursement is sought under an insurance contract, except as provided in: (a) the Worker's Compensation Act (77 P.S. §§ 1—1041.1 and 2501—2506) and the regulations promulgated thereunder; (b) 75 Pa.C.S. Chapter 17 (relating to motor vehicle financial responsibility law) and the regulations promulgated thereunder; or (c) a contract between an insurer and any other party.

The charges listed in this notice do not apply to an X-ray film or any other portion of a medical record which is not susceptible to photostatic reproduction.

Under 42 Pa.C.S. § 6152.1 (relating to limit on charges), the Secretary is directed to make a similar adjustment to the flat fee which may be charged by a health care facility or health care provider for the expense of reproducing medical charts or records where the request is: (1) for the purpose of supporting a claim or appeal under the Social Security Act or any Federal or State financial needs based benefit program; or (2) made by a district attorney.

The Secretary is directed to base these adjustments on the most recent changes in the Consumer Price Index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of October 31, 2009, through October 31, 2010, the Consumer Price Index was 1.2%.

Accordingly, the Secretary provides notice that, effective January 1, 2011, the following fees may be charged by a health care facility or health care provider for production of records in response to subpoena or request:

	<i>Not to Exceed</i>
Amount charged per page for pages 1—20 . . . . .	\$ 1.34
Amount charged per page for pages 21—60 . . . . .	\$ .99
Amount charged per page for pages 61—end . . . . .	\$ .33
Amount charged per page for microfilm copies . . . . .	\$ 1.97
Flat fee for production of records to support any claim under Social Security . . . . .	\$25.24
Flat fee for supplying records requested by a district attorney . . . . .	\$19.92
* Search and retrieval of records . . . . .	\$19.92

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department is not authorized to enforce these charges.

Questions or inquiries concerning this notice should be sent to James T. Steele, Jr., Deputy Chief Counsel, Department of Health, Office of Legal Counsel, Room 825, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 783-2500.

Persons with a disability who require an alternative format of this notice, (for example, large print, audiotope, Braille) should contact James T. Steele, Jr. 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 at (800) 654-5984.

\*Note: Federal regulations enacted under the Health Insurance Portability and Accountability Act in 45 CFR Parts 160—164 state that covered entities may charge a reasonable cost based fee that includes only the cost of copying, postage and summarizing the information (if the individual has agreed to receive a summary) when providing individuals access to their medical records. The United States Department of Health and Human Services has stated that the fees may not include costs associated with searching for and retrieving the requested information. For further clarification on this issue, inquiries should be directed to the Office of Civil Rights, United States Department of Health and Human Services, 200 Independence Avenue, S.W., Room 509F, HHH Building, Washington, D.C. 20201, (866) 627-7748, <http://www.hhs.gov/ocr/hipaa>.

MICHAEL K. HUFF, R.N.,  
*Secretary*

[Pa.B. Doc. No. 10-2325. Filed for public inspection December 3, 2010, 9:00 a.m.]

**Health Policy Board Meeting**

The Health Policy Board (Board) is scheduled to hold a meeting on Wednesday, January 19, 2011, at 10 a.m. in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. This meeting will be an introduction and orientation of the Board.

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 Candance Sanderson, Bureau of Health Planning, Room 1033, Health and Welfare Building, Harrisburg, PA 17120, V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

MICHAEL K. HUFF, R.N.,  
*Secretary*

[Pa.B. Doc. No. 10-2326. Filed for public inspection December 3, 2010, 9:00 a.m.]

**DEPARTMENT OF  
LABOR AND INDUSTRY**

**Current Prevailing Wage Act Debarments**

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Frank J. Borus trading as Fleet Tile & Marble, LLC	428 South Barrington Court Newark, DE 19702	11/12/2010

SANDI VITO,  
*Secretary*

[Pa.B. Doc. No. 10-2327. Filed for public inspection December 3, 2010, 9:00 a.m.]

**DEPARTMENT OF  
PUBLIC WELFARE**

**Statewide Quality Care Assessment Program for Fiscal Year 2010-2011**

This notice announces a proposed adjustment to the assessment percentage and the estimated aggregate impact on hospitals subject to the assessment under the Statewide Quality Care Assessment Program for Fiscal Year (FY) 2010-2011.

*Background*

Article VIII-G of the Public Welfare Code (Law)<sup>1</sup> authorizes the Department of Public Welfare (Department) to implement the Statewide Quality Care Assessment Program for the 3-year period beginning July 1, 2010, and ending June 30, 2013. Under the Law, the Department will impose a monetary assessment on all licensed hospitals in the Commonwealth other than certain exempt

<sup>1</sup> Article VIII-G was added to the Public Welfare Code by the act of July 9, 2010 (P. L. 336, No. 49).

hospitals.<sup>2</sup> See 62 P. S. §§ 801-G—816-G. For State FY 2010-2011, the Law specifies that the assessment will equal 2.69% of the net inpatient revenue of the covered hospitals. See 62 P. S. § 803-G(b)(1).

On October 22, 2010, the General Assembly enacted Act 2010-84 (P. L. \_\_\_\_\_, No. 84), which, among other things, amended section 803-G of Law to authorize the Secretary of the Department (Secretary) to adjust the assessment percentage for FY 2010-2011. Before adjusting the assessment percentage, the Secretary must publish a notice in the *Pennsylvania Bulletin* that specifies the proposed assessment percentage and identifies the aggregate impact on covered hospitals subject to the assessment and allow interested parties a 30-day period in which to comment. After consideration of any comments received during the 30-day period, the Secretary must publish a second notice announcing the assessment percentage. An adjustment to the assessment percentage must also be approved by the Governor. See 62 P. S. § 803-G(c).

#### *Proposed Assessment Rate and Estimated Impact on Hospitals*

This notice provides the proposed adjusted assessment amount for FY 2010-2011 and the estimated fiscal impact of this adjustment on hospitals. For FY 2010-2011, the Department is proposing to adjust the assessment percentage rate under the Statewide Quality Care Assessment Program to 2.95% of net inpatient revenue of the covered hospitals. The Department estimates that if this proposed assessment rate is implemented, the annual aggregate assessment fees for the nonexempt hospitals will total \$547.050 million. Subject to conditions specified in 62 P. S. § 813-G, the Department intends to use the revenue derived from this assessment, together with the related Federal matching funds, to make updates to the Department's Fee-for-Service inpatient hospital Diagnosis Related Group prospective payment system and changes to the hospital disproportionate share hospital and supplemental payments as announced at 40 Pa.B. 3620 (June 26, 2010) and 40 Pa.B. 5536 (September 25, 2010).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

MICHAEL P. NARDONE,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-672. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 10-2328. Filed for public inspection December 3, 2010, 9:00 a.m.]

<sup>2</sup> Under the Law, the following hospitals are exempt from the assessment: (1) Federal veterans' affairs hospitals; (2) Hospitals that provide care, including inpatient hospital services, to all patients free of charge; (3) Private psychiatric hospitals; (4) State-owned psychiatric hospitals; (5) Critical access hospitals; and (6) Long-term acute care hospitals. 62 P. S. § 801-G.

## DEPARTMENT OF REVENUE

### Pennsylvania 5X The Money Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 5X The Money.

2. *Price:* The price of a Pennsylvania 5X The Money instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania 5X The Money instant lottery game ticket will contain one play area featuring a "WINNING NUMBER" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a 5X (5TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$500, \$1,000 and \$5,000. A player can win up to 5 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania 5X The Money instant lottery game.

#### *7. Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$1,000 (ONE THO) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$100 (ONE HUN) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$40.00 (FORTY) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$20.00 (TWENTY) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$40.00 (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$5.00 (FIV DOL) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$20.00 (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$4.00 (FOR DOL) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WIN-

NING NUMBER" play symbol and a prize symbol of \$10.00 (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$2.00 (TWO DOL) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$5.00 (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$1.00 (ONE DOL) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$4.00 (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$2.00 (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$1.00 (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of FREE (TICKET) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania 5X The Money instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers Match The Winning Number, win prize shown under the matching number. Win With Prize(s) Of:*

FREE  
\$1 x 2  
\$2  
\$1 x 4  
\$2 x 2  
\$4

Win:  
FREE \$1 TICKET  
\$2  
\$2  
\$4  
\$4  
\$4

*Approximate Odds Are*  
*1 In:*  
10  
33.33  
33.33  
150  
150  
150

*Approximate No. Of Winners Per*  
*14,400,000*  
*Tickets*  
1,440,000  
432,000  
432,000  
96,000  
96,000  
96,000

When Any Of Your Numbers Match The Winning Number, win prize shown under the matching number. Win With Prize(s) Of:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 14,400,000 Tickets
\$1 w/5X	\$5	120
\$1 × 5	\$5	600
\$5	\$5	300
\$2 × 5	\$10	750
\$2 w/5X	\$10	214.29
\$5 × 2	\$10	750
\$10	\$10	750
\$4 w/5X	\$20	750
\$5 × 4	\$20	1,500
\$10 × 2	\$20	1,500
\$20	\$20	1,500
(\$4 w/5X) + (\$5 × 4)	\$40	4,800
(\$5 w/5X) + (\$5 × 3)	\$40	4,800
\$10 × 4	\$40	6,000
\$40	\$40	4,800
\$20 × 5	\$100	24,000
\$20 w/5X	\$100	12,000
(\$20 × 3) + \$40	\$100	12,000
\$100	\$100	12,000
(\$20 w/5X) + (\$100 × 4)	\$500	80,000
(\$40 w/5X) + (\$100 × 3)	\$500	80,000
\$100 w/5X	\$500	80,000
\$500	\$500	80,000
(\$100 w/5X) + (\$100 w/5X)	\$1,000	480,000
\$500 × 2	\$1,000	480,000
\$1,000	\$1,000	480,000
\$1,000 w/5X	\$5,000	960,000
\$5,000	\$5,000	960,000

"5X" (5TIMES) = Win 5 times the prize shown under that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 5X The Money instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 5X The Money, prize money from winning Pennsylvania 5X The Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 5X The Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania 5X The Money or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 10-2329. Filed for public inspection December 3, 2010, 9:00 a.m.]

### Pennsylvania Hershey's™ Kisses & Cash™ Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Hershey's™ Kisses & Cash™.

2. *Price:* The price of a Pennsylvania Hershey's™ Kisses & Cash™ instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Hershey's™ Kisses & Cash™ instant game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15

(FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), a Cupid (CUPID) symbol and a Lips (LIPS) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$1,000 and \$50,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Pennsylvania Hershey's™ Kisses & Cash™ instant game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cupid (CUPID) symbol, and a prize symbol of \$1,000 (ONE THO) appears under the Cupid (CUPID) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Lips (LIPS) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the "prize" areas and a prize symbol of \$100 (ONE HUN) appears in eight of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cupid (CUPID) symbol, and a prize symbol of \$100 (ONE HUN) appears under the Cupid (CUPID) symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Lips (LIPS) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the "prize" areas and a prize symbol of \$10<sup>00</sup>

(TEN DOL) appears in eight of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cupid (CUPID) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the Cupid (CUPID) symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cupid (CUPID) symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the Cupid (CUPID) symbol, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cupid (CUPID) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the Cupid (CUPID) symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cupid (CUPID) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Cupid (CUPID) symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the "WINNING NUMBERS" play symbols matches any of the "YOUR NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cupid (CUPID) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Cupid (CUPID) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 5,400,000 Tickets
\$5 w/CUPID	\$5	360,000
\$5	\$5	360,000
\$10 w/CUPID	\$10	90,000
\$5 × 2	\$10	90,000
\$10	\$10	135,000
\$20 w/CUPID	\$20	45,000
\$5 × 4	\$20	45,000
\$20	\$20	90,000
\$40 w/CUPID	\$40	9,000
\$5 × 8	\$40	9,000
\$10 × 4	\$40	9,000
\$20 × 2	\$40	9,000
\$40	\$40	9,000
\$50 w/CUPID	\$50	9,000
\$5 × 10	\$50	9,000
\$10 × 5	\$50	9,000
\$40 + \$10	\$50	9,000
\$50	\$50	9,000
LIPS w/(\$5 × 4) + (\$10 × 8)	\$100	5,130
\$100 w/CUPID	\$100	4,500
\$10 × 10	\$100	4,500
\$50 × 2	\$100	4,500
\$100	\$100	4,500
LIPS w/(\$50 × 4) + (\$100 × 8)	\$1,000	225
\$1,000 w/CUPID	\$1,000	225
\$100 × 10	\$1,000	225
\$1,000	\$1,000	225
\$50,000	\$50,000	15

Reveal a "CUPID" (CUPID) Symbol = Win prize shown under it automatically.  
Reveal a "LIPS" (LIPS) Symbol = Win all 12 prizes shown.

Non-winning Pennsylvania Hershey's™ Kisses & Cash™ instant lottery tickets may be entered in bonus promotional drawings via the Lottery's web site (<http://www.palottery.com>) for a chance to win bonus prizes as determined by the Secretary and announced on the Lottery's website. These prizes are not part of the Prize Structure and are provided to the Pennsylvania Lottery at no charge.

Entries submitted via the Lottery's web site must be submitted from a computer within Pennsylvania.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Hershey's™ Kisses & Cash™ instant game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Hershey's™ Kisses & Cash™ instant game, prize money from winning Pennsylvania Hershey's™ Kisses & Cash™ instant game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Hershey's™ Kisses & Cash™ instant game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Hershey's™ Kisses & Cash™ instant game or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 10-2330. Filed for public inspection December 3, 2010, 9:00 a.m.]

### Pennsylvania Hog Heaven Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Hog Heaven.

2. *Price:* The price of a Pennsylvania Hog Heaven instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Hog Heaven instant lottery game ticket will contain one play area featuring a "WINNING NUMBER" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a Piggy (PIGGY) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$100 (ONE HUN) and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$100 and \$500. A player can win up to 5 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Hog Heaven instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Piggy (PIGGY) symbol, and a prize symbol of \$500 (FIV HUN) appears under that Piggy (PIGGY) symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Piggy (PIGGY) symbol, and a prize symbol of \$100 (ONE HUN) appears under that Piggy (PIGGY) symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Piggy (PIGGY) symbol, and a prize symbol of \$40<sup>00</sup> (FORTY) appears under that Piggy (PIGGY) symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of

\$20<sup>00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Piggy (PIGGY) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under that Piggy (PIGGY) symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Piggy (PIGGY) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under that Piggy (PIGGY) symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Piggy (PIGGY) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under that Piggy (PIGGY) symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Piggy (PIGGY) symbol, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under that Piggy (PIGGY) symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Piggy (PIGGY) symbol, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under that Piggy (PIGGY) symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of FREE (TICKET) appears under the matching "YOUR NUMBERS" play



symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Hog Heaven instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match The Winning Number, Win The Prize Shown Under The Matching Number. Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
FREE	FREE \$1 TICKET	10	720,000
\$1 × 2	\$2	50	144,000
\$2 w/PIGGY	\$2	50	144,000
\$2	\$2	50	144,000
\$1 × 4	\$4	200	36,000
\$2 × 2	\$4	200	36,000
\$4 w/PIGGY	\$4	200	36,000
\$4	\$4	200	36,000
\$1 × 5	\$5	300	24,000
(\$2 × 2) + \$1	\$5	300	24,000
\$5 w/PIGGY	\$5	300	24,000
\$5	\$5	300	24,000
\$2 × 5	\$10	600	12,000
\$5 × 2	\$10	600	12,000
\$10 w/PIGGY	\$10	200	36,000
\$10	\$10	600	12,000
\$4 × 5	\$20	1,500	4,800
\$5 × 4	\$20	1,500	4,800
\$10 × 2	\$20	1,500	4,800
\$20 w/PIGGY	\$20	1,500	4,800
\$20	\$20	1,500	4,800
\$10 × 4	\$40	3,200	2,250
\$20 × 2	\$40	3,200	2,250
\$40 w/PIGGY	\$40	3,000	2,400
\$40	\$40	3,000	2,400
\$20 × 5	\$100	12,000	600
(\$40 × 2) + (\$10 × 2)	\$100	12,000	600
\$100 w/PIGGY	\$100	12,000	600
\$100	\$100	12,000	600
\$500 w/PIGGY	\$500	240,000	30
\$500	\$500	240,000	30

“PIGGY” (PIGGY) symbol = win prize shown under it automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Hog Heaven instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Hog Heaven, prize money from winning Pennsylvania Hog Heaven instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Hog Heaven instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61

Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Hog Heaven or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 10-2331. Filed for public inspection December 3, 2010, 9:00 a.m.]

### Pennsylvania Sizzlin Sevens Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Sizzlin Sevens.

2. *Price:* The price of a Pennsylvania Sizzlin Sevens instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Sizzlin Sevens instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 7 Flame (7FLM) symbol, 77 (WIN77) symbol and a 7X (7X) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$1<sup>.00</sup> (ONE DOL), \$2<sup>.00</sup> (TWO DOL), \$3<sup>.00</sup> (THR DOL), \$5<sup>.00</sup> (FIV DOL), \$7<sup>.00</sup> (SVN DOL), \$10<sup>.00</sup> (TEN DOL), \$20<sup>.00</sup> (TWENTY), \$35<sup>.00</sup> (TRY FIV), \$50<sup>.00</sup> (FIFTY), \$77<sup>.00</sup> (SVY SVN), \$100 (ONE HUN), \$500 (FIV HUN), \$777 (SNHNSVYSN) and \$27,000 (TWYSVNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$5, \$7, \$10, \$20, \$35, \$50, \$77, \$100, \$500, \$777 and \$27,000. The player can win up to 12 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Sizzlin Sevens instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 7 Flame (7FLM), and a prize symbol of \$27,000 (TWYSVNTHO) appears in the "Prize" area under that 7 Flame (7FLM) play symbol, on a single ticket, shall be entitled to a prize of \$27,000.

(b) Holders of tickets with a play symbol of 7 Flame (7FLM), and a prize symbol of \$777 (SNHNSVYSN) appears in the "Prize" area under that 7 Flame (7FLM) play symbol, on a single ticket, shall be entitled to a prize of \$777.

(c) Holders of tickets with a play symbol of 7X (7X), and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that 7X (7X) play symbol, on a single ticket, shall be entitled to a prize of \$700.

(d) Holders of tickets with a play symbol of 7 Flame (7FLM), and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under that 7 Flame (7FLM) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a play symbol of 7X (7X), and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in the "Prize" area under that 7X (7X) play symbol, on a single ticket, shall be entitled to a prize of \$350.

(f) Holders of tickets with a play symbol of 7 Flame (7FLM), and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that 7 Flame (7FLM) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a play symbol of 7 Flame (7FLM), and a prize symbol of \$77<sup>.00</sup> (SVY SVN) appears in the "Prize" area under that 7 Flame (7FLM) play symbol, on a single ticket, shall be entitled to a prize of \$77.

(h) Holders of tickets with a play symbol of 77 (WIN77) in the play area, on a single ticket, shall be entitled to a prize of \$77.

(i) Holders of tickets with a play symbol of 7X (7X), and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the "Prize" area under that 7X (7X) play symbol, on a single ticket, shall be entitled to a prize of \$70.

(j) Holders of tickets with a play symbol of 7 Flame (7FLM), and a prize symbol of \$50<sup>.00</sup> (FIFTY) appears in the "Prize" area under that 7 Flame (7FLM) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets with a play symbol of 7X (7X), and a prize symbol of \$7<sup>.00</sup> (SVN DOL) appears in the "Prize" area under that 7X (7X) play symbol, on a single ticket, shall be entitled to a prize of \$49.

(l) Holders of tickets with a play symbol of 7 Flame (7FLM), and a prize symbol of \$35<sup>.00</sup> (TRY FIV) appears in the "Prize" area under that 7 Flame (7FLM) play symbol, on a single ticket, shall be entitled to a prize of \$35.

(m) Holders of tickets with a play symbol of 7X (7X), and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "Prize" area under that 7X (7X) play symbol, on a single ticket, shall be entitled to a prize of \$35.

(n) Holders of tickets with a play symbol of 7X (7X), and a prize symbol of \$3<sup>.00</sup> (THR DOL) appears in the "Prize" area under that 7X (7X) play symbol, on a single ticket, shall be entitled to a prize of \$21.

(o) Holders of tickets with a play symbol of 7 Flame (7FLM), and a prize symbol of \$20<sup>.00</sup> (TWENTY) appears in the "Prize" area under that 7 Flame (7FLM) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets with a play symbol of 7X (7X), and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears in the "Prize" area under that 7X (7X) play symbol, on a single ticket, shall be entitled to a prize of \$14.

(q) Holders of tickets with a play symbol of 7 Flame (7FLM), and a prize symbol of \$10<sup>.00</sup> (TEN DOL) appears in the "Prize" area under that 7 Flame (7FLM) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets with a play symbol of 7 Flame (7FLM), and a prize symbol of \$7<sup>.00</sup> (SVN DOL) appears in the "Prize" area under that 7 Flame (7FLM) play symbol, on a single ticket, shall be entitled to a prize of \$7.

(s) Holders of tickets with a play symbol of 7X (7X), and a prize symbol of \$1<sup>.00</sup> (ONE DOL) appears in the "Prize" area under that 7X (7X) play symbol, on a single ticket, shall be entitled to a prize of \$7.

(t) Holders of tickets with a play symbol of 7 Flame (7FLM), and a prize symbol of \$5<sup>.00</sup> (FIV DOL) appears in the "Prize" area under that 7 Flame (7FLM) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(u) Holders of tickets with a play symbol of 7 Flame (7FLM), and a prize symbol of \$3<sup>.00</sup> (THR DOL) appears in the "Prize" area under that 7 Flame (7FLM) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(v) Holders of tickets with a play symbol of 7 Flame (7FLM), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area under that 7 Flame (7FLM) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(w) Holders of tickets with a play symbol of 7 Flame (7FLM), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears

in the "Prize" area under that 7 Flame (7FLM) play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Reveal A "7 Flame" (7FLM) Symbol, Win Prize Shown Under It. Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets</i>
\$1 × 2	\$2	21.43	448,000
\$2	\$2	23.08	416,000
\$1 × 3	\$3	33.33	288,000
\$3	\$3	33.33	288,000
\$1 × 5	\$5	75	128,000
\$5	\$5	75	128,000
\$1 × 7	\$7	300	32,000
\$1 w/7X	\$7	150	64,000
\$7	\$7	300	32,000
(\$1 × 6) + (\$2 × 2)	\$10	750	12,800
\$2 × 5	\$10	750	12,800
(\$1 w/7X) + (\$1 × 3)	\$10	750	12,800
\$5 × 2	\$10	750	12,800
\$1 × 10	\$10	750	12,800
(\$1 × 10) + (\$5 × 2)	\$20	750	12,800
(\$2 w/7X) + (\$2 × 3)	\$20	750	12,800
(\$3 × 5) + \$5	\$20	1,500	6,400
\$5 × 4	\$20	1,500	6,400
\$10 × 2	\$20	1,500	6,400
\$20	\$20	500	19,200
(\$2 × 5) + (\$3 × 5) + (\$5 × 2)	\$35	2,400	4,000
(\$3 w/7X) + (\$2 × 7)	\$35	1,714	5,600
\$5 w/7X	\$35	1,714	5,600
(\$5 × 3) + (\$10 × 2)	\$35	4,000	2,400
\$20 + \$10 + \$5	\$35	4,000	2,400
\$35	\$35	1,714	5,600
(\$2 × 5) + (\$5 × 6) + \$10	\$50	1,846	5,200
(\$5 w/7X) + (\$5 × 3)	\$50	1,500	6,400
\$10 × 5	\$50	1,846	5,200
\$50	\$50	1,846	5,200
(\$7 w/7X) + (\$7 × 4)	\$77	6,000	1,600
(\$10 × 7) + \$7	\$77	6,000	1,600
(\$35 × 2) + \$7	\$77	6,000	1,600
WIN77	\$77	1,034	9,280
\$77	\$77	3,000	3,200
(\$5 w/7X) + (\$20 × 3) + \$5	\$100	24,000	400
(\$10 w/7X) + (\$5 × 6)	\$100	24,000	400
\$20 × 5	\$100	24,000	400
WIN77 + (\$7 × 3) + \$2	\$100	7,500	1,280
\$50 × 2	\$100	24,000	400
\$100	\$100	24,000	400
(\$50 × 4) + (\$100 × 3)	\$500	120,000	80
(\$50 w/7X) + (\$50 × 3)	\$500	60,000	160
\$100 × 5	\$500	120,000	80
\$500	\$500	120,000	80
(\$100 × 7) + WIN77	\$777	40,000	240
(\$100 w/7X) + WIN77	\$777	40,000	240
\$777	\$777	40,000	240
\$27,000	\$27,000	800,000	12

Reveal a "77" (WIN77) symbol, win \$77 automatically.

Reveal a "7X" (7X) symbol, win 7 times the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Sizzlin Sevens instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Sizzlin Sevens, prize money from winning Pennsylvania Sizzlin Sevens instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Sizzlin Sevens instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Sizzlin Sevens or through normal communications methods.

C. DANIEL HASSELL,  
Secretary

[Pa.B. Doc. No. 10-2332. Filed for public inspection December 3, 2010, 9:00 a.m.]

## Pennsylvania 20X The Money '10 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 20X The Money '10.

2. *Price:* The price of a Pennsylvania 20X The Money '10 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania 20X The Money '10 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 5X (5TIMES) symbol and a 20X (20TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000 and \$100,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania 20X The Money '10 instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 20X (20TIMES) symbol, and a prize symbol of \$500 (FIV HUN) appears under the 20X (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 20X (20TIMES) symbol, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the 20X (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$100 (ONE HUN) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 20X (20TIMES) symbol, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears under the 20X (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 20X (20TIMES) symbol, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears under the 20X (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$40.<sup>00</sup> (FORTY) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 20X (20TIMES) symbol, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears under the 20X (20TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40.<sup>00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25.<sup>00</sup> (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 5X (5TIMES) symbol, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears under the 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
\$5	\$5	8.11	1,332,000
\$5 x 2	\$10	46.15	234,000
\$10	\$10	33.33	324,000
\$5 x 4	\$20	200	54,000
\$10 x 2	\$20	150	72,000
\$20	\$20	150	72,000
\$5 x 5	\$25	600	18,000
\$5 w/5X	\$25	85.71	126,000
\$25	\$25	300	36,000
\$5 x 8	\$40	600	18,000
(\$5 w/5X) + (\$5 x 3)	\$40	600	18,000
\$10 x 4	\$40	600	18,000
\$20 x 2	\$40	600	18,000
\$40	\$40	600	18,000
\$5 x 10	\$50	600	18,000
(\$5 w/5X) + (\$5 x 5)	\$50	600	18,000
\$10 w/5X	\$50	600	18,000
\$25 x 2	\$50	600	18,000
\$50	\$50	600	18,000
\$5 w/20X	\$100	1,600	6,750
\$10 x 10	\$100	1,600	6,750
\$20 w/5X	\$100	1,600	6,750

When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,800,000 Tickets
\$25 x 4	\$100	1,600	6,750
\$50 x 2	\$100	1,600	6,750
\$100	\$100	1,600	6,750
\$20 w/20X	\$400	17,143	630
(\$20 x 10) + (\$100 x 2)	\$400	17,143	630
\$40 x 10	\$400	17,143	630
\$50 x 8	\$400	20,000	540
\$100 x 4	\$400	17,143	630
\$400	\$400	17,143	630
\$25 w/20X	\$500	30,000	360
(\$40 x 10) + (\$50 x 2)	\$500	30,000	360
(\$40 w/5X) + (\$50 x 6)	\$500	30,000	360
\$50 x 10	\$500	30,000	360
\$500	\$500	30,000	360
\$50 w/20X	\$1,000	30,000	360
(\$100 w/5X) + (\$100 x 5)	\$1,000	30,000	360
\$500 x 2	\$1,000	40,000	270
\$1,000	\$1,000	40,000	270
\$500 w/20X	\$10,000	1,080,000	10
\$10,000	\$10,000	1,080,000	10
\$100,000	\$100,000	540,000	20

“5X” (5TIMES) symbol = Win 5 times the prize shown under it.  
 “20X” (20TIMES) symbol = Win 20 times the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 20X The Money '10 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 20X The Money '10, prize money from winning Pennsylvania 20X The Money '10 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 20X The Money '10 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 20X The Money '10 or through normal communications methods.

C. DANIEL HASSELL,  
*Secretary*

[Pa.B. Doc. No. 10-2333. Filed for public inspection December 3, 2010, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### State Transportation Advisory Committee Meeting

The State Transportation Advisory Committee will hold a meeting on Tuesday, December 14, 2010, from 10 a.m. to 12 p.m. in Conference Room 8N1 on the 8th Floor of the Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Nolan Ritchie, Executive Secretary at (717) 787-2913 or nritch@state.pa.us.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 10-2334. Filed for public inspection December 3, 2010, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### 2011 Public Meeting Schedule

The Independent Regulatory Review Commission (Commission) will hold public meetings in 2011 as follows:

February 17, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
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March 17, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
April 14, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
April 28, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
May 19, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
June 16, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
June 30, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
July 21, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
August 11, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
August 25, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
September 15, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
October 6, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
October 20, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
November 3, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
November 17, 2011	10 a.m.	14th Floor Conference Room 333 Market Street
December 15, 2011	10 a.m.	14th Floor Conference Room 333 Market Street

Individuals planning on attending or speaking at a public meeting should notify the Commission no later than 72 hours prior to the date of the meeting. For any changes to the meeting schedule, refer to the Commissions web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If an executive session is deemed necessary, it shall be held immediately following the close of the public meeting in the 14th Floor Conference Room, 333 Market Street, Harrisburg. Persons in need of special accommodations, as provided for in the Americans with Disabilities Act of 1990 should contact Kristine Shomper at (717) 783-5419.

SILVAN B. LUTKEWITTE, III,  
Chairperson

[Pa.B. Doc. No. 10-2335. Filed for public inspection December 3, 2010, 9:00 a.m.]

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, November 18, 2010, and announced the following:

#### Action Taken—Regulations Approved:

Environmental Quality Board #7-452: Dam Safety and Waterway Management (amends 25 Pa. Code Chapter 105)

Environmental Quality Board #7-459: Oil and Gas Wells (amends 25 Pa. Code Chapter 78)

State Board of Massage Therapy #16A-721: Massage Therapy (adds Chapter 20 to 49 Pa. Code)

### Approval Order

Public Meeting held  
November 18, 2010

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; S. David Fineman, Esq.; John F. Mizner, Esq.

#### *Environmental Quality Board— Dam Safety and Waterway Management; Regulation No. 7-452 (#2835)*

On April 14, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 105. The proposed regulation was published in the April 24, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 12, 2010.

This regulation addresses dam safety concerns by improving clarity and ensuring proper planning, design, construction, operation, maintenance and monitoring of dams and reservoirs.

We have determined this regulation is consistent with the statutory authority of the Board (32 P. S. § 693.5) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
November 18, 2010

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; S. David Fineman, Esq.; John F. Mizner, Esq.

#### *Environmental Quality Board— Oil and Gas Wells; Regulation No. 7-459 (#2857)*

On June 25, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 78. The proposed regulation was published in the July 10, 2010 *Pennsylvania Bulletin* with a 30-day public comment

period. The final-form regulation was submitted to the Commission on October 12, 2010.

The regulation amends existing requirements, regarding the drilling, casing, cementing, testing, monitoring and plugging of oil and gas wells, and the protection of water supplies.

We have determined this regulation is consistent with the statutory authority of the Board (58 P. S. § 604) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
November 18, 2010

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; S. David Fineman, Esq.; John F. Mizner, Esq.

*State Board of Massage Therapy—  
Massage Therapy;  
Regulation No. 16A-721 (#2843)*

On April 27, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Massage Therapy Board (Board). This rulemaking adds Chapter 20 to 49 Pa. Code. The proposed regulation was published in the May 8, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 18, 2010.

This regulation sets forth standards for the practice of massage therapy, as mandated by the Massage Therapy Law.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 627.50) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 10-2336. Filed for public inspection December 3, 2010, 9:00 a.m.]

**Notice of Filing of Final Rulemaking**

The Independent Regulatory Review Commission (Commission) received the following regulation. It is 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 on the web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
2-160	Department of Agriculture Milk Sanitation	11/22/10	12/16/10

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 10-2337. Filed for public inspection December 3, 2010, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Alleged Violation of Insurance Laws; Morry Hoffman Agency; Doc. No. SC10-10-012**

Notice is hereby given of the Order to Show Cause issued on November 18, 2010, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: Sections 611-A(4), (7), (17) and (20) and 642-A of The Insurance Department Act of 1921 (40 P. S. §§ 310.11(4), (7), (17) and (20) and 310.42); 31 Pa. Code §§ 37.46 and 37.47 (relating to standards for denial of certificate/license; and revocation, suspension, nonrenewal of certificates and licenses).

The respondent was ordered to file a written answer to the Order to Show Cause within 20 days. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code

§§ 56.1—56.3 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna Fleischauer, Disability Services Coordinator at (717) 787-4298.

ROBERT L. PRATTER,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 10-2338. Filed for public inspection December 3, 2010, 9:00 a.m.]



# PATIENT SAFETY AUTHORITY

## Public Meeting

The Patient Safety Authority (Authority), established under section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board to be held at the Harrisburg Area Community College, One HACC Drive, Harrisburg, PA at 10 a.m. on Tuesday, December 14, 2010.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 10-2339. Filed for public inspection December 3, 2010, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 20, 2010. 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.

**Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2010-2211001. Regency Transportation Group, LTD** (1411 Beaver Avenue, Pittsburgh, Allegheny County, PA 15233)—for the discontinuance of service and cancellation of its certificate as a common carrier, persons in airport transfer service, in luxury-type vehicles, on an exclusive basis, from points in the City of Greensburg, Hempfield Township, lying northeast of the Pennsylvania Turnpike, and Unity Township, Westmoreland County, to the Greater Pittsburgh International Airport, and vice versa. *Attorney:* William A. Gray, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Grant Building, Pittsburgh, PA 15219-2383.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Marco Tralongo,  
t/a Quality Limousine Service; Doc. No. C-2010-2192643*

## COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Marco Tralongo, t/a Quality Limousine Service, Respondent, maintains a principal place of business at 4806 Gardenville Road, Pittsburgh, PA 15236.

2. That Respondent was issued a certificate of public convenience by this Commission on June 9, 2005, at Docket No. A-00120953, for limousine authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008, and 2009, Respondent did not provide this Commission with a current list of all of his vehicles utilized under his limousine authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.333(d). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

*Wherefore*, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Marco Tralongo, t/a Quality Limousine Service the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

## VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

## NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial

cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. J. C. Limo, Ltd.,  
 t/a Your Professional Driver; Doc. No. C-2010-2192654*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section

701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That J. C. Limo, Ltd., t/a Your Professional Driver, Respondent, maintains a principal place of business at 980 Murfield Drive, Hummelstown, PA 17036.

2. That Respondent was issued a certificate of public convenience by this Commission on October 3, 2005, at Docket No. A-00121567, for limousine authority.

3. That, between December 1 and December 31 of 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its limousine authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.333(d). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine J. C. Limo, Ltd., t/a Your Professional Driver the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services and Enforcement  
 Division  
 Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Luis A. Escobar;  
Doc. No. C-2010-2193738*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Luis A. Escobar, Respondent, maintains a principal place of business at 1820 Oakmont Street, Philadelphia, PA 19111.

2. That Respondent was issued a certificate of public convenience by this Commission on August 15, 2007, at Docket No. A-00123405, for limousine authority.

3. That, between December 1 and December 31 of 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of his vehicles utilized under his limousine authority. The list must contain the year, make, vehicle identification number and

registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.333(d). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Luis A. Escobar the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chivetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your

certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Brookville Limousine  
Service, LLC; Doc. No. C-2010-2192993*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Brookville Limousine Service, LLC, Respondent, maintains a principal place of business at 5268 Route 322, Brookville, PA 15825.

2. That Respondent was issued a certificate of public convenience by this Commission on September 14, 2006, at Docket No. A-00122818, for limousine authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008, and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its limousine authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.333(d). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Brookville Limousine Service, LLC the sum of two hundred and fifty dollars (\$250) for the illegal activity

described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Para-

graph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. Limo Today, Inc.;*  
*Doc. No. C-2010-2194066*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Limo Today, Inc., Respondent, maintains a principal place of business at 1028 North 6th Street, Whitehall, PA 18052.

2. That Respondent was issued a certificate of public convenience by this Commission on September 9, 2008, at Docket No. A-00124027, F.1, for limousine authority.

3. That, between December 1 and December 31 of 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its limousine authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.333(d). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Limo Today, Inc. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are

made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
 Motor Carrier Services and Enforcement  
 Division  
 Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Tropiano Transportation  
Service, Inc.; Doc. No. C-2010-2194068*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Tropiano Transportation Service, Inc., Respondent, maintains a principal place of business at 1256 Welsh Road, North Wales, PA 19454.

2. That Respondent was issued a certificate of public convenience by this Commission on September 19, 1989, at Docket No. A-00105977, F.2, for limousine authority.

3. That, between December 1 and December 31 of 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its limousine authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.333(d). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Tropiano Transportation Service, Inc. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Collegeville Airport Service;  
Doc. No. C-2010-2176745, A-00119575F0002*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation

and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Collegeville Airport Service, respondent, maintains its principal place of business at 13 Landmark Drive, Malvern, PA 19355.

2. That respondent was issued a certificate of public convenience by this Commission on June 6, 2007, at Docket No. A-00119575, F. 2.

3. That respondent's operating authority was suspended on April 13, 2010, for failure to maintain bodily injury and property damage liability insurance on file with this Commission. The suspension was lifted on May 7, 2010.

4. That, on May 22, 2010, Enforcement Officer Russell Harrison, a duly authorized officer of this Commission, requested documents from respondent regarding transportation provided during the insurance lapse period. Respondent provided credit card receipts disclosing the following violations:

(a) Total of four trips during the insurance lapse period—three—on April 17, 2010, and one on May 2, 2010.

5. That respondent, violated 52 Pa. Code § 32.2(h), by operating its vehicle while under suspension for failing to maintain evidence of insurance on file with this Commission, violated 52 Pa. Code § 32.11, by engaging in intrastate commerce without having filed with and having approved by the Commission a certificate of insurance, and violated 66 Pa.C.S. § 501(c) in that it failed to observe, obey and comply with a Commission regulation or order, and the terms and conditions thereof. The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory staff's proposed civil penalty for this violation is \$1,000.00 per violation, for a total of \$4,000.00, and cancellation of its certificate of public convenience.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Collegeville Airport Service the sum of four thousand dollars (\$4,000.00) for the illegal activity described in this complaint and requests that the Commission revoke Collegeville Airport Service's certificate of public convenience at Application Docket No. A-00119575, F. 2.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience.

E. If you file an Answer which contests the Complaint, the matter will be assigned an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Transit Aide, Inc.;*  
*Doc. No. C-2010-2187719, A-00099336*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth

of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Transit Aide, Inc., respondent, maintains its principal place of business at 800 West Olney Avenue, Philadelphia, PA 19120.

2. That respondent, previously held paratransit authority from this Commission at Docket No. A-00099336. Respondent's authority was cancelled on August 29, 2009.

3. That respondent, on May 21, 2010, at approximately 11:00 a.m., at 800 West Olney Avenue, Philadelphia, Philadelphia County, PA, permitted a certain 2003 Ford van, bearing Pennsylvania License No. YWN4254, Vehicle Identification No. 1FDSS34F53HB21449, to be operated.

4. That the vehicle described in Paragraph 3 of this Complaint was inspected by Enforcement Office Russell Harrison, a duly authorized officer of this Commission, on the date and at the place specified in Paragraph 3 and the following violation was disclosed.

(a) Operating without holding a certificate of public convenience.

5. That respondent, in performing the act described in Paragraph 3 of this complaint, violated the Public Utility Code, 66 Pa.C.S. § 1101, in that respondent held itself out to transport passengers for compensation between points in the Commonwealth of Pennsylvania while not then holding a certificate of public convenience issued by this Commission. The penalty is \$1,000.00. Future violations may result in possible criminal prosecution with penalties up to \$10,000.00 for each violation and one year in prison.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Transit Aide, Inc., the sum of one thousand dollars (\$1,000.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your Answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265.

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed. In such case, to prevent the suspension of your vehicle registration(s), you must file an application with the Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265. If no application is received within the twenty (20) day time period, the Bureau of Transportation and Safety will proceed with the request for suspension of your vehicle registration(s). Your response should be directed to the Compliance office, Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 10-2340. Filed for public inspection December 3, 2010, 9:00 a.m.]



### Tentative Order

*Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standards for the Participation of Demand Side Management Resources—Technical Reference Manual Update; Doc. No. M-00051865*

The Pennsylvania Public Utility Commission (Commission) seeks comments on the proposed 2011 update to the Technical Reference Manual. In implementing the Alternative Energy Portfolio Standards Act, 73 P. S. §§ 1648.1—1648.8, this Commission had previously adopted an *Energy-Efficiency and DSM Rules for Pennsylvania's Alternative Energy Portfolio Standard, Technical Reference Manual* (TRM), entered October 3, 2005. In adopting the original version of the TRM, this Commission directed the Bureau of Conservation, Economics and Energy Planning (CEEP) to oversee the implementation, maintenance and periodic updating of the TRM.

Additionally, in the Energy Efficiency and Conservation Program Implementation Order, entered on January 16, 2009, at Docket No. M-2008-2069887, this Commission adopted the TRM as a component of the Energy Efficiency and Conservation Program evaluation process. Soon thereafter, Commission staff initiated a collaborative process to update the TRM that culminated with the adoption of the 2009 version of the TRM, on June 1, 2009.

The Commission, in adopting the 2009 version of the TRM, directed CEEP to update the TRM on an annual basis. In furtherance of this directive, the Commission, on November 19, 2010, adopted a Tentative Order issuing a proposed 2011 version of the TRM for comment. The Tentative Order and the proposed 2011 TRM update, along with associated Appendixes, can be found on the Commission's web site at <http://www.puc.state.pa.us/electric/Act129/TRM.aspx>. Interested parties have 20 days from the date of the publication of this Notice to file written comments and 10 days thereafter to file written reply comments referencing Docket No. M-00051865 with the Secretary of the Commission.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 10-2341. Filed for public inspection December 3, 2010, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals for Project No. 10-141.P Development and Operation of Piers 122 and/or 124, until 2 p.m. on Thursday, January 20, 2011. The documents can be obtained on the PRPA web site at [www.philaport.com](http://www.philaport.com) and will be available December 7, 2010. Individuals must contact the Procurement Department at (215) 426-2600 to provide their contact information to receive addenda and additional information about this project. PRPA is an equal opportunity employer. Firms must comply with all

applicable equal employment opportunity laws and regulations.

A site visit is scheduled for 10 a.m. on Thursday, December 16, 2010. Meet at Pier 122 South, 3501 South Christopher Columbus Boulevard, Philadelphia, PA 19148. The site is located below the Walt Whitman Bridge and south of the Packer Avenue Marine Terminal. Access to the site can be made from Delaware Avenue Extension south from Packer Avenue.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 10-2342. Filed for public inspection December 3, 2010, 9:00 a.m.]

## STATE ATHLETIC COMMISSION

### Public Meetings for 2011

The State Athletic Commission (Commission) of the Department of State announces its schedule for regular meetings to be held at least once every 2 months in 2011, under 5 Pa.C.S. § 103 (relating to duties of commission). Meetings will be held in Room 303, North Office Building, Harrisburg, PA 17120, at 11 a.m. These meetings are open to the public and are scheduled as follows:

February 28, 2011  
April 25, 2011  
June 27, 2011  
August 29, 2011  
October 24, 2011  
December 19, 2011

Individuals having questions regarding these meetings should contact the Commission at (717) 787-5720.

GREGORY P. SIRB,  
*Executive Director*

[Pa.B. Doc. No. 10-2343. Filed for public inspection December 3, 2010, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs vs. Karolyn Ann Ealy, LPN; Doc. No. 0767-51-10

On September 14, 2010, Karolyn Ann Ealy, LPN, license no. PN267608, of Butler, Butler County, had her license indefinitely suspended, retroactive to July 15, 2010, based on findings that she is addicted to alcohol or is addicted to hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in

accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN L. O'SULLIVAN, PhD, FAAN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 10-2344. Filed for public inspection December 3, 2010, 9:00 a.m.]

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**Bureau of Professional and Occupational Affairs  
vs. Cindy Orris Sandy, R.N.; Doc. No. 0968-51-10**

On November 2, 2010, Cindy Orris Sandy, R.N., license no. RN357270L, of Follansbee, Brooke County, WV, had her registered nursing license indefinitely suspended based on findings that she is addicted to alcohol or is addicted to hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so

long as such dependence shall continue, or she has become mentally incompetent.

Individuals may obtain a copy of the adjudication by writing to Roberta L. Silver, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN L. O'SULLIVAN, PhD, FAAN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 10-2345. Filed for public inspection December 3, 2010, 9:00 a.m.]

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