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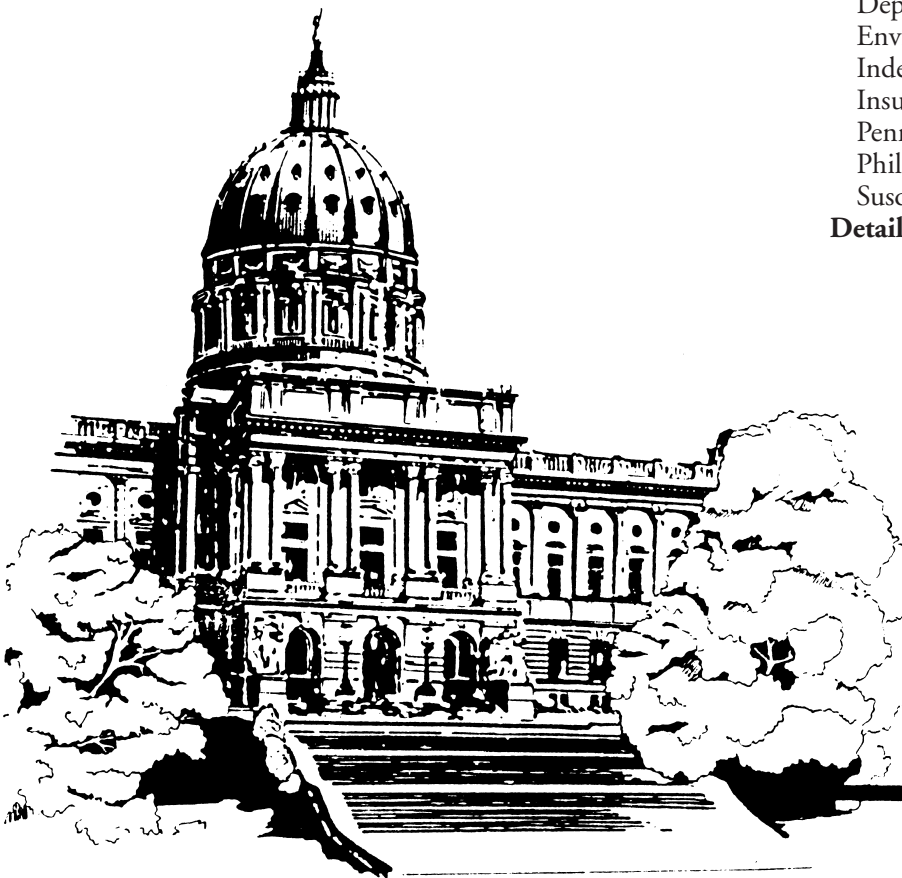
# PENNSYLVANIA BULLETIN

Volume 42  
Saturday, January 28, 2012 • Harrisburg, PA  
Number 4  
Pages 537—648

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The General Assembly  
The Courts  
Department of Agriculture  
Department of Banking  
Department of Environmental Protection  
Department of Health  
Department of Revenue  
Department of Transportation  
Environmental Quality Board  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Susquehanna River Basin Commission

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

**No. 446, January 2012**

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

## *Pennsylvania Bulletin*

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

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

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the 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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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2012.

|   |     |   |                  |
|---|-----|---|------------------|
| <b>4 Pa. Code (Administration)</b>            |     | <b>210 Pa. Code (Appellate Procedure)</b>         |                  |
| <b>Statements of Policy</b>                   |     | <b>Adopted Rules</b>                              |                  |
| 9 .....                                       | 27  | 3 .....   | 374              |
| <b>25 Pa. Code (Environmental Protection)</b> |     | <b>231 Pa. Code (Rules of Civil Procedure)</b>    |                  |
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# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meetings Scheduled

The Commission on Sentencing (Commission) announces the following meetings of the Commission:

Policy Committee Meeting 9 a.m. to 12 p.m.  
 Quarterly Business Meeting 1 p.m. to 3 p.m.

*Date:* Thursday, March 15, 2012  
*Location:* Pennsylvania Judicial Center  
 601 Commonwealth Avenue  
 Harrisburg, PA

Commission meetings are open to the public. Direct any questions related to the Commission meetings to Mark H. Bergstrom, Executive Director, (814) 863-4368, mhb105@psu.edu.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 12-132. Filed for public inspection January 27, 2012, 9:00 a.m.]

### 2012 Public Meeting Schedule

The Commission on Sentencing (Commission) gives notice that the following dates have been selected for public meetings in the year 2012:

|                               |  |
|-------------------------------|--|
| Wednesday, March 14, 2012     | Dinner Meeting—Harrisburg Hilton and Towers  |
| Thursday, March 15, 2012      | Policy Committee Meeting (9 a.m.—12 p.m.)<br>Commission Meeting (1 p.m.—3 p.m.)<br>Pennsylvania Judicial Center, Harrisburg, PA            |
| Wednesday, June 6, 2012       | Dinner Meeting—Hilton Garden Inn State College   |
| Thursday, June 7, 2012        | Policy Committee Meeting (9 a.m.—12 p.m.)<br>Commission Meeting (1 p.m.—3 p.m.)<br>Penn State Dickinson School of Law, University Park, PA |
| Wednesday, September 12, 2012 | Dinner Meeting—Location TBD  |
| Thursday, September 13, 2012  | Policy Committee Meeting (9 a.m.—12 p.m.)<br>Commission Meeting (1 p.m.—3 p.m.)<br>Pennsylvania Judicial Center, Harrisburg, PA            |
| Wednesday, December 12, 2012  | Dinner Meeting—Location TBD  |
| Thursday, December 13, 2012   | Policy Committee Meeting (9 a.m.—12 p.m.)<br>Commission Meeting (1 p.m.—3 p.m.)<br>Pennsylvania Judicial Center, Harrisburg, PA            |

Meetings are open to the public. Direct questions regarding Commission meetings to Mark H. Bergstrom, Executive Director, (814) 863-4368, mhb105@psu.edu.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 12-133. Filed for public inspection January 27, 2012, 9:00 a.m.]

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 1910 ]

**Amendment of Rules 1910.11 and 1910.12 of the Rules of Civil Procedure; No. 555 Civil Procedural Rules Doc.**

#### Amended Order

*Per Curiam*

*And Now*, this 23rd day of December, 2011, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 41 Pa.Bull. 3527 (July 2, 2011) and *West's Pennsylvania Reporter*, 21 A.3d No. 3, Ct.R-3-5 (August 5, 2011):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910.11 and Rule 1910.12 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on January 31, 2012.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

**Rule 1910.11. Office Conference. Subsequent Proceedings. Order.**

\* \* \* \* \*

(d)(1) The conference officer [ **may** ] shall make a recommendation to the parties of an amount of support [ **which is** ] calculated in accordance with the guidelines.

(2) If an agreement for support is reached at the conference, the officer shall prepare a written order substantially in the form set forth in Rule 1910.27(e) and in conformity with the agreement for signature by the parties and submission to the court together with the officer's recommendation for approval or disapproval. The court may enter the order in accordance with the agreement without hearing the parties.

(3) **In all cases in which one or both parties are unrepresented, the parties must provide income information to the domestic relations section so that a guidelines calculation can be performed.**

(4) **In cases in which both parties are represented by counsel, the parties shall not be obligated to provide income information and the domestic relations section shall not be required to perform a guidelines calculation if the parties have reached an agreement about the amount of support and the amount of contribution to additional expenses.**

\* \* \* \* \*

#### Explanatory Comment—2011

The rule has been amended to require that income information be provided in all cases, unless

both parties are represented in reaching an agreement, so that a guidelines calculation can be performed. The guidelines create a rebuttable presumption that the amount calculated pursuant to them is the correct amount, so there should be a calculation in every case. If parties agree to receive or to pay an order other than the guideline amount, they should know what that amount is so that they can enter an agreement knowingly. If both parties are represented by counsel, it is assumed that their entry into the agreement for an amount other than a guidelines amount is knowing as it is counsels' responsibility to advise the parties. In addition, part of the mandatory quadrennial review of the support guidelines mandates a study of the number of cases in which the support amount ordered varies from the amount that would result from a guidelines calculation. Federal regulations presume that if a large percentage of cases vary from the guideline amount, then the guidelines are not uniform statewide.

**Rule 1910.12. Office Conference. Hearing. Record. Exceptions. Order.**

(a) There shall be an office conference as provided by Rule 1910.11(a) through (d). **The provisions of Rule 1910.11(d)(3) and (4) regarding income information apply in cases proceeding pursuant to Rule 1910.12.**

\* \* \* \* \*

[Pa.B. Doc. No. 12-134. Filed for public inspection January 27, 2012, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 6 ]

**Order Revising the Comment to Rule 621 of the Rules of Criminal Procedure; No. 407 Criminal Procedural Rules Doc.**

#### Order

*Per Curiam*

*And Now*, this 9th day of January, 2012, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of efficient administration, and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the revision of the Comment to Pennsylvania Rule of Criminal Procedure 621 is approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective February 1, 2012.

## Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 6. TRIAL PROCEDURES IN COURT  
CASES

## PART B. Non-Jury Procedures

## Rule 621. Procedure When Jury Trial is Waived.

\* \* \* \* \*

## Comment

The 1999 amendment conforms this rule to the 1998 amendment to article I, § 6 of the Pennsylvania Constitution providing that “the Commonwealth shall have the same right to trial by jury as does the accused.”

Paragraph (B) was amended in 1999 to make it clear that the defendant, the attorney for the Commonwealth, or the judge may unilaterally withdraw the jury trial waiver or the approval at any time before the commencement of trial. **Concerning the time when trial commences, see *Commonwealth v. Dowling*, 598 Pa. 611, 619-620, 959 A.2d 910, 915 (2008) (holding that “trial commences for purposes of Pa.R.Crim.P. 621(B), when a court has begun to hear motions which have been reserved for the time of trial; when oral arguments have commenced; or when some other such substantive first step in the trial has begun”).** After commencement of trial, Rule 605 governs.

Paragraph (c) was deleted in 1999 to permit the defendant and the attorney for the Commonwealth to waive a jury trial with the court’s approval, under Rule 620, even after the withdrawal of a previous jury trial waiver.

When there are co-defendants, withdrawal of a waiver, or withdrawal of the judge’s approval, with respect to one or more defendants does not preclude a waiver and non-jury trial for other defendants.

**Official Note:** Rule 1102 adopted January 24, 1968, effective August 1, 1968; amended April 16, 1999, effective July 1, 1999; renumbered Rule 621 and Comment revised March 1, 2000, effective April 1, 2001; **Comment revised January 9, 2012, effective February 1, 2012.**

*Committee Explanatory Reports:*

Final Report explaining the April 16, 1999 amendments concerning the 1998 Constitutional amendment published with the Court’s Order at 29 Pa.B. 2290 (May 1, 1999).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Final Report explaining the January 9, 2012 Comment revision adding a citation to *Commonwealth v. Dowling* published with the Court’s Order at 42 Pa.B. 546 (January 28, 2012).**

FINAL REPORT<sup>1</sup>

## Revision of the Pa.R.Crim.P. 621 Comment

*Timeliness of Request to Withdraw Waiver of Jury Trial*

On January 9, 2012, effective February 1, 2012, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the revision of the Comment to Pa.R.Cim.P. 621 (Procedure When Jury Trial is Waived) that adds a citation to *Commonwealth v. Dowl-*

*ing*, 598 Pa. 611, 959 A.2d 910 (2008) concerning the period within which a defendant may withdraw a waiver of a jury trial. At the request of the Court, the Committee undertook a review of the provisions of Rule 621(B) with regard to the defendant’s right to withdraw a waiver of a jury trial at any time before the commencement of trial in light of the different approaches to withdrawal of jury waivers that other jurisdictions have adopted.

The Committee reviewed the case law and rules in other jurisdictions. As noted in *Dowling*, a number of other jurisdictions permit withdrawals of jury trial waivers in the discretion of the trial judge. The Committee found numerous procedural variations in how the discretion is exercised and about what is the burden of proof. The Committee also noted that, even though permission to withdraw the waiver is left to the discretion of the trial judge, the commencement of trial or the taking of evidence are the time limits within which the request to withdraw the waiver must be made.

During the Committee’s discussion various views were articulated, with some members suggesting that permitting withdrawal in the judge’s discretion makes sense because the judge is in the best position to know whether and when a withdrawal should be permitted. Other members suggested that current Pennsylvania practice permitting the withdrawal of a waiver of a jury trial is essential to protect the defendant’s rights. They argued that the bright line limitation on when a withdrawal may be made in current Rule 621(B) adequately safeguards the defendant and promotes judicial economy, and with the clarifications in *Dowling*, there will be fewer challenges about when a request to withdraw a waiver of the jury trial should be granted. In addition, there was concern that changing to a discretionary system potentially could result in more issues being raised with the courts concerning the judge’s exercise of discretion rather than reducing the number of challenges.

The Committee ultimately concluded that no changes in the procedures are necessary. However, the members agreed that the Rule 621 Comment should be revised to include a citation to the *Dowling* case and the Court’s definition of “commencement of trial.”<sup>2</sup> This revision will provide adequate notice to the bench and bar of the definitional clarification, and is consistent with the Court’s stated goal of ensuring that the exercise of the right to withdraw a jury trial waiver is “not used to frustrate the administration of justice by delaying the proceedings for tactical gain.” *Id.* at 620, 959 A.2d at 915. Accordingly, the Rule 621 Comment has been revised with the addition of the following language:

Concerning the time when trial commences, see *Commonwealth v. Dowling*, 598 Pa. 611, 619-620, 959 A.2d 910, 915 (2008) (holding that “trial commences for purposes of Pa.R.Crim.P. 621(B), when a court has begun to hear motions which have been reserved for the time of trial; when oral arguments have commenced; or when some other such substantive first step in the trial has begun”).

[Pa.B. Doc. No. 12-135. Filed for public inspection January 27, 2012, 9:00 a.m.]

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

<sup>2</sup> The Court in *Dowling* clarified that the definition of “commencement of trial” in the jury trial waiver context is the same as the definition of “commencement of trial” in the prompt trial context.

# Title 237—JUVENILE RULES

## PART I. RULES

[ 237 PA. CODE CH. 1 ]

### Order Amending Rule 152 of the Rules of Juvenile Court Procedure; No. 554 Supreme Court Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 11th day of January, 2012, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 41 Pa.B. 1013 (February 26, 2011), in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 11, No. 3, March 4, 2011), and on the Supreme Court's web-page, and an Explanatory Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to Rule 152 of the Rules of Juvenile Court Procedure are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective March 1, 2012.

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

##### Subpart A. DELINQUENCY MATTERS

##### CHAPTER 1. GENERAL PROVISIONS

#### PART B(2). COUNSEL

#### Rule 152. Waiver of Counsel.

A. *Waiver requirements.* A juvenile who has attained the age of fourteen may [ not ] waive the right to counsel [ unless ] if:

1) the waiver is knowingly, intelligently, and voluntarily made; and

2) the court conducts a colloquy with the juvenile on the record[ . ]; and

3) the proceeding for which waiver is sought is not one of the following:

a) detention hearing pursuant to Rule 242;

b) transfer hearing pursuant to Rule 394;

c) adjudicatory hearing pursuant to Rule 406, including the acceptance of an admission pursuant to Rule 407;

d) dispositional hearing pursuant to Rule 512; or

e) a hearing to modify or revoke probation pursuant to Rule 612.

B. *Stand-by counsel.* The court may assign stand-by counsel if the juvenile waives counsel at any proceeding or stage of a proceeding.

C. *Notice and revocation of waiver.* If a juvenile waives counsel for any proceeding, the waiver only applies to that proceeding, and the juvenile may revoke the waiver of counsel at any time. At any subsequent proceeding, the juvenile shall be informed of the right to counsel.

#### Comment

[ It is recommended that, at a minimum, the court ask questions to elicit the following information in determining a knowing, intelligent, and voluntary waiver of counsel:

1) Whether the juvenile understands the right to be represented by counsel;

2) Whether the juvenile understands the nature of the allegations and the elements of each of those allegations;

3) Whether the juvenile is aware of the dispositions, community service, or fines that may be imposed by the court;

4) Whether the juvenile understands that if he or she waives the right to counsel, he or she will still be bound by all the normal rules of procedure and that counsel would be familiar with these rules;

5) Whether the juvenile understands that there are possible defenses to these allegations that counsel might be aware of, and if these defenses are not raised at the adjudicatory hearing, they may be lost permanently;

6) Whether the juvenile understands that, in addition to defenses, the juvenile has many rights that, if not timely asserted, may be lost permanently; and if errors occur and are not timely objected to, or otherwise timely raised by the juvenile, these errors may be lost permanently;

7) Whether the juvenile knows the whereabouts of absent guardians and if they understand they should be present; and

8) Whether the juvenile has had the opportunity to consult with his or her guardian about this decision. ]

Because of the ramifications of a juvenile record, it is important that every safeguard is taken to ensure that all constitutional and procedural guarantees and rights are preserved. Juveniles should not feel pressured to waive counsel or be the subject of any proactive pursuit for obtaining a waiver.

In determining whether the waiver of counsel is knowingly, intelligently, and voluntarily made, the court, on the record, is to ask the juvenile questions to elicit: 1) the reasons why the juvenile wants to waive counsel; 2) information regarding the juvenile's: a) age; b) maturity; c) education; d) mental health issues, if any; and e) any current alcohol or drug issues that may impair the juvenile's decision-making skills; 3) the juvenile's understanding of the: a) right to an attorney, including the provisions of Rule 151; b) juvenile's role when proceeding *pro se*; c) allegations in the petition against the juvenile; d) possible consequences if the juvenile is found delinquent; 4) whether the juvenile consulted with the juvenile's guardian; and 5) whether the juvenile consulted with an attorney.

If it is determined that the juvenile has not knowingly, intelligently, and voluntarily waived counsel, the court immediately is to appoint counsel for the juvenile. If it is determined that the juvenile has made a knowing, intelligent and voluntary waiver, the court may appoint stand-by counsel for all proceedings.

This rule is not meant to preclude the guardian's presence at any hearing. **Indeed, the presence and active participation of a guardian should be welcomed. During the colloquy which is the subject of this rule, the court should feel free to elicit information from the guardian.** As provided in Rule 131 and the Juvenile Act, 42 Pa.C.S. §§ 6310, 6335(b), and 6336.1, the court can order the guardian's presence if the court determines that it is in the best [interests] interest of the juvenile. When conducting the colloquy, the court should also keep in mind the age, maturity, intelligence, and mental condition of the juvenile, as well as [ , ] the experience of the juvenile, the juvenile's ability to comprehend, the guardian's presence and consent, and the juvenile's prior record.

This rule requires the juvenile to waive the right to counsel. A guardian may not waive the juvenile's right to counsel. To implement this rule, Rule 800 suspends 42 Pa.C.S. § 6337 only to the extent that the right to waiver of counsel belongs to the juvenile and the guardian may not waive the right for the juvenile.

**Additionally, Rule 150(B) provides that once an appearance is entered or the court assigns counsel, counsel is to represent the juvenile until final judgment, including any proceeding upon direct appeal and dispositional review, unless permitted to withdraw. See Pa.R.J.C.P. 150(B).**

**Notwithstanding the provisions of paragraph (A)(3), a juvenile fourteen years of age or older may make or file a motion pursuant to Rule 344(E) for alternative relief, for example, when the juvenile subscribes to a protected formal belief system which prohibits attorney representation.**

**Pursuant to paragraph (C), if waiver of counsel is revoked, the court is to appoint counsel before proceeding.**

**Official Note:** Rule 152 adopted April 1, 2005, effective October 1, 2005. Amended January 11, 2012, effective March 1, 2012.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 152 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

**Final Report explaining the amendments to Rule 152 published with the Court's Order at 42 Pa.B. 547 (January 28, 2012).**

**EXPLANATORY REPORT**

**January 2012**

The Supreme Court of Pennsylvania has adopted the changes to Rule 152 with this Recommendation. The changes are effective March 1, 2012.

*Background*

The issue of waiver of counsel has been a topic of discussion and debate since the inception of the Juvenile Court Procedural Rules Project in 1999 and the creation of the Juvenile Court Procedural Rules Committee in 2001.

Despite the recurring debate on various aspects of waiver, research indicates that in most jurisdictions, juveniles are very rarely waiving counsel. According to 2009 statistics from the Juvenile Court Judges' Commission, over 99.2% of juveniles have an attorney for court proceedings. In 2009, one hundred eighty five (<.08%) juveniles waived the right to have an attorney. In the

majority of waiver cases, the juvenile was discharged from court supervision, placed on informal adjustment, or the case was dismissed.

Even though waiver of counsel is rarely occurring across this Commonwealth, the unfortunate circumstances that came to light in Luzerne County brought this subject to the forefront more recently. In August of 2009, the Interbranch Commission on Juvenile Justice (ICJJ) was convened to address how the Luzerne County juvenile system failed, to restore public confidence, and to prevent similar events from occurring again. One of the primary issues concerned unrepresented juveniles sent to placement facilities for minor infractions.

One method of protecting juveniles is ensuring that all juveniles have an attorney. In May of 2011, the Supreme Court adopted a rule recommendation presuming all juveniles to be indigent. Effective July 1, 2011, all juveniles are appointed counsel unless they decide to retain a private attorney.

Once counsel is appointed, the question is whether the juvenile may waive his or her right to an attorney. The debate on waiver of counsel has centered on the derivation of the juvenile's right to counsel. The analysis for waiving a right is dependent upon this origin.

It is clear that an adult defendant has a Sixth Amendment right to counsel. The U.S. Supreme Court has also determined that adult defendants have a right to self-representation. See *Faretta v. California*, 422 U.S. 806 (1975). This right was determined to be derived from the defendant's Sixth Amendment right to counsel.

In juvenile delinquency cases, the U.S. Supreme Court determined that the juvenile has a right to counsel but it is derived from the Fourteenth Amendment's due process clause. In *re Gault*, 387 U.S. 1 (1967). Pennsylvania then recognized the juvenile's right to counsel by providing in its Juvenile Act that a party is entitled to representation by legal counsel at all stages of any proceedings. See 42 Pa.C.S. § 6337.

In *re Winship*, the U.S. Supreme Court expanded its ruling in *Gault* by providing the juvenile with additional due process rights to confront and cross-examine witnesses, and to the same standard of proof as adult defendants which is a finding of guilty beyond a reasonable doubt. In *re Winship*, 397 U.S. 358 (1970).

However, there is no precedent for a juvenile's right to self-representation. In *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971), the U.S. Supreme Court determined that a juvenile does not have the right to a trial by jury. It found that "a juvenile proceeding is not a criminal prosecution within meaning and reach of [the] Sixth Amendment guaranteeing [a] right to an impartial jury in all criminal prosecutions." *McKeiver, supra*.

In *McKeiver*, all the litigants agreed that the applicable due process standard in juvenile proceedings, as developed by *Gault* and *Winship*, is fundamental fairness. As that standard was applied in those two cases, the U.S. Supreme Court placed an emphasis on fact-finding procedures. The requirements of notice, counsel, confrontation, cross-examination, and standard of proof naturally flowed from this emphasis. "But one cannot say that in our legal system, the jury is a necessary component of accurate fact-finding." *McKeiver, supra*.

Under this same analysis, it can be argued that the right to self-representation is also not a necessary component of accurate fact-finding. It actually tends to lead us to the opposite conclusion as juveniles are not effective advocates with specialized training who can accurately set forth the facts in a case or object to evidence that legally should be excluded.

The next question of whether the juvenile has a right to self-representation under the “law of the land” due process clause of the Pennsylvania Constitution is also addressed by this same analysis. *See* Pa. Const., Art. 1, § 9.

*In re Terry*, 265 A.2d 350 (Pa. 1970), the Supreme Court of Pennsylvania held that the juvenile does not have a right to a trial by jury. This case was consolidated with another case and affirmed by the U.S. Supreme Court in *McKeiver*, *supra*. The Supreme Court of Pennsylvania stated that it was “confident that a properly structured and fairly administered juvenile court system can serve our present societal needs without infringing upon individual freedoms. If hearings are conducted in accordance with the procedural safeguards, juveniles are not constitutionally compelled to be granted a trial by jury.” *Terry*, *supra*.

The Committee believes that the constitutional analysis, as stated *supra*, is persuasive and supports the proposition that juveniles do not have an absolute right to self-representation. Therefore, the Committee believes that a juvenile’s right to waive counsel can be limited while protecting the juvenile’s freedoms and fundamental fairness.

There has never been any debate that when a juvenile waives counsel, the waiver must be knowingly, intelligently, and voluntarily made. When looking at this standard for waiver, it is clear to the Committee that any person under the age of fourteen does not have the capacity to understand a complex legal system in which attorneys must be educated and receive additional appropriate training. Therefore, the Committee recommended no juvenile under the age of fourteen can waive counsel.

It can be argued that a minority of juveniles over the age of fourteen may be able to make a knowing, intelligent, and voluntary waiver of counsel. The Court has recognized the rights of juveniles over the age of fourteen to make decisions concerning their mental health treatment, including taking medication. Additionally, the legislature has recognized that juveniles over the age of fourteen can be transferred to and from criminal proceedings for certain offenses. In the adult system, juveniles may be able to waive counsel if their waiver is knowingly, intelligently, and voluntarily made.

Therefore, the Committee balanced the rights of these juveniles with the need to protect them when serious consequences arise from their actions. Protecting juveniles outweighs any right to self-representation in any proceeding that has lifetime implications. Because of the consequences attached to certain proceedings in juvenile court, the Committee recommended a juvenile cannot waive counsel at a detention, adjudicatory, transfer, disposition, or probation revocation hearing.

A juvenile may be sent to an out-of-home placement for any delinquent act. There are also several collateral consequences related to a delinquency adjudication, which include challenges to obtaining employment, licenses, public housing, enrolling in the military; or

being expelled from school. *See* <http://www.pacourts.us/T/BoardsCommittees/JuvenileCourtProcedural/> for the Collateral Consequences Checklist.

Because of the lifetime implications that flow from a delinquency adjudication, juveniles must be protected at the hearing that determines their guilt or innocence. Individual liberties and freedom are at stake at the detention, transfer, dispositional, and probation revocation hearings; therefore attorney representation is needed to protect the juvenile’s rights.

Additionally, once an attorney has been appointed or retained, Rule 150(B) requires the attorney to represent the juvenile until final judgment, including any proceeding upon direct appeal and dispositional review, unless permitted to withdraw. If counsel withdraws, new counsel must be appointed. Therefore, it is expected that a juvenile will always have an attorney at those proceedings.

#### *Rule discussion*

As previously stated, the modifications to Rule 152 are consistent with the Recommendations of the ICJJ which emphasize the importance of protecting juveniles who face serious consequences. *Interbranch Commission on Juvenile Justice Report*, May 2010, pp. 50–51.

Paragraph (A) allows a juvenile who is at least fourteen years of age to waive counsel if: 1) waiver is knowingly, intelligently, and voluntarily made; 2) the court conducts the colloquy with the juvenile on the record; and 3) the hearing is not one of the specified proceedings.

Because the consequences of a detention, transfer, adjudicatory, dispositional, and probation revocation hearings are too harsh for a juvenile to navigate the system alone, a juvenile may not waive counsel at those proceedings. As implied in the constitutional analysis *supra*, the Committee believes that the juvenile’s right to self-representation fails under a balancing test of the Fourteenth Amendment’s due process clause.

No changes were made to paragraph (B) & (C). Paragraph (B) allows the court to appoint stand-by if the juvenile waives counsel at any proceeding not enumerated in paragraph (A)(3). Paragraph (C) emphasizes waiver of counsel applies only to one proceeding and the juvenile must be informed of the right to counsel at each subsequent proceeding.

The colloquy requirements were changed in the Comment to address the general minimal requirements for information that should be obtained by the court. It is important to understand why the juvenile wishes to waive counsel. If there are any misperceptions by the juvenile, the court can dispel those misperceptions.

Another addition to the Comment includes that if a juvenile has a constitutionally protected formal belief system that prohibits attorney representation, the juvenile may move or file a motion under Rule 344(E) requesting the provisions of this rule do not apply to him or her. For example, an individual whose religious belief does not permit attorney representation may claim that his or her First Amendment right would outweigh any Fourteenth Amendment constitutional balancing test.

[Pa.B. Doc. No. 12-136. Filed for public inspection January 27, 2012, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## DAUPHIN COUNTY

### Petition of Dale E. Klein Clerk of Courts Fee Schedule Approval Pursuant to Act 36 2000; 1341 No. MD 2011

#### Administrative Order

*And Now, To Wit*, This 6th day of December 2011, pursuant to the provisions of 42 P. S. Section 1725.4, the fee bill of the Clerk of Court of Dauphin County, Pennsylvania, is amended to reflect the following Fee Schedule. The fee bill shall be effective the first day of February 2012, upon due advertisement as required by the Administrative Rules of Court.

*It Is Further Ordered* that in accordance with Pa.R.Civ.P. 239, the District Court shall:

- (a) File seven (7) copies hereof with the Administrative Office of Pennsylvania Courts;
- (b) Distribute two (2) certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
- (c) Cause a copy hereof to be published in the *Dauphin County Reporter* once a week for two (2) successive weeks at the expense of the County of Dauphin;
- (d) Supervise the distribution thereof to all Judges and member of the Bar of this Court.

*By the Court*

TODD A. HOOVER,  
*President Judge*

#### Proposed Fee Schedule 2012—2015

|  | <i>Current</i> | <i>Increase</i> | <i>New rate—<br/>Rounded</i>    |
|--|----------------|-----------------|---------------------------------|
| <b>Clerk Fees:</b>   |                |                 |                                 |
| ** Court Costs (Misdemeanor/Felony)<br>Disposed of before trial          | \$149.00       | 13.70           | 162.70                          |
| ** Court Costs (Misdemeanor/Felony)<br>Disposed of During or After Trial | \$198          | 18.20           | 216.20                          |
| ** Summary Case Costs  | \$29           | 2.60            | 31.60                           |
| <b>Copies:</b>   |                |                 |                                 |
| Per page   | .50            | 0               | .50                             |
| Certified Copy   | \$10.00        | .90             | 10.90                           |
| <b>Filing Fees:</b>  |                |                 |                                 |
| * All other Matters and Reports <sup>1</sup>                             | \$18           | 1.65            | 19.65                           |
| * Constable Bond   | \$18           | 1.65            | 19.65                           |
| ** Summary Conviction Appeal (charged each Docket #)                     | \$49           | 4.50            | 54.50                           |
| ** Appeals to Commonwealth/Superior Court or Supreme Court               | \$65           | 5.50            | 70.50                           |
| * Road Docket Cases  | \$18           | 1.65            | 19.65                           |
| ** Expungement Petition  | \$18           | 1.65            | 19.65<br>(Plus \$10.00 Postage) |
| <b>Forms:</b>  |                |                 |                                 |
| Defense Sub Poena  | \$3.00         | .30             | 3.30                            |
| * Record Check   | \$10.00        | .90             | 10.90                           |
| * Bail piece (charged on each case issued)                               | \$18.00        | 1.65            | 19.65                           |
| <b>Miscellaneous:</b>  |                |                 |                                 |
| Postage (Charged per case)   |                |                 | \$10.00                         |
| Automation Fee   |                | \$5.00          | \$5.00                          |
| Expungement Instruction Packet <sup>2</sup>                              |                |                 | \$5.00                          |

<sup>1</sup> Except that no fee shall be charged for filing township and borough audit reports or transcripts received which indicate a final disposition by the magisterial district judge.

<sup>2</sup> Expungement Packet includes the docket transcript, the disposition sheet, verification that all costs have been paid and instructions. Petition must send a self-addressed, stamped envelope with payment to receive packet.

|  | <i>Current</i> | <i>Increase</i> | <i>New rate—<br/>Rounded</i> |
|--|----------------|-----------------|------------------------------|
| Summary Appeal Packet <sup>3</sup>                       |                |                 | \$5.00                       |
| Revocation   |                |                 | \$35.00                      |
| * Add \$5.00 for Equipment Automation Fund               |                |                 |                              |
| ** Add \$15.00 for Equipment Automation Fund and Postage |                |                 |                              |

[Pa.B. Doc. No. 12-137. Filed for public inspection January 27, 2012, 9:00 a.m.]

<sup>3</sup> Summary Appeal Packet includes the instructions.

**ERIE COUNTY**

**Revision and Restatement of the Local Orphans' Court Rules; Civil Division 90001-12**

**Order**

*And Now*, this 6th day of January, 2012, amended Rule(s) 12.0.1(b)(2) of the Orphans' Court Rules for Erie County, Pennsylvania are as follows and they shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

ERNEST J. DISANTIS, Jr.,  
*President Judge*

**Rule 12. Special Petitions**

**12.0.1 Settlement of Small Estates.**

(a) *Form of Petitions. Contents.*

Petitions under PEF Code § 3102, as amended for the settlement of small estates shall set forth:

(1) The name and address of the petitioner and the relationship of the petitioner to the decedent.

(2) The name, date of death and domicile of decedent, whether the decedent died testate or intestate, the dates of the probate of the Will and of the grant of letters, if any, and whether the personal representative has been required to give bond and, if so, amount.

(3) The names and relationship of all beneficiaries entitled to any part of the estate under the Will or intestate laws, a brief description of their respective interests, whether any of them has received or retained any property of the decedent by payment of wages under Section 3101 of the PEF Code and whether any of them are minors, incapacitated or deceased with the names of their fiduciaries.

(4) The person or persons, if any, entitled to the family exemption; whether or not the individual was a member of the same household as the decedent at the time of decedent's death; and, if a claim thereof is made in this petition, any additional facts necessary to establish the prima facie right thereto.

(5) An inventory of the real and personal estate of the decedent, with values ascribed to each item, either incorporated in the petition or attached as an exhibit.

(6) An itemization of all administrative costs, funeral expenses, debts and distributions, and of assets then remaining for distributions.

(7) A list showing the nature, amount and preference of all unpaid claims against the estate and indicating which are admitted.

(8) That ten (10) business days' written notice of intention to present the petition has been given to every unpaid beneficiary, heir or claimant who has not joined in the petition, or to the Attorney General, if the decedent's heirs are unknown.

(9) A prayer for distribution of the property, setting forth the persons entitled and their distributive shares, and requesting the discharge of the personal representative and the release of surety, if letters have been granted and advertised.

(b) *Required Exhibits.*

The following exhibits shall be attached to the petition:

(1) The original of the decedent's Will, if it has not been probated.

(2) Joinders or notice to unpaid beneficiaries, heirs and claimants.

(3) A receipt for the filing of an inheritance tax return reporting the assets which are the subject of the petition.

(4) A certification that a copy of the proposed petition and decree has been given to all beneficiaries and unpaid creditors at least ten (10) business days prior to presentation of the petition.

(5) Written confirmation by the Pennsylvania Department of Public Welfare of the amount of any claim for assistance provided to the decedent.

[Pa.B. Doc. No. 12-138. Filed for public inspection January 27, 2012, 9:00 a.m.]

**SUPREME COURT**

**Accreditation of the Pennsylvania Bar Association Workers' Compensation Law Section; No. 105 Disciplinary Rules Doc.**

**Order**

*And Now*, this 12th day of January, 2012, upon consideration of the recommendation of the Pennsylvania Bar Association Review and Certifying Board, the Pennsylvania Bar Association Workers' Compensation Law Section is hereby accredited as a certifying organization in the area of Workers' Compensation Law for the period from January 12, 2012 to January 12, 2017.

RONALD D. CASTILLE,  
*Chief Justice*

[Pa.B. Doc. No. 12-139. Filed for public inspection January 27, 2012, 9:00 a.m.]



**Philadelphia Traffic Court Judge Willie Singletary;  
No. 377 Judicial Administration Doc.**

**Order**

*Per Curiam*

*And Now*, this 5th day of January 2012, upon consideration of the December 22, 2011 Petition of the Honorable Gary S. Glazer of the First Judicial District of Pennsylvania, Administrative Judge of Traffic Court, it is hereby Ordered that Philadelphia Traffic Court Judge Willie Singletary is hereby relieved of any and all judicial and administrative responsibilities as a judge of the Philadelphia Traffic Court.

It is further Ordered that Judge Willie Singletary is suspended without pay pending further order of this Court.

This Order is without prejudice to the rights of Judge Willie Singletary to seek relief in this Court for the purpose of vacating or modifying this interim Order. *In re: Avellino*, 690 A.2d 1138 (Pa. 1997); and *see, In re: McFalls*, 795 A.2d 367 (Pa. 2002).

[Pa.B. Doc. No. 12-140. Filed for public inspection January 27, 2012, 9:00 a.m.]

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# PROPOSED RULEMAKING

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

[ 25 PA. CODE CH. 77 ]

### Noncoal Mining Fees; Notice of Public Comment Period

The Department of Environmental Protection (Department) is soliciting additional public comment on proposed amendments to 25 Pa. Code Chapter 77 (relating to noncoal mining) encompassing noncoal mining fees. The proposed rulemaking amends existing permit application fees and establishes an annual administrative fee for the noncoal mining program. The proposed rulemaking was published by the Environmental Quality Board (Board) for public comment at 40 Pa.B. 4963 (August 28, 2010). During the public comment period, 19 commentators provided comments to the Board on the proposed rulemaking. In addition, the Independent Regulatory Review Commission issued comments on the proposed rulemaking on October 27, 2010. To seek further input by the public prior to the development of the final rulemaking, the Department is requesting additional comment on the proposed rulemaking, which remains unchanged from its initial publication at 40 Pa.B. 4963.

Interested persons are invited to submit electronic or written comments on the proposed rulemaking by February 27, 2012. The Department will not accept comments submitted by facsimile. Comments should be submitted to Thomas Callaghan, Director, Bureau of Mining Programs, Department of Environmental Protection, Rachel Carson State Office Building, P. O. Box 8461, Harrisburg, PA 17105-8461, [tcallaghan@pa.gov](mailto:tcallaghan@pa.gov). Comments submitted electronically should reference the proposed rulemaking in the subject line of the e-mail and include the name and address of the commentator. If an acknowledgement of electronic comments is not received by the sender within 2 business days, the comments should be retransmitted to ensure receipt.

For further information or to request a copy of the proposed rulemaking, interested individuals should contact Thomas Callaghan, (717) 787-5015, [tcallaghan@pa.gov](mailto:tcallaghan@pa.gov). Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). The proposed rulemaking is also available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (select "Public Participation," then "Public Participation Center," then select "Proposals Currently Open for Comment").

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-141. Filed for public inspection January 27, 2012, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 105 ]

### Dam Safety and Waterway Management Fees

The Environmental Quality Board (Board) proposes to amend Chapter 105 (relating to dam safety and waterway

management). The amendments update existing fees and include additional fees for activities performed by the Department of Environmental Protection (Department).

This proposed rulemaking was adopted by the Board at its meeting of December 21, 2010.

#### A. *Effective Date*

This proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

#### B. *Contact Persons*

For further information regarding Dam Safety, contact Roger P. Adams, P.E., Chief, Division of Dam Safety, P. O. Box 8460, Harrisburg, PA 17105-8460; or Patricia A. McSparran, Director, Bureau of Waterways Engineering and Wetlands, P. O. Box 8460, Rachel Carson State Office Building, Harrisburg, PA 17105-8460, (717) 787-3411.

For further information regarding Water Obstruction and Encroachments (WO&E), contact Kenneth F. Murin, Chief, Division of Wetlands, Encroachment and Training, P. O. Box 8460, Harrisburg, PA 17105-8460; or Patricia A. McSparran, Director, Bureau of Waterways Engineering and Wetlands, P. O. Box 8460, Rachel Carson State Office Building, Harrisburg, PA 17105-8460, (717) 787-3411.

Information regarding submitting comments on this proposed rulemaking appears in section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department's web site at <http://www.depweb.state.pa.us>.

#### C. *Statutory Authority*

The proposed rulemaking is being made under the authority of sections 5, 7, 10, 11 and 17 of the Dam Safety and Encroachments Act (Dam Safety Act) (32 P. S. §§ 693.5, 693.7, 693.10, 693.11 and 693.17), which grants the Board the authority to adopt regulations and standards for the design, construction, operation, monitoring, maintenance, modification, repair and removal of dams and reservoirs, water obstructions and encroachments as are necessary and proper to carry out the purposes of the Dam Safety Act; sections 5, 6, 8 and 402 of The Clean Streams Law (35 P. S. §§ 691.5, 691.6, 691.8 and 691.402); sections 514, 1901-A, 1908-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 194, 510-1, 510-8, 510-17 and 510-20); and sections 302 and 402 of the Flood Plain Management Act (32 P. S. §§ 679.302 and 679.402).

#### D. *Background and Purpose*

The purpose of the proposed rulemaking is to amend the Department's Dam Safety and Waterway Management regulations to update existing fees and include additional fees for activities performed by the Department as the current fees for most activities have not been increased since 1991 and do not provide enough revenue to support existing program functions. These amendments were developed to offset a portion of the operating costs of the WO&E Program and the Dam Safety Program. The new fees included in the proposed rulemaking are associated with: 1) review of permit applications, general permit registration or other requests for approval; 2) inspections; and 3) review of permit related submissions, such as Emergency Action Plans (EAP), inspection reports, transfers and amendments.

*Dam Safety Program*

The Department oversees the construction and operation of dams through the Dam Safety Program. The Dam Safety Program historically has been and continues to be a model for similar state programs across the country. This is evidenced by the Commonwealth's leadership role in the Association of State Dam Safety Officials (ASDSO). The Commonwealth was part of the Organizing Committee for the Association of State Dam Safety Officials in 1983, which led to its formation in 1984. The Commonwealth's leadership has served on the ASDSO Board of Directors for most of the years of its existence. The Commonwealth and ASDSO took a leadership role along with Federal agencies in formulating the National Dam Safety Program. The Commonwealth's leadership was also recommended by ASDSO to the United States Department of Homeland Security and serves as one of only eight states representing state dam safety programs on the United States Department of Homeland Security's Dams Sector—Government Coordinating Council in its mission to improve and protect the Nation's dam infrastructure as part of the National Infrastructure Protection Plan. In 2009, the Department was appointed by the National Dam Safety Review Board as the co-chair of the Federal Emergency Management Agency/National Dam Safety Program Emergency Action Plans workgroup. The Commonwealth's EAP Guidelines were selected to be used as one of two model EAPs for dam safety programs to use across the country. The Commonwealth has been recognized as a leader on the issues of the need for Federal dam rehabilitation and repair funding for aging infrastructure as well as the need for a second National dam inspection program. Through its partnership with the Pennsylvania Emergency Management Agency and county emergency management personnel, the EAP guidelines were revised in 2009 in a manner that ensured the most up-to-date information is available to emergency responders.

The Dam Safety Program oversees the regulation and safety of approximately 3,200 dams and reservoirs throughout this Commonwealth to protect the health, safety and welfare of its citizens and property downstream of dams. The goal is to assure proper planning, design, construction, maintenance, operation, monitoring and supervision of dams and reservoirs. The Dam Safety Program also oversees removal of dams that are no longer needed by their owners. The Commonwealth's Dam Safety Program is leading the Nation in its review and approval of EAPs from owners of high hazard dams through a very successful enforcement initiative begun in 2004. The most recent report available from ASDSO lists the National average for percentage of high hazard dams with an approved EAP at 61%. The Commonwealth is currently at 87% and with those EAPs in the review process it is expected to increase to 98%.

To carry out the responsibilities mentioned previously and remain a National leader, the Department must ensure adequate funding for the Dam Safety Program. The revenue generated by the Department will ensure

that adequate and consistent monitoring, compliance and inspection of dams will occur and reviews will be accomplished in a timely manner. The revenue from this fee package will restore key positions in the Dam Safety Program to better protect the public. Recently the Dam Safety Program lost one of two critical geotechnical engineering positions due to budget cuts to the Department. The person in this position was responsible to review the geotechnical aspects of new dam projects, perform inspections of unsafe, high hazard dams and investigate deficiencies and recommend corrective action to unsafe high hazard dams. The loss of this position has increased the workload on the remaining geotechnical engineer and has significantly delayed dam permit application processing and project review times. Also, there is a concern for public safety due to the position's direct involvement with dams of special concern in this Commonwealth. The fees collected from this proposed rulemaking will also allow the Department to fund eight full-time dam inspectors located in and under the supervision of the six regional offices. With budget cuts to the Department, the number of engineers in the section that performs the dam inspections in each of the regional offices has been reduced so there no longer are eight full-time inspectors. By restoring engineering positions for geotechnical review and dam inspections through this proposed rulemaking, it will ensure that dams are maintained as designed and will help protect the public safety of the communities located downstream and assist the public who depend on dams for water supply, flood control or recreation.

*WO&E Program*

The revenue generated for the WO&E Program from these fees will be used to continue to administer the WO&E Program. The fee increases will allow the Department to continue to provide timely and thorough review of permit applications ensuring the protection of surface waters and wetlands. In addition, a significant amount of time has been spent by WO&E Program staff and applicants working through several application submissions to determine the minimum amount of impacts to aquatic resources. The increased review fees and additional Disturbance Review Fee will encourage applicants to avoid and minimize impacts to the maximum extent possible on their initial applications.

*Submerged Lands License Agreements*

The Department, on behalf of the Commonwealth, processes grant leases, licenses, easements and rights-of-ways in submerged lands in the form of Submerged Lands License Agreements (SLLA) to entities wishing to occupy submerged lands of this Commonwealth. Those entities shall obtain an SLLA and pay the appropriate charge. These charges have not been increased since 1991.

*Dam Safety Program*

Dam Safety regulations vary greatly across the United States as indicated in the following table:

| <i>State</i> | <i>Application / Review Fees</i>   | <i>Annual Fees</i>  |
|--------------|--|---|
| Pennsylvania | \$6,000-\$26,500—Permits (New, Modification, Operation & Maintenance)<br>\$650-\$14,700—Letter of Amendment/Authorization<br>\$1,700-\$4,700—Major Dam Design Revision<br>\$900-\$1,400—Environmental Assessment<br>\$300-\$550—Transfer of Permit | \$0—Category 4<br>\$800—Category 3<br>\$1,500—Category 1 or 2 |

| <i>State</i>               | <i>Application / Review Fees</i>  | <i>Annual Fees</i>  |
|----------------------------|---|---|
| New Hampshire <sup>1</sup> | \$2,000—Non-high Hazard<br>\$3,000—Low Hazard<br>\$4,000—Significant Hazard<br>\$4,000—High Hazard  | \$400—Low Hazard<br>\$750—Significant Hazard<br>\$1,500—High Hazard           |
| New York                   | None  | None  |
| New Jersey                 | None  | None  |
| Delaware                   | \$500   | N/A   |
| Maryland                   | \$750—Does not apply to Federal, state or local government  | None  |
| West Virginia              | \$300—Construction or modification<br>\$200—Breaching or Abandonment<br>\$100—Removal   | \$25—Class 4 Dam<br>\$50—Class 3 Dam<br>\$75—Class 2 Dam<br>\$100—Class 1 Dam |
| Ohio                       | Based on estimated construction costs—4% up to \$100,000, 3% for next \$400,000, 2% for next \$500,000 and 0.5% for costs in excess of \$1 million  | Based on class and height, length, and storage of dam                         |
| Michigan <sup>2</sup>      | \$500—Construction, reconstruction, or enlargement—dam height 6' < 10'<br>\$1,000—Construction, reconstruction, or enlargement—dam height 10' < 20'<br>\$3,000—Construction, reconstruction, or enlargement—dam height ≥ 20'<br>\$100—Minor project | None  |
| Texas <sup>2</sup>         | None  | None  |

<sup>1</sup> Dam Safety program is 60% funded by fees.

<sup>2</sup> States with similar number of dams as Pennsylvania.

*WO&E Program*

WO&E regulations and fees vary widely across the United States making it very difficult to compare. The proposed amendments to the regulations are comparable to other states given the wide variety of what actions are regulated and require fees. Additional WO&E Maryland, Ohio, New Jersey and Virginia fees are available for reference.

| <i>State</i> | <i>Admin Filing Fee</i>  | <i>GP</i>   |
|--------------|--|---|
| Pennsylvania | 1,750 + \$400 / 0.1 ac of temporary disturbance<br>1,750 + \$800 / 0.1 ac of permanent disturbance | \$50-\$750 based upon GP*<br>* Some general permits have additional disturbance fee |
| Maryland     | \$750 + ≤ \$7,500 / ac of disturbance  | \$750 for <5,000 sf   |
| Ohio         | \$200  | none found  |
| New Jersey   | \$2,400  | \$600 + \$240 / additional GP   |
| Virginia     | \$2,400  | ≤ \$2,400 based upon acreage  |

*SLLA*

SLLA charges vary across the United States. The proposed amendments to the regulations are comparable to Ohio. Ohio, Florida and Maine's SLLA regulations are available for reference.

| <i>State</i> | <i>Annual Charge (acreage based)</i>                                 |
|--------------|--|
| Pennsylvania | \$0.04 / sf this is an average of fees                               |
| Ohio         | \$0.03 / sf for small facilities<br>\$0.04 / sf for large facilities |
| Florida      | \$0.1413 / sf  |
| Maine        | % of gross income of lessee  |

In summary, the Board proposes to incorporate these amendments into the Dam Safety and Waterway Management regulations to update existing and develop new sections.

The proposed amendments to the regulations were submitted to the Water Resources Advisory Committee (WRAC) for review and discussion at its May 11, 2010,

meeting. Comments from WRAC were addressed and the revised rulemaking package was presented to WRAC at its July 14, 2010, meeting with a request for a formal record of WRAC's recommendations. The proposed amendments were approved by WRAC on July 14, 2010.

The proposed amendments were also submitted to the Agricultural Advisory Board for review and discussion at its June 16, 2010, meeting.

*E. Summary of Regulatory Requirements*

The proposed rulemaking updates existing fees and includes additional fees for activities performed by the Department. There are not companion Federal regulations.

*§ 105.13. Regulated activities—information and fees*

The heading of § 105.13 is proposed to be amended to "regulated activities—information and fees" to better define the information contained within this section. The amendments to this section include updated fees, new fees and specify the appropriate restricted revenue ac-

counts where the fees will be deposited for each program administering Chapter 105. The proposed rulemaking maintains fee exemptions, including Federal, State, county or municipal agencies or municipal authorities for the WO&E Program. The proposed rulemaking maintains a fee exemption for Federal and State agencies for the Dam Safety Program. Additionally, in the final-form rulemaking, the Department will include counties and municipalities within the Dam Safety Program's fee exemption in § 105.13(a)(1). In addition, the Department will review the adequacy of the fees once every 3 years and provide a written report to the Board.

*§ 105.35. Charges for use and occupation of submerged lands of this Commonwealth*

Section 105.35 is proposed to be amended to reflect new charges for SLLAs.

*§ 105.131a. Annual dam registration*

Proposed § 105.131a was developed to establish annual dam registration fees for the Department's administration of specific categories of dams regulated under the Dam Safety Act.

*§ 105.444. Contents of general permits*

This section is proposed to be amended to require the submission of registration or general permit fees.

*§ 105.448. Determination of applicability of a general permit*

This section is proposed to be amended to clarify the Department's ability to charge a registration or general permit fee.

In addition to the summary of the proposed rulemaking, the Board, upon the advice of WRAC, seeks comment on modifying the proposed rule to incorporate flexibility in the WO&E fee proposal to accommodate multiple structures in one project.

*F. Benefits, Costs and Compliance*

*Benefits*

The proposed rulemaking amends the Department's Dam Safety and Waterway Management regulations to update existing fees and include additional fees for activities performed by the Department as the current fees for most activities have not been increased since 1991 and do not provide enough revenue to support existing program functions. These amendments were developed to offset a portion of the operating costs of the

WO&E Program and the Dam Safety Program thereby reducing each program's dependency on the General Fund.

The revenue generated by the Department for the Dam Safety Program (an estimated \$1,139,850) will ensure that adequate and consistent monitoring, compliance and inspection of dams will occur and reviews will be accomplished in a timely manner. This will ensure that dams are maintained as designed and will help protect the public safety of the communities located downstream and assist the public who depend on dams for water supply, flood control or recreation.

The revenue generated for the WO&E Program from these fees (an estimated \$2,952,612 annually) will be used to continue to administer the WO&E Program. Traditionally a significant amount of time has been spent by WO&E Program staff and applicants working through several application submissions to determine the minimum amount of impacts to aquatic resources. The increased review fees and additional Disturbance Review Fee will encourage applicants to avoid and minimize impacts to the maximum extent possible on their initial application. In doing so, the applicant can reduce the Disturbance Review Fee and the possibility of additional review fees if a resubmission is required. While the review time for each application will not change, the applicant can expect a significant time savings overall due to a decrease in applications being submitted several times.

*Compliance Costs*

The proposed rulemaking will apply to any existing or potential dam owners and individuals or entities seeking authorization to perform activities regulated under Chapter 105.

*Proposed Rulemaking*

The additional costs in the proposed rulemaking are for increased permitting fees; increased SLLA charges, and the addition of annual dam registration, major and minor amendment or authorization, design revision, environmental assessment review and transfer of permit fees. Additional costs could also be incurred for noncompliance with the new regulations resulting in fines or attorney fees, or both. The values noted in the following charts are based on an average of 3 years of activities performed by the Department (Dam Safety and WO&E Programs) and the new fee applied to each activity. The proposed annual approximate cost for SLLAs is based on the current amount collected updated to reflect new fees.

**Commonwealth**

**Dam Safety Program**

| <i>Expenditure</i>      | <i>Proposed Annual<br/>Approx. Cost</i> | <i>Source</i>       | <i>Existing Annual<br/>Approx. Cost</i> |
|-------------------------|---|---------------------|---|
| Administrative          | \$0                                     | Dam Permits         | \$0                                     |
| Monitoring              | \$0                                     | Annual Registration | n/a                                     |
| Administrative          | \$0                                     | Major Amend/Auth    | n/a                                     |
| Administrative          | \$0                                     | Minor Amend/Auth    | n/a                                     |
| Administrative          | \$0                                     | Design Revision     | n/a                                     |
| Administrative          | \$0                                     | Env Assessment      | n/a                                     |
| Administrative          | \$0                                     | Transfer of Permit  | n/a                                     |
| <b>Dam Safety Total</b> | <b>\$0</b>                              |                     | <b>\$0</b>                              |

The cost to the Commonwealth with the new Dam Safety regulations will be \$0. The benefits should offset a portion of the Dam Safety Program’s operating cost.

**WO&E Program**

| <i>Expenditure</i>           | <i>Proposed Annual<br/>Approx. Cost</i> | <i>Source</i>     | <i>Existing Annual<br/>Approx. Cost</i> |
|------------------------------|---|-------------------|---|
| Administrative               | \$0                                     | WO&E Permits      | \$0                                     |
| Administrative               | \$0                                     | Disturbance Fees  | n/a                                     |
| Administrative               | \$0                                     | Env Assessment    | n/a                                     |
| Administrative               | \$0                                     | Gen Permit Avg.   | n/a                                     |
| Administrative               | \$0                                     | Major Amendment   | n/a                                     |
| Administrative               | Unknown*                                | Minor Amendment   | n/a                                     |
| Administrative               | \$0                                     | Transfer w/ SLLA  | n/a                                     |
| Administrative               | Unknown*                                | Transfer w/o SLLA | n/a                                     |
| <b>WO&amp;E Permit Total</b> | <b>\$0</b>                              |                   | <b>\$0</b>                              |

\* Currently there is no record of Minor Amendments or Transfers without SLLA.

There is a benefit to the Commonwealth with the new WO&E regulations since the increased fees add revenue to the Commonwealth. There is no cost to the Commonwealth as fees are not currently associated with Commonwealth projects requiring authorizations under the WO&E Program and no fees are proposed in the new regulations. The benefits should offset a portion of the WO&E Program’s permitting operating cost; fees are not currently associated with Commonwealth projects requiring authorizations under the WO&E Program and fees are not proposed in the new regulations.

**SLLA**

| <i>Expenditure</i> | <i>Proposed Annual<br/>Approx. Cost</i> | <i>Source</i> | <i>Existing Annual<br/>Approx. Cost</i> |
|--------------------|---|---------------|---|
| Monitoring         | \$0                                     | SLLA          | \$0                                     |
| <b>SLLA Total</b>  | <b>\$0</b>                              |               | <b>\$0</b>                              |

There is a benefit to the Commonwealth with the new regulations for SLLA since the increased charges add revenue to the Commonwealth. There is no cost to the Commonwealth as charges are not currently associated with Commonwealth projects requiring authorizations under this program and no charges are proposed in the new regulations.

**Municipal**

**Dam Safety Program**

| <i>Expenditures</i>     | <i>Proposed Annual<br/>Approx. Cost</i> | <i>Source</i>       | <i>Existing Annual<br/>Approx. Cost</i> |
|-------------------------|---|---------------------|---|
| Administrative          | \$0                                     | Dam Permits         | \$0                                     |
| Monitoring              | \$0                                     | Annual Registration |   |
| Administrative          | \$0                                     | Major Amend/Auth    |   |
| Administrative          | \$0                                     | Minor Amend/Auth    | n/a                                     |
| Administrative          | \$0                                     | Design Revision     |   |
| Administrative          | \$0                                     | Env Assessment      |   |
| Administrative          | \$0                                     | Transfer of Permit  |   |
| <b>Dam Safety Total</b> | <b>\$0</b>                              |                     | <b>\$0</b>                              |

There is no cost to the local municipalities with the new Dam Safety regulations since fees are not currently associated with municipal projects requiring authorizations under the Dam Safety Program. In the final-form rulemaking, the Department will include counties and municipalities within the Dam Safety Program’s fee exemption in § 105.13(a)(1).

**WO&E Program**

| <i>Expenditure</i> | <i>Proposed Annual<br/>Approx. Cost</i> | <i>Source</i>    | <i>Existing Annual<br/>Approx. Cost</i> |
|--------------------|---|------------------|---|
| Administrative     | \$0                                     | WO&E Permit      | \$0                                     |
| Administrative     | \$0                                     | Disturbance Fees | n/a                                     |

## PROPOSED RULEMAKING

| <i>Expenditure</i>           | <i>Proposed Annual<br/>Approx. Cost</i> | <i>Source</i>     | <i>Existing Annual<br/>Approx. Cost</i> |
|------------------------------|---|-------------------|---|
| Administrative               | \$0                                     | Env Assessment    | n/a                                     |
| Administrative               | \$0                                     | Gen Permit Avg    | n/a                                     |
| Administrative               | \$0                                     | Major Amendment   | n/a                                     |
| Administrative               | Unknown*                                | Minor Amendment   | n/a                                     |
| Administrative               | \$0                                     | Transfer w/ SLLA  | n/a                                     |
| Administrative               | Unknown*                                | Transfer w/o SLLA | n/a                                     |
| <b>WO&amp;E Permit Total</b> | <b>\$0</b>                              |                   | <b>\$0</b>                              |

\* Currently there is no record of Minor Amendments or Transfers without SLLA.

There is no cost to the local municipalities with the new WO&E regulations since fees are not currently associated with municipal projects requiring authorizations under the WO&E Program and fees are not proposed in the new regulations.

**SLLA**

| <i>Expenditure</i> | <i>Proposed Annual<br/>Approx. Cost</i> | <i>Source</i> | <i>Existing Annual<br/>Approx. Cost</i> |
|--------------------|---|---------------|---|
| Monitoring         | \$0                                     | SLLA          | \$0                                     |
| <b>SLLA Total</b>  | <b>\$0</b>                              |               | <b>\$0</b>                              |

There is no cost to the local municipalities with the new regulations for SLLA since charges are not currently associated with municipal projects requiring authorizations under this program and charges are not proposed in the new regulations.

**Private****Dam Safety Program**

| <i>Business</i> | <i>Expenditures</i> | <i>Annual Approx. Cost</i> | <i>Source</i>       |
|-----------------|---------------------|----------------------------|---------------------|
| Company 1       | Monitoring          | \$51,000                   | Annual Registration |
| Company 2       | Monitoring          | \$18,000                   | Annual Registration |
| Company 3       | Monitoring          | \$15,800                   | Annual Registration |
| Company 4       | Monitoring          | \$10,500                   | Annual Registration |
| Company 5       | Monitoring          | \$9,000                    | Annual Registration |
| <b>Total</b>    |                     | <b>\$104,300</b>           |                     |

The cost to the five largest affected corporations based on annual approximate cost with the new Dam Safety regulations is previously indicated. The only annual increase that can be accounted for is the proposed annual registration fee. It cannot be determined whether or not these businesses will need to perform necessary projects to upgrade their facilities at this time.

**WO&E Program**

The cost to the five largest affected corporations with the new WO&E regulations cannot be addressed since WO&E permits are not reoccurring authorizations and identifying affected corporations is not possible.

**SLLA**

| <i>Business</i> | <i>Expenditures</i> | <i>Annual Approx. Cost</i> | <i>Source</i> |
|-----------------|---------------------|----------------------------|---------------|
| Company 1       | Monitoring          | \$22,873                   | SLLA          |
| Company 2       | Monitoring          | \$18,727                   | SLLA          |
| Company 3       | Monitoring          | \$18,727                   | SLLA          |
| Company 4       | Monitoring          | \$16,727                   | SLLA          |
| Company 5       | Monitoring          | \$15,600                   | SLLA          |
| <b>Total</b>    |                     | <b>\$92,654</b>            |               |

The cost to the five largest affected corporations based on average annual cost with the new regulations is previously indicated. The only annual increase that can be accounted for is the increased annual SLLA charge.

**Dam Safety Program**

| <i>Expenditures</i> | <i>Proposed Annual<br/>Approx. Cost</i> | <i>Source</i>       | <i>Existing Annual<br/>Approx. Cost</i> |
|---------------------|---|---------------------|---|
| Administrative      | \$212,500                               | Dam Permit          | \$28,000                                |
| Monitoring          | \$795,000                               | Annual Registration | n/a                                     |

| <i>Expenditures</i>     | <i>Proposed Annual<br/>Approx. Cost</i> | <i>Source</i>      | <i>Existing Annual<br/>Approx. Cost</i> |
|-------------------------|---|--------------------|---|
| Administrative          | \$45,400                                | Major Amend/Auth   | n/a                                     |
| Administrative          | \$22,300                                | Minor Amend/Auth   | n/a                                     |
| Administrative          | \$27,500                                | Design Revision    | n/a                                     |
| Administrative          | \$32,400                                | Env Assessment     | n/a                                     |
| Administrative          | \$4,750                                 | Transfer of Permit | n/a                                     |
| <b>Dam Safety Total</b> | <b>\$1,139,850</b>                      |                    | <b>\$28,000</b>                         |

The cost to private entities affected with the new Dam Safety regulations is the proposed annual registration fee. It cannot be determined whether or not these individuals will need to perform necessary projects to upgrade their facilities at this time. The cost to individuals owning a hazard potential 1 or 2 dam will be assessed an annual fee of \$1,500, a hazard potential 3 dam will be \$800 and a hazard potential 4 dam will be \$0.

**WO&E Program**

| <i>Expenditure</i>           | <i>Proposed Annual<br/>Approx. Cost</i> | <i>Source</i>     | <i>Existing Annual<br/>Approx. Cost</i> |
|------------------------------|---|-------------------|---|
| Administrative               | \$497,613                               | WO&E Permit       | \$47,850                                |
| Administrative               | \$1,925,748                             | Disturbance Fees  | n/a                                     |
| Administrative               | Unknown <sup>1</sup>                    | Env Assessment    | n/a                                     |
| Administrative               | \$529,251                               | Gen Permit Avg    | n/a                                     |
| Administrative               | Unknown <sup>1</sup>                    | Major Amendment   | n/a                                     |
| Administrative               | Unknown <sup>2</sup>                    | Minor Amendment   | n/a                                     |
| Administrative               | Unknown <sup>2</sup>                    | Transfer w/ SLLA  | n/a                                     |
| Administrative               | Unknown <sup>2</sup>                    | Transfer w/o SLLA | n/a                                     |
| <b>WO&amp;E Permit Total</b> | <b>\$2,952,612</b>                      |                   | <b>\$47,850</b>                         |

<sup>1</sup> Currently Environmental Assessments and Major Amendments are included with WO&E Permits.

<sup>2</sup> Currently there is no record of Minor Amendments or Transfers.

The cost to private entities affected with the new WO&E regulations is the cost of the proposed new and increased fees. The cost to individuals will be highly variable. Cumulatively, activities requiring a review fee will increase from \$47,850 to an estimated \$2,952,612 because there are proposed new and increased fees.

**SLLA**

| <i>Expenditure</i> | <i>Proposed Annual<br/>Approx. Cost</i> | <i>Source</i> | <i>Existing Annual<br/>Approx. Cost</i> |
|--------------------|---|---------------|---|
| Monitoring         | \$1,564,000                             | SLLA          | \$391,000                               |
| <b>SLLA Total</b>  | <b>\$1,564,000</b>                      |               | <b>\$391,000</b>                        |

The cost to individuals affected with the new regulations for SLLAs is the cost of the increased annual charge. SLLA charges will increase from \$0.010/sf to \$0.040/sf to reflect an increase in value as these charges have not been updated since 1991.

*Compliance Assistance Plan*

Financial assistance is not necessary. Dam owners will be notified by letter advising of the revisions and how to comply. SLLA licensees will also be notified by letter advising them of the new fee and how to comply. The regulated community will be notified of all Dam Safety, WO&E and SLLA fee changes by public notice in the *Pennsylvania Bulletin*.

*Paperwork Requirements*

The additional paperwork required for the dam owner would be the submission of the annual registration fee for dams and the new review and transfer of permit fees for

dams. The proposed rulemaking will create additional compliance/legal, accounting, reporting, recordkeeping and paperwork for the Department above what is already required in the existing regulations. This will occur for the collection of the new fees for dams including review fees, transfer of permit fees and annual registration fees from dam owners.

The proposed rulemaking will require the Department to develop and distribute new SLLA agreements to current SLLA licensees. The SLLA licensees will be required to sign and return the new agreements. Other additional paperwork will not be required for the SLLA licensees, WO&E applicants or permittees or the Department.

*G. Sunset Review*

The regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which the regulations were intended.



H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 18, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

I. *Public Comments*

*Written comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by February 27, 2012. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by February 27, 2012. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic comments*—Comments may be submitted electronically to the Board at RegComments@pa.gov and must also be received by the Board by February 27, 2012. A subject heading of the proposal and a return name and address must be included in each transmission.

MICHAEL L. KRANCER,  
*Chairperson*

**Fiscal Note:** 7-466. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 105. DAM SAFETY AND WATERWAY MANAGEMENT**

**Subchapter A. GENERAL PROVISIONS  
PERMIT APPLICATIONS**

§ 105.13. [ **Permit applications** ] Regulated activities—information and fees.

(a) [ **Application for permits under this chapter shall be submitted to the Department, in writing, upon forms provided by the Department. Applicants are encouraged to request a meeting with the Department prior to submission of their applications.**

(b) [ **An application for a permit, registration for a general permit, request for permit amendment, major or minor letter of amendment or authorization, major dam design revision, environmental assessments, permit transfer or annual dam registration under this chapter [ , except applications submitted by Federal, State, county or municipal agencies or a municipal authority for a dam, water obstruction or encroachment ] shall be accompanied by a check payable to “Commonwealth of Pennsylvania” [ in accordance with the following schedule ] except for submissions by the following:**

- (1) **Federal or State agencies related to a dam.**
- (2) **Federal, State, county or municipal agencies or a municipal authority related to a water obstruction or encroachment.**

(b) **Fees collected by the Dam Safety Program and Water Obstruction and Encroachment Program will be deposited into a restricted revenue account known as the Clean Water Fund and utilized to offset the operating costs to implement respective programs.**

(c) **The fees are as follows:**

(1) **Dams based on size and hazard potential category as defined in § 105.91 (relating to classification of dams and reservoirs).**

[ **Class A \$3000** (Based on Size Category as defined in § 105.91)  
**Class B \$2500**  
**Class C \$1500** ]

(i) ***Dam permit application fees for new dam construction.***

| Size Category | <i>Hazard Potential Category</i> |          |          |          |
|---------------|----------------------------------|----------|----------|----------|
|               | <i>1</i>                         | <i>2</i> | <i>3</i> | <i>4</i> |
| A             | \$26,500                         | \$26,500 | \$25,500 | \$23,500 |
| B             | \$19,000                         | \$19,000 | \$18,500 | \$17,000 |
| C             | \$10,500                         | \$10,500 | \$10,000 | \$8,000  |

(A) Initial fees are based upon the size and hazard potential category of the final operating stage of the dam.

(B) Staged construction requires an additional 90% of the appropriate fee for each additional stage beyond the initial stage of work proposed under this permit application, including any closure stage.

(ii) *Dam permit application fees for modification of existing dams.*

| Size Category | Hazard Potential Category |          |          |          |
|---------------|---------------------------|----------|----------|----------|
|               | 1                         | 2        | 3        | 4        |
| A             | \$18,500                  | \$18,500 | \$18,500 | \$18,000 |
| B             | \$12,000                  | \$12,000 | \$12,000 | \$11,500 |
| C             | \$7,500                   | \$7,500  | \$7,500  | \$7,500  |

(A) Initial fees are based upon the size and hazard potential category of the final operating stage of the dam.

(B) Staged construction requires an additional 85% of the appropriate fee for each additional stage beyond the initial stage of work proposed under this permit application, including any closure stage.

(iii) *Dam permit application fees for operation and maintenance of existing dams.*

| Size Category | Hazard Potential Category |          |          |          |
|---------------|---------------------------|----------|----------|----------|
|               | 1                         | 2        | 3        | 4        |
| A             | \$12,500                  | \$12,500 | \$12,000 | \$10,000 |
| B             | \$10,000                  | \$10,000 | \$9,500  | \$8,500  |
| C             | \$7,000                   | \$7,000  | \$6,500  | \$6,000  |

(iv) *Letter of amendment or authorization review fees.*

| Size Category | Major Project | Minor Project |
|---------------|---------------|---------------|
| A             | \$14,700      | \$1,300       |
| B             | \$8,700       | \$1,000       |
| C             | \$4,400       | \$650         |

(A) The estimated total construction cost of the project shall be provided to the Department with the submission of the letter of amendment or authorization request.

(B) A major project is a dam rehabilitation project qualifying for a Letter of Amendment for Dams or a Letter of Authorization for Dams as defined in § 105.1 (relating to definitions) whose total construction costs equal or exceed \$250,000. If, after completion of the project, the total construction costs do not exceed \$250,000, the Department will refund the difference between major and minor project review fees upon approval of the completion certification as required under § 105.108 (relating to completion, certification and project costs).

(C) A minor project is a dam rehabilitation project qualifying for a Letter of Amendment for Dams or a Letter of Authorization for Dams as defined in § 105.1 whose total construction costs are less than \$250,000. If, after completion of the project, the total construction costs exceed \$250,000, the difference in review fees between major and minor projects must be submitted to the Department with the completion certification as required under § 105.108.

(v) *Major dam design revision review fees based on major dam design revision as defined in § 105.1.*

| Size Category | Fee     |
|---------------|---------|
| A             | \$4,700 |
| B             | \$3,200 |
| C             | \$1,700 |

(vi) *Environmental assessment review fees for nonjurisdictional dams, letters of amendment or letters of authorization.*

| Size Category | Fee     |
|---------------|---------|
| A             | \$1,400 |
| B             | \$1,000 |
| C             | \$900   |

(vii) *Transfer of dam permit as required under § 105.25 (relating to transfer of permits).*

| Type of Dam Permit Transfer                   | Fee   |
|---|-------|
| No Proof of Financial Responsibility Required | \$550 |
| Proof of Financial Responsibility Required    | \$300 |

(viii) *Annual dam registration fees as required under § 105.131a (relating to annual dam registration).*

| Size Category | Hazard Potential Category |         |       |     |
|---------------|---------------------------|---------|-------|-----|
|               | 1                         | 2       | 3     | 4   |
| A             | \$1,500                   | \$1,500 | \$800 | \$0 |
| B             | \$1,500                   | \$1,500 | \$800 | \$0 |
| C             | \$1,500                   | \$1,500 | \$800 | \$0 |

(A) Annual registration fees are due by July 1 of each year.

(B) If the annual registration fee is not received by July 1, dams regulated by the Department are subject to a temporary suspension of the dam permit, if applicable, and the owner or operator may be required to drain the reservoir at a rate not to exceed 1 foot per day.

(C) If the annual registration fee is not received by July 1, dams regulated by the Department qualifying for waiver of permit provisions in § 105.12 (relating to waiver of permit requirements) may be subject to a temporary draining of the reservoir at a rate not to exceed 1 foot per day.

(D) If annual registration fees are not remitted as specified, interest will accrue on the entire amount from the original date payment was due, at a rate of 12% per annum until payment is remitted.

(2) *Water obstructions and encroachments.*

|  |         |
|--|---------|
| [ Stream enclosures                                    | \$350   |
| Channel changes  | \$300   |
| Commercial dredging                                    | \$300   |
| Peat extraction  | \$750   |
| Fills, levees, floodwalls                              | \$350   |
| Bridges and other water obstructions and encroachments | \$200   |
| Small projects   | \$100 ] |

| <i>Program</i>                 | <i>Fee Title</i>   | <i>Fee</i> |
|--------------------------------|--|------------|
| Obstructions and Encroachments | Administrative Filing Fee (Application fees)*  | \$1,750    |
| Obstructions and Encroachments | Permanent Disturbance (waterways, floodways/plains and wetlands per tenth acre, minimum 0.1 acre)* | \$800      |
| Obstructions and Encroachments | Temporary Disturbance (waterways, floodways/plains and wetlands per tenth acre, minimum 0.1 acre)* | \$400      |
| Obstructions and Encroachments | Environmental Assessment for Waived Activities   | \$500      |
| Obstructions and Encroachments | General Permits (fees based upon specific general permit activity see section below for listing)   | See below  |
| Obstructions and Encroachments | Major Amendment*   | \$500      |
| Obstructions and Encroachments | Minor Amendment  | \$250      |
| Obstructions and Encroachments | Transfer with SLLA   | \$200      |
| Obstructions and Encroachments | Transfer without SLLA  | \$100      |
| <i>General Permits</i>         |  |            |
| BDWW-GP-1                      | Fish Habitat Enhancement Structures  | \$50       |
| BDWW-GP-2                      | Small Docks and Boat Launching Ramps   | \$175      |
| BDWW-GP-3                      | Bank Rehabilitation, Bank Protection and Gravel Bar Removal  | \$250      |
| BDWM-GP-4                      | Intake and Outfall Structures  | \$200      |
| BDWM-GP-5                      | Utility Line Stream Crossings  | \$250      |
| BDWM-GP-6                      | Agricultural Crossings and Ramps   | \$50       |
| BDWM-GP-7                      | Minor Road Crossings   | \$350      |
| BDWM-GP-8                      | Temporary Road Crossings   | \$175      |
| BDWM-GP-9                      | Agricultural Activities  | \$50       |
| BDWW-GP-10                     | Abandoned Mine Reclamation   | \$500      |

| <i>Program</i> | <i>Fee Title</i>  | <i>Fee</i> |
|----------------|---|------------|
| BWM-GP-11      | Maintenance, Testing, Repair, Rehabilitation, or Replacement of Water Obstructions and Encroachments* | \$750      |
| BWQP-GP-15     | Private Residential Construction in Wetlands*   | \$750      |

\* The Disturbance Review Fee is calculated by adding all permanent and temporary impacts to waterways, floodways/plains and bodies of water including wetlands to the next highest 10th acre and multiplied by the respective fee for either permanent impacts or temporary impacts and then this amount is added to the other applicable fee.

[ (c) ] (d) A single application may be submitted or a single permit may be issued for multiple structures and activities which are part of a single project or facility or part of related projects and facilities, located in a single county, constructed, operated or maintained by the same persons. When a single application covers multiple structures or activities other than a single structure and related maintenance dredging, the application fee shall be the sum of fees in subsection [ (b) ] (c) for the applicable structures and activities. Stream crossings located within a single county for the installation of a public service line shall be treated as a single structure or activity but the application fee shall be the sum of fees for each stream crossing.

[ (d) ] (e) An application for a permit shall be accompanied by information, maps, plans, specifications, design analyses, test reports and other data specifically required under this chapter and additional information as required by the Department to determine compliance with this chapter.

\* \* \* \* \*

[ (e) ] (f) A permit application for small projects located in streams or floodplains shall be accompanied by the following information. This permit application may not be used for projects located in wetlands. If upon review the Department determines that more information is required to determine whether a small project will have an insignificant impact on safety and protection of life, health, property or the environment, the Department may require the applicant to submit additional information and processing fees required under this chapter.

\* \* \* \* \*

[ (f) ] (g) Except for small projects, an application for a permit under this chapter shall be accompanied by proof of an application for an Earth Disturbance Permit or an erosion and sedimentation control plan for activities in the stream and earthmoving activities. The plan must conform to requirements in Chapter 102 (relating to erosion and sediment control) and must include a copy of a letter from the conservation district in the county where the project is located indicating that the district has reviewed the erosion and sediment control plan of the applicant and considered it to be satisfactory, if applicable. Earthmoving activities, including small projects, shall be conducted pursuant to an earth disturbance plan.

[ (g) ] (h) An application shall be submitted by the person who owns or has primary responsibility for the proposed dam or reservoir, water obstruction or encroachment. If an application is submitted by a person with primary responsibility for the structure or activity, the owner of a dam or reservoir, water obstruction or encroachment will not thereby be relieved of legal duties or responsibilities for the structure or activity as imposed by the act or this chapter.

[ (h) ] (i) An application shall be signed by the owners of the dam or reservoir, water obstruction or encroachment, or the persons exercising primary responsibility for the dam or reservoir, water obstruction or encroachment. In the case of a partnership, one or more members of the partnership authorized to sign on behalf of the entire partnership shall sign the application. In the case of a corporation, it shall be signed by the president, vice president or other responsible official empowered to sign for the corporation. In the case of a political subdivision, it shall be signed by the chief officers of the political subdivision or other responsible official empowered to sign for the political subdivision, with the seal affixed and attested by the clerk.

[ (i) ] (j) Plans, specifications and reports accompanying applications for any category of dams, or for bridges and other water obstructions or encroachments which would pose a threat to human life or substantial potential risk to property shall be affixed with the seal of a registered professional engineer and a certification, signed by the registered professional engineer, which shall read as follows:

\* \* \* \* \*

[ (j) ] (k) The Department may waive the specific information requirements of this section in writing, in the record of decision, if upon review of the permit application, the Department finds that specific information is not necessary to review the application.

**(l) The Department will review the adequacy of the fees at least once every 3 years and provide a written report to the EQB. The report will identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and it will contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.**

**SUBMERGED LANDS OF THE  
COMMONWEALTH—LICENSES AND ANNUAL  
CHARGES**

**§ 105.35. Charges for use and occupation of submerged lands of this Commonwealth.**

(a) Except as provided in subsections (b) and (c), the following charges apply to the granting of an easement, right-of-way, license or lease to occupy submerged lands of this Commonwealth issued under section 15 of the act (32 P. S. § 693.15) and § 105.32 (relating to projects—proper purpose):

(1) For commercial utility and other dams, water obstructions and encroachments except as listed in subsection (c), annual license charges:

(i) For areas occupied by facilities, [ \$50 ] \$150 per tenth of an acre.

(ii) For barge fleeting and mooring areas, [ \$10 ] \$30 per tenth of an acre.

(iii) Minimum annual charge, [ \$250 ] \$750.

\* \* \* \* \*

(b) Licenses for public service lines crossing or occupying submerged lands of this Commonwealth, issued under section 15 of the act or section 514 of The Administrative Code of 1929 (71 P. S. § 194) are subject to the following schedule of annual charges:

| <i>Length of Crossings<br/>(in feet)</i> | <i>Charges<br/>(in dollars)</i> |
|--|---------------------------------|
| Less than 500                            | [ \$250 ] 750                   |
| 500 to 999                               | [ 500 ] 1,500                   |
| 1000 to 1499                             | [ 1000 ] 3,000                  |
| 1500 to 1999                             | [ 1500 ] 4,500                  |
| 2000 to 2499                             | [ 2000 ] 6,000                  |
| 2500 to 2999                             | [ 2500 ] 7,500                  |
| 3000 to 3499                             | [ 3000 ] 9,000                  |
| 3500 to 3999                             | [ 3500 ] 10,500                 |
| 4000 to 4499                             | [ 4000 ] 12,000                 |
| 4500 to 4999                             | [ 4500 ] 13,500                 |
| 5000 and over                            | [ 5000 ] 15,000                 |

\* \* \* \* \*

**Subchapter B. DAMS AND RESERVOIRS  
OPERATION, MAINTENANCE AND EMERGENCIES**

**§ 105.131a. Annual dam registration.**

**This chapter establishes annual dam registration fees according to § 105.13(c)(viii) (relating to regulated activities—information and fees) for the Department’s administration of the act.**

**Subchapter L. GENERAL PERMITS**

**§ 105.444. Contents of general permits.**

Each general permit issued by the Department will include, but not be limited to, the following contents:

\* \* \* \* \*

(5) A specification of registration requirements if any, established under § 105.447 (relating to registration requirements) **and registration or general permit fees established under § 105.13 (relating to regulated activities—information and fees).**

**§ 105.448. Determination of applicability of a general permit.**

\* \* \* \* \*

(b) A request for a determination of the applicability of a general permit may not be considered a permit application for purposes of this chapter[ , **and no application fee will be charged** ].

(c) **A project requiring registration under § 105.447 (relating to registration requirements) may be charged an application fee as set forth in the general permit governing each category of dam, water obstruction or encroachment.**

[Pa.B. Doc. No. 12-142. Filed for public inspection January 27, 2012, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Dog Law Grant Program Fiscal Year 2012-2013

The Department of Agriculture (Department) gives notice that the Dog Law Grant Program (Program) that will run this year will run from July 1, 2012, through June 30, 2013, and will award up to \$250,000 in grants. The Program will award bill reimbursement grants to humane societies or associations for the prevention of cruelty to animals that meet the guidelines and conditions of this Program. Recipients of funds under this Program may not make any claim or request for fees under 7 Pa. Code § 25.1 (relating to general) for holding and disposing. The Program will be funded from the Dog Law Restricted Account, from funds which are hereby declared to be "surplus" funds for the limited purposes in section 1002(b) of the Dog Law (3 P. S. § 459-1002(b)).

The Department hereby gives notice that although it proposes the Program for Fiscal Year (FY) 2012-2013, there will not likely be a similar program after June 30, 2013. Humane societies or associations for the prevention of cruelty to animals are hereby provided notice of this fact and—for budgeting and financial planning purposes—should proceed with the knowledge that the Department will not likely be offering a similar version of the Program after June 30, 2013, or, at best, will be offering a significantly scaled-back version of the Program.

In fulfillment of 7 Pa. Code § 23.4 (relating to guidelines and conditions), the Department invites public and legislative review of the proposed guidelines and conditions set forth as follows. Commentators should submit their comments, in writing, so they are received by the Department no later than February 27, 2012—30 days from the date the proposed guidelines and conditions are published in the *Pennsylvania Bulletin*. Comments should be directed to Lynn Diehl, Director, Dog Law Enforcement Office, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408.

The Department will review and consider all written comments in preparing the final guidelines and conditions for the Program. The final guidelines and conditions for the Program will be published in the *Pennsylvania Bulletin* after the close of the comment period referenced. The Department will invite the submission of grant applications at that time.

The proposed guidelines and conditions for the Program are as follows.

#### **Proposed Guidelines and Conditions for the Fiscal Year 2012-2013 Dog Law Grant Program**

##### 1. *Definitions.*

The following words and terms, when used in these guidelines and conditions, have the following meanings:

*Department*—The Department of Agriculture.

*Dog control*—The apprehending, holding and disposing of stray or unwanted dogs, or as otherwise defined in the Dog Law (3 P. S. § 459-102).

*Eligible Bill*—A document seeking payment for materials, services (other than veterinary services and spaying/neutering services) or utilities from a grant recipient, setting forth the following:

i. The date the document is issued.

ii. The name and address of the humane society or association for the prevention of cruelty to animals to which the bill is issued.

iii. If for materials, a description of the materials and the date of delivery. Invoices and/or receipts for materials must set forth or be accompanied by a written description of the intended use of the material and the date the material is used. Materials may not include computers, computer equipment or software. Examples of eligible materials include the following:

- Cleaning supplies;
- Office supplies—typical supplies used to carry on daily office duties;
- Materials for building and repair projects; and
- Purchases of medication, needles, and the like.

iv. If for services, the services must be other than veterinary services or spaying/neutering services, and shall include a description of the nature of the services and the dates upon which the services were rendered. Examples of services include the following:

- Labor charges with respect to which the invoice details the exact service performed and the date of performance;
- Cremation services with respect to which the invoice either verifies that only dogs were cremated or—in the event that animals other than dogs were cremated—separates the dogs from those other animals and identifies a charge attributable to only the cremation of the dogs.
- Exterminator services with respect to which the invoice identifies the date of the service and identifies location of the service.

○ Property, casualty and liability insurance services (excluding workers compensation insurance).

v. If for utilities (such as electricity, water, sewer, waste disposal and similar purposes), a statement of the period for which the utility, for which payment is sought, was provided.

vi. The name, address and telephone number of the entity issuing the invoice or receipt.

*Humane society or association for the prevention of cruelty to animals (SPCA)*—A nonprofit society or association duly incorporated under 15 Pa.C.S. Chapter 53, Subchapter A (relating to incorporation generally) for the purpose of prevention of cruelty to animals, or as otherwise defined in the Dog Law (3 P. S. § 459-102).

*Program*—The July 1, 2012, through June 30, 2013, Dog Law Grant Program.

##### 2. *Eligibility.*

A humane society or association for the prevention of cruelty to animals is eligible to apply to receive a grant under the Program if that humane society or association for the prevention of cruelty to animals:

a. Has been in operation for at least 1 year immediately preceding the application date.

b. Has performed dog control functions for at least 1 year immediately preceding the application date.

c. Has, in the performance of its dog control functions, accepted at least 100 stray or unwanted dogs into its facility within the year immediately preceding the application date.

d. Agrees—as a condition of receiving any grant money under the Program—to continue to perform dog control activities and to accept stray or unwanted dogs from the Department’s State Dog Wardens performing dog control functions, through June 30, 2013.

e. Agrees—as a condition of receiving any grant money under the Program—to accept stray or unwanted dogs as described in the preceding paragraph without regard to whether the stray or unwanted dog originates from a county other than the county in which the humane society or association for the prevention of cruelty to animals is located.

f. Maintains a valid Pennsylvania 2012 and 2013 “Non Profit” kennel license, and operates only a nonprofit kennel at the facility for which grant reimbursement is requested. Facilities which house kennel operations other than a nonprofit facility (that is, boarding kennel and/or commercial kennel) at the same location are not eligible to participate in this program.

### 3. Use of Grant Funds.

The Department will allocate a specific maximum grant amount to a successful grant applicant through a written grant agreement. This maximum grant amount will be specified in the grant agreement.

The maximum grant amount will be retained by the Department and used to reimburse the grant recipient for eligible bills the grant recipient has paid with respect to materials, services or utilities provided to the grant recipient from July 1, 2012, through June 30, 2013. The total reimbursement the Department will pay a grant recipient will not exceed the maximum grant amount. Any money remaining in a grant allocation beyond the termination date of the grant agreement will lapse into the Dog Law Restricted Account. If a bill covers materials, services or utilities provided, in whole or in part, before July 1, 2012, or after June 30, 2013, that bill is not an eligible bill and will not be reimbursed by the Department under the Program.

### 4. Application Process.

a. *Application required.* A humane society or association for the prevention of cruelty to animals seeking a grant under the Program must complete a written application form and deliver it to the Department no later than 30 days from the date this notice is published in the *Pennsylvania Bulletin*. Applications received by the Department beyond that date will not be considered.

b. *Obtaining an application form.* The Department will provide grant application forms upon request, or the application may be downloaded from the Department’s web site: [www.agriculture.state.pa.us](http://www.agriculture.state.pa.us).

Requests for application forms should be directed to Lynn Diehl, Director, Dog Law Enforcement Office, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4833, fax (717) 772-4352.

c. *Contents of grant application form.* A grant application form shall require the following information:

i. The name and address of the applicant.

ii. Information to verify that the applicant is a humane society or association for the prevention of cruelty to animals and otherwise meets the eligibility requirements set forth in paragraph 2.

iii. The maximum grant amount sought by the applicant.

iv. A description of the eligible bills for which the grant applicant intends to seek reimbursement, including a description (and copies, if available) of bills received by the applicant in 2011 for the same type of materials, services (other than veterinary services and spaying/neutering services) or utilities for which reimbursement will be sought under the grant agreement.

v. Verification that, in the event a grant is awarded, the applicant will continue to perform dog control activities, and to accept stray or unwanted dogs from the Department’s State Dog Wardens performing dog control functions, through the FY 2012-2013.

vi. Other information as the Department might reasonably require.

### 5. Review and approval of grant application.

a. *Review and notification.* The Department will review each timely grant application and provide the applicant written notification of whether the Department awards the grant, denies the grant or awards a grant in some amount less than the applicant sought.

b. *Review criteria.* The Department will consider the following, among other factors, in determining whether to award a grant application:

i. The number of applications received and the availability of funds for the grants sought.

ii. The relative contribution of the applicant to dog control activities in the area it serves.

iii. The relative contribution of the applicant to dog control as compared to the relative contribution of other applicants.

iv. The relative importance of the grant to the continued operation of the applicant’s dog control facility.

v. The expense or logistical difficulty the Department would encounter if the applicant’s dog control facility was no longer in operation.

vi. The relative contribution of the applicant in terms of the number of stray or unwanted dogs it accepts from the Department’s State Dog Wardens performing dog control functions.

### 6. Grant agreement.

a. *Grant agreement required.* A successful grant applicant must execute a grant agreement with the Department, setting forth the terms and conditions under which the grant money will be used by the Department to reimburse the grant recipient for payment of eligible bills.

b. *Reimbursement requests.* The grant agreement will set forth the exact procedure by which a grant recipient shall seek reimbursement from the Department for payment of eligible bills. The basic reimbursement request procedure will be as follows:

By January 15, 2013, the grant recipient will: (1) deliver copies of the eligible bills it has paid between July 1, 2012, and December 31, 2012; (2) verify that these bills have been paid and are eligible for reimbursement; and

(3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 6-month period.

By July 15, 2013, the grant recipient will: (1) deliver copies of the eligible bills it has paid between January 1, 2013, and June 30, 2013; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 6-month period.

*c. Payment by the Department.* The Department will reimburse a grant recipient for eligible bills within 60 days of receiving a complete and timely reimbursement request.

*d. Termination.* The Department may terminate a grant agreement at any time by providing the grant recipient written notice of termination at the address set forth on the grant application.

GEORGE D. GREIG,  
*Secretary*

[Pa.B. Doc. No. 12-143. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Holding and Humane Disposition of Stray Unlicensed Dogs

The Department of Agriculture (Department) gives notice that, effective April 1, 2012, it shall decrease the amount it reimburses legally constituted law enforcement agencies that maintain compounds for the humane disposition of stray unlicensed dogs apprehended running at large. The current reimbursement amount is \$30 per dog. As of April 1, 2012, the reimbursement amount for the care and disposal of stray unlicensed dogs at these facilities shall decrease to \$25 per dog. No other fee will be paid by the Department for the care and disposal of stray unlicensed dogs with respect to which this \$25 per dog sum is accepted.

This reimbursement is authorized under 7 Pa. Code § 25.1 (relating to general), which allows the Secretary of the Department to determine an appropriate reimbursement amount (over \$5) on a funds-available basis. The reimbursement payments will be funded from the Dog Law Restricted Account, from funds which are hereby declared to be “surplus” funds for the limited purposes in section 1002(b) of the Dog Law (3 P.S. § 459-1002(b)).

The referenced \$25 per dog payments shall be applicable to dogs apprehended on or after April 1, 2012, and will continue on a funds-available basis until further notice.

GEORGE D. GREIG,  
*Secretary*

[Pa.B. Doc. No. 12-144. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Temporary Order Designating Dangerous Transmissible Diseases

The Department of Agriculture (Department) issues a temporary order designating Chronic Wasting Disease (CWD), Spring Viremia of Carp (SVC), Viral Hemorrhagic

Septicemia (VHS), Lymphocitic Choriomeningitis Virus (LCMV) and the neurologic form of Equine Rhinopneumonitis or Equine Herpes Virus (EHV-1) as “dangerous transmissible diseases.” These designations are made under the authority of 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law).

This temporary order is the successor to a previous temporary order with respect to these same diseases, as published at 40 Pa.B. 7109 (December 11, 2010), that made the same dangerous transmissible disease designations. This previous temporary order will expire as of January 1, 2013.

Under 3 Pa.C.S. § 2327(a) (relating to disease surveillance and detection), the Department has authority to monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases of animals. Under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases), the Department has authority to declare a disease that has not been specifically identified in that statute as a “dangerous transmissible disease” to be a dangerous transmissible disease through issuance of a temporary order making that designation.

#### 1. CWD

CWD is a disease of whitetail deer, elk and other cervids and is a member of the group of diseases known as transmissible spongiform encephalopathies (TSEs). Other more well-known TSEs are scrapie and bovine spongiform encephalopathy (BSE) or “mad cow” disease. All are thought to be caused by a protein that has converted to an abnormal infectious form known as a “prion.” There is some evidence, in the case of BSE, that humans may become infected through consumption of meat products containing central nervous system tissues, thus there is a significant public health interest concerning all TSEs.

A number of states have, in recent years, instituted import regulations requiring that cervids entering those states: (1) originate from herds that are participating in a surveillance program; and (2) originate from states that have authority to take action in the event that CWD is diagnosed. The designation of CWD as a “dangerous transmissible disease” will facilitate the development and oversight of a surveillance program and will help the Department react and take action in the event CWD is detected.

#### 2. SVC

SVC is caused by a ribonucleic acid virus known as *Rhabdovirus carpio* and is considered an emerging disease in the United States. SVC poses a threat to both domestic fish health and wild fish health in this Commonwealth and has the potential to create a significant adverse economic impact on this Commonwealth’s aquaculture industry.

The SVC virus readily infects species of the *Cyprinidae* family (carp and minnows) and spreads through direct contact with infected fish and through shared infected water sources. Symptoms typically appear in the spring time as water temperatures increase. Symptoms in infected fish range from undetectable through mild disease to sudden massive die-off.

There is no specific treatment for fish infected with SVC and no vaccine to prevent the disease. Once natural water resources become infected, SVC may be impossible to eradicate and may pose a permanent threat to aquaculture facilities utilizing those water sources.



3. *VHS*

VHS virus is a serious pathogen of fresh and saltwater fish that is causing an emerging disease in the Great Lakes region of the United States and Canada. VHS virus is a rhabdovirus (rod shaped virus) that affects fish of all size and age ranges. It does not pose any threat to human health. VHS can cause hemorrhaging of fish tissue, including internal organs, and can cause the death of infected fish. Once a fish is infected with VHS, there is no known cure. Not all infected fish develop the disease, but they can carry and spread the disease to other fish. The World Organization of Animal Health has categorized VHS as a transmissible disease with the potential for profound socio-economic consequences.

4. *LCMV*

LCMV is known to cause potentially fatal disease in humans and is capable of being spread by various rodent species. From time to time, outbreaks have occurred in the United States—necessitating swift investigation and disease containment strategies in order to protect human health.

5. *Neurologic Form of EHV-1*

EHV-1 is a highly contagious virus that is ubiquitous in horse populations worldwide. The age, seasonal and geographic distributions vary and are likely determined by immune status and concentration of horses. Infection with EHV-1 most commonly causes respiratory illness, characterized by fever, rhinopharyngitis and tracheobronchitis. Infection may also cause abortions in pregnant mares, following clinical or subclinical infection and can be fatal to newborn foals. A further, infrequent clinical resultant effect of EHV-1 infection is the development of neurologic disease. Depending upon the location and extent of the lesions, signs of neurologic disease may vary from mild incoordination and posterior paresis to severe posterior paralysis with recumbency, loss of bladder and tail function and loss of sensation to the skin in the perineal and inguinal areas and even the hindlimbs. In

exceptional cases, the paralysis may be progressive and culminate in quadriplegia and death.

Transmission of EHV-1 occurs by direct or indirect contact with infective nasal discharges, aborted fetuses, placentas or placental fluids. Transmission can occur by means of coughing or sneezing over a distance of up to 35 feet, as well as by direct contact with infected horses, feed and equipment.

There is currently no known method to reliably prevent the neurologic form of EHV-1 infection. Sound management practices, including isolation, are important to reduce the risk of infection with EHV-1. Maintaining appropriate vaccination protocols may also be prudent in an attempt to reduce the incidence of the respiratory form of EHV-1 infection, which may reduce the incidence of the neurologic form.

*Order*

The Department designates West Nile Encephalitis, CWD, SVC, VHS, LCMV and EHV-1 “dangerous transmissible diseases” under 3 Pa.C.S. § 2321(d). This order supplants any previous temporary order making a designation.

This order shall take effect as of January 1, 2012, and shall remain in effect until no later than January 1, 2013. This Department may: (1) reissue this temporary order to extend the designation beyond January 1, 2013; (2) allow this temporary order to expire on January 1, 2013; (3) supplant this temporary order with a formal regulation; or (4) modify this temporary order.

Questions regarding this temporary order may be directed to Craig Shultz, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-2852.

GEORGE D. GREIG,  
*Secretary*

[Pa.B. Doc. No. 12-145. Filed for public inspection January 27, 2012, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 10, 2012.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department’s Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

| <i>Date</i> | <i>Name and Location of Applicant</i>   | <i>Action</i> |
|-------------|---|---------------|
| 1-1-2012    | F.N.B. Corporation<br>Hermitage<br>Mercer County<br><br>Application for approval to acquire 100% of Parkvale Financial Corporation, Monroeville, and Thereby indirectly acquire 100% of Parkvale Savings Bank, Monroeville. | Approved      |

| <i>Date</i> | <i>Name and Location of Applicant</i>                      | <i>Action</i> |
|-------------|--|---------------|
| 1-6-2011    | Susquehanna Bancshares, Inc.<br>Lititz<br>Lancaster County | Approved      |

Application for approval to acquire 100% of Tower Bancorp, Inc., Harrisburg.

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

| <i>Date</i> | <i>Name and Location of Applicant</i>                 | <i>Location of Branch</i>                               | <i>Action</i> |
|-------------|---|---|---------------|
| 12-27-2011  | Somerset Trust Company<br>Somerset<br>Somerset County | 2095 Quaker Valley Road<br>Fishertown<br>Bedford County | Opened        |

**Branch Relocations**

| <i>Date</i> | <i>Name and Location of Applicant</i>                           | <i>Location of Branch</i>   | <i>Action</i> |
|-------------|---|---|---------------|
| 12-30-2011  | Union Bank and Trust Company<br>Pottsville<br>Schuylkill County | <i>To:</i> 1168 Centre Turnpike, Route 61<br>Orwigsburg<br>Schuylkill County<br><br><i>From:</i> 300 Pinebrook Place, Route 61<br>Orwigsburg<br>Schuylkill County | Effective     |

**Branch Discontinuances**

| <i>Date</i> | <i>Name and Location of Applicant</i>             | <i>Location of Branch</i>                                  | <i>Action</i> |
|-------------|---|--|---------------|
| 12-30-2011  | Northwest Savings Bank<br>Warren<br>Warren County | 104 North Centre Street<br>Pottsville<br>Schuylkill County | Closed        |

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers, and Absorptions**

| <i>Date</i> | <i>Name and Location of Applicant</i>          | <i>Action</i> |
|-------------|--|---------------|
| 1-3-2012    | White Rose Credit Union<br>York<br>York County | Approved      |

Application for approval to merge Central York Federal Credit Union, York, with and into White Rose Credit Union, York.

**Branch Applications****Branch Relocations**

| <i>Date</i> | <i>Name and Location of Applicant</i>          | <i>Location of Branch</i>   | <i>Action</i> |
|-------------|--|---|---------------|
| 1-3-2012    | White Rose Credit Union<br>York<br>York County | <i>To:</i> 107 East Philadelphia Street<br>York<br>York County<br><br><i>From:</i> 200 South George Street<br>York<br>York County | Approved      |

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-146. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of February 2012

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of February, 2012, is 4 3/4%.

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

the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.33 to which was added 2.50 percentage points for a total of 4.83 that by law is rounded off to the nearest quarter at 4 3/4%.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-147. Filed for public inspection January 27, 2012, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, actions and special notices

#### APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. 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.<br>(Type)   | Facility Name &<br>Address   | County &<br>Municipality  | Stream Name<br>(Watershed No.)             | EPA Waived<br>Y/N? |
|-----------------------|--|---|--|--------------------|
| PA0055174<br>(IW)     | Buckeye Pipe Line Co., LP<br>Macungie Station<br>5131 Buckeye Road<br>Macungie, PA 18062 | Lehigh County<br>Lower Macungie &<br>Upper Milford<br>Townships | Unnamed Tributary to<br>Swabia Creek (2-C) | Y                  |
| PA0053163<br>(Sewage) | Webster Youngs SRSTP<br>5029 Vera Cruz Road<br>Center Valley, PA 18034                   | Lehigh County<br>Upper Saucon<br>Township                       | (2-C)                                      | Y                  |

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

| NPDES No.<br>(Type) | Facility Name &<br>Address  | County &<br>Municipality                  | Stream Name<br>(Watershed #)      | EPA Waived<br>Y/N? |
|---------------------|---|---|-----------------------------------|--------------------|
| PA0082996<br>(Sew)  | Mount Zion School of Ministry<br>RR #1, Box 7380<br>Grantville, PA 17028      | Lebanon County /<br>East Hanover Township | UNT Indiantown Run /<br>7D        | Y                  |
| PA0039551<br>(Sew)  | Lebanon Valley MHC<br>320 Parker Street<br>Carlisle, PA 17013                 | Lebanon County /<br>Bethel Township       | UNT Little Swtara<br>Creek / 7D   | Y                  |
| PA0248185<br>(Sew)  | Jackson Township Authority<br>60 North Ramona Road<br>Myerstown, PA 17067     | Lebanon County /<br>Jackson Township      | UNT Tulpehocken<br>Creek / 3C     | Y                  |
| PA0248347<br>(CAFO) | Leshner's Poultry Farm, Inc.<br>1153 Swamp Fox Road<br>Chambersburg, PA 17202 | Franklin County /<br>Guilford Township    | UNT Conococheague<br>Creek / 13-C | Y                  |

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

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

**PA0037052-A1**, Sewage, SIC Code 4952, **Pen Argyl Municipal Authority**, 11 North Robinson Avenue, Pen Argyl, PA 18072. Facility Name: Pen Argyl Wastewater Treatment Plant. This existing facility is located in Pen Argyl Borough, **Northampton County**.

Description of Activity: The Department is proposing to amend an NPDES permit for an existing discharge of treated sewage. The amendment consists of updating the language under "Additional Requirements" on page 4 of the permit, and adding a special condition regarding the determination of compliance with the Additional Requirements (1.d.), in accordance with the Joint Stipulation for Settlement entered on January 10, 2012 in the matter of Pen Argyl Municipal Authority v. DEP, EHB Docket No. 2011-129-C. There are no proposed changes to the effluent limits, which are based on a design flow of 0.95 MGD.

The receiving stream(s), Waltz Creek, is located in State Water Plan watershed 1-F 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.

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.

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

**PAS603508**, Storm Water, SIC Code 5093, **Cumberland Recycling Inc.**, 240 Stover Drive, Carlisle, PA 17013. Facility Name: Cumberland Scrap Metal Recyclers. This proposed facility is located in Middlesex Township, **Cumberland County**.

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

The receiving stream(s), Unnamed Tributary to Letort Spring Run, is located in State Water Plan watershed 7-B and is classified for Cold Water Fishes (designated use), aquatic life, water supply and recreation and High Quality - Cold Water Fishes (existing use). The discharge is not expected to affect public water supplies.

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

\*The permittee may conduct an annual inspection using the Annual Inspection Form (3800-PM-WSWM0083v) in lieu of annual monitoring for the parameters listed above.

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

The EPA Waiver is in effect.

**PA0083747**, SIC Code 2421, **Weaber Inc.**, 1231 Mount Wilson Road, Lebanon, PA 17042-4785. Facility Name: Weaber Lumber Mill. This existing facility is located in South Annville Township, **Lebanon County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage and stormwater associated with industrial activities.

The receiving stream(s), Gingrich Run, is located in State Water Plan watershed 7-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 MGD.

| <i>Parameters</i>           | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                         |        |
|-----------------------------|------------------------|----------------------|----------------|-----------------------------|-------------------------|--------|
|                             | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Instant. Maximum</i> |        |
| Flow (MGD)                  | Report                 | Report               | XXX            | XXX                         | XXX                     | XXX    |
| pH (S.U.)                   | XXX                    | XXX                  | 6.0            | XXX                         | XXX                     | 9.0    |
| Dissolved Oxygen            | XXX                    | XXX                  | 5.0            | XXX                         | XXX                     | XXX    |
| Total Residual Chlorine     | XXX                    | XXX                  | XXX            | <0.1                        | XXX                     | <0.2   |
| CBOD <sub>5</sub>           | XXX                    | XXX                  | XXX            | 25                          | XXX                     | 50     |
| Total Suspended Solids      | XXX                    | XXX                  | XXX            | 30                          | XXX                     | 60     |
| Fecal Coliform (CFU/100 ml) |                        |                      |                |                             |                         |        |
| May 1 - Sep 30              | XXX                    | XXX                  | XXX            | 200<br>Geo Mean             | XXX                     | 1,000  |
| Oct 1 - Apr 30              | XXX                    | XXX                  | XXX            | 2,000<br>Geo Mean           | XXX                     | 10,000 |
| Ammonia-Nitrogen            |                        |                      |                |                             |                         |        |
| May 1 - Oct 31              | XXX                    | XXX                  | XXX            | 1.5                         | XXX                     | 3.0    |
| Nov 1 - Apr 30              | XXX                    | XXX                  | XXX            | 4.5                         | XXX                     | 9.0    |

The proposed effluent limits for Outfall 002, 003, 004, 006 and 007 are based on a design flow of 0.000000 MGD.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>  |     |                | <i>Concentration (mg/l)</i> |     |                         |
|------------------------|-----------------------|-----|----------------|-----------------------------|-----|-------------------------|
|                        | <i>Annual Average</i> |     | <i>Minimum</i> | <i>Average Monthly</i>      |     | <i>Instant. Maximum</i> |
| Flow (MGD)             | Report                | XXX | XXX            | XXX                         | XXX | XXX                     |
| pH                     | XXX                   | XXX | XXX            | XXX                         | XXX | Report                  |
| CBOD <sub>5</sub>      | XXX                   | XXX | XXX            | XXX                         | XXX | Report                  |
| Chemical Oxygen Demand | XXX                   | XXX | XXX            | XXX                         | XXX | Report                  |
| Total Suspended Solids | XXX                   | XXX | XXX            | XXX                         | XXX | Report                  |
| Total Aluminum         | XXX                   | XXX | XXX            | XXX                         | XXX | Report                  |
| Total Copper           | XXX                   | XXX | XXX            | XXX                         | XXX | Report                  |
| Total Iron             | XXX                   | XXX | XXX            | XXX                         | XXX | Report                  |
| Total Lead             | XXX                   | XXX | XXX            | XXX                         | XXX | Report                  |
| Total Manganese        | XXX                   | XXX | XXX            | XXX                         | XXX | Report                  |
| Total Zinc             | XXX                   | XXX | XXX            | XXX                         | XXX | Report                  |

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

The EPA Waiver is in effect.

**Application No. PA0261726, Concentrated Animal Feeding Operation (CAFO)**, Lester Martin, 415 East Old York Road, Carlisle, Pa. 17015.

Lester Martin has submitted an application for an Individual NPDES permit for a proposed CAFO known as Lester Martin Duck Operation, located at 415 East Old York Road, Carlisle, Pa. 17015 in South Middleton Township, **Cumberland County**.

The CAFO is situated near an unnamed tributary of the Yellow Breeches Creek in Watershed 7-E, which is classified for HQ-CWF. The CAFO will be designed to maintain an animal population of approximately 131.57 animal equivalent units (AEUs) consisting of 38,000 ducks. Manure will be collected and stored in an earthen HDPE-lined lagoon. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate PA Technical Guide Standards. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. You may make an appointment to review the files by calling the File Review Coordinator at 717.705.4732. The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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

**PA0254231**, Industrial Waste, SIC Code 4499 & 4492, **Ingram Barge Co.**, 100 Atlantic Avenue, Elizabeth, PA 15037. Facility Name: Ingram Barge Co. Monongahela Mile Marker 22.2. This proposed facility is located in Elizabeth Borough, **Allegheny County**.

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

The receiving stream, Monongahela River, is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 MGD.

| Parameters             | Mass (lb/day)   |               |         | Concentration (mg/l) |               |                  |
|------------------------|-----------------|---------------|---------|----------------------|---------------|------------------|
|                        | Average Monthly | Daily Maximum | Minimum | Average Monthly      | Daily Maximum | Instant. Maximum |
| Flow (MGD)             | Report          | Report        | XXX     | XXX                  | XXX           | XXX              |
| pH (S.U.)              | XXX             | XXX           | 6.0     | XXX                  | 9.0           | XXX              |
| Total Suspended Solids | XXX             | XXX           | XXX     | 30                   | 60            | XXX              |
| Oil and Grease         | XXX             | XXX           | XXX     | 15                   | 30            | XXX              |
| Iron                   | XXX             | XXX           | XXX     | 3.0                  | 6.0           | XXX              |
| Manganese              | XXX             | XXX           | XXX     | 2.0                  | 4.0           | XXX              |
| BOD <sub>5</sub>       | XXX             | XXX           | XXX     | Report               | Report        | XXX              |

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

Within ninety (90) days following commencement of operations, the permittee shall submit sample analysis results for Modules 4 and 5 of the NPDES permit application.

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

The EPA Waiver is in effect.

**PA0024449**, Sewage, SIC Code 4952, **Youngwood Borough Authority**, 17 South Sixth Street, Youngwood, PA 15697-1231. Facility Name: Youngwood Borough STP. This existing facility is located in Youngwood Borough, **Westmoreland County**.

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

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

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

| Parameters                              | Mass (lb/day)   |                     |         | Concentration (mg/l) |                |                  |
|---|-----------------|---------------------|---------|----------------------|----------------|------------------|
|   | Average Monthly | Weekly Average      | Minimum | Average Monthly      | Weekly Average | Instant. Maximum |
| Flow (MGD)                              | Report          | Report<br>Daily Max | XXX     | XXX                  | XXX            | XXX              |
| pH (S.U.)                               | XXX             | XXX                 | 6.0     | XXX                  | XXX            | 9.0              |
| CBOD <sub>5</sub>                       | 104.0           | 156.0               | XXX     | 25                   | 37.5           | 50               |
| BOD <sub>5</sub><br>Raw Sewage Influent | Report          | Report<br>Daily Max | XXX     | Report               | XXX            | XXX              |

| <i>Parameters</i>                                     | <i>Mass (lb/day)</i>   |                       |                | <i>Concentration (mg/l)</i> |                       |                         |
|---|------------------------|-----------------------|----------------|-----------------------------|-----------------------|-------------------------|
|   | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Weekly Average</i> | <i>Instant. Maximum</i> |
| Total Suspended Solids<br>Raw Sewage Influent         | Report                 | Report<br>Daily Max   | XXX            | Report                      | XXX                   | XXX                     |
| Total Suspended Solids<br>Fecal Coliform (CFU/100 ml) | 125.0                  | 188.0                 | XXX            | 30                          | 45                    | 60                      |
| May 1 - Sep 30  | XXX                    | XXX                   | XXX            | 200<br>Geo Mean             | XXX                   | 1,000                   |
| Oct 1 - Apr 30  | XXX                    | XXX                   | XXX            | 2,000<br>Geo Mean           | XXX                   | 10,000                  |
| Ammonia-Nitrogen                                      |                        |                       |                |                             |                       |                         |
| May 1 - Oct 31  | 21.0                   | 31.0                  | XXX            | 5.0                         | 7.5                   | 10.0                    |
| Nov 1 - Apr 30  | 58.0                   | 88.0                  | XXX            | 14.0                        | 21.0                  | 28.0                    |

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

The EPA Waiver is in effect.

**PA0218391**, Sewage, **Georges Creek Municipal Authority**, PO Box 338, Smithfield, PA 15478. Facility Name: Georges Creek Municipal Authority STP. This existing facility is located in Georges Township, **Fayette 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), Georges Creek, is located in State Water Plan watershed 19-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.16 MGD.

| <i>Parameters</i>                                     | <i>Mass (lb/day)</i>   |                       |                | <i>Concentration (mg/l)</i> |                       |                         |
|---|------------------------|-----------------------|----------------|-----------------------------|-----------------------|-------------------------|
|   | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Weekly Average</i> | <i>Instant. Maximum</i> |
| Flow (MGD)  | Report                 | Report<br>Daily Max   | XXX            | XXX                         | XXX                   | XXX                     |
| pH (S.U.)   | XXX                    | XXX                   | 6.0            | XXX                         | XXX                   | 9.0                     |
| Dissolved Oxygen                                      | XXX                    | XXX                   | 4.0            | XXX                         | XXX                   | XXX                     |
| CBOD <sub>5</sub>                                     |                        |                       |                |                             |                       |                         |
| May 1 - Oct 31  | 26.7                   | 40.0                  | XXX            | 20                          | 30                    | 40                      |
| Nov 1 - Apr 30  | 33.4                   | 50.7                  | XXX            | 25                          | 38                    | 50                      |
| BOD <sub>5</sub>                                      |                        |                       |                |                             |                       |                         |
| Raw Sewage Influent                                   | Report                 | Report<br>Daily Max   | XXX            | Report                      | XXX                   | XXX                     |
| Total Suspended Solids<br>Raw Sewage Influent         | Report                 | Report<br>Daily Max   | XXX            | Report                      | XXX                   | XXX                     |
| Total Suspended Solids<br>Fecal Coliform (CFU/100 ml) | 40.0                   | 60.0                  | XXX            | 30                          | 45                    | 60                      |
| May 1 - Sep 30  | XXX                    | XXX                   | XXX            | 200<br>Geo Mean             | XXX                   | 1000                    |
| Oct 1 - Apr 30  | XXX                    | XXX                   | XXX            | 2000<br>Geo Mean            | XXX                   | 10000                   |
| Ammonia-Nitrogen                                      |                        |                       |                |                             |                       |                         |
| May 1 - Oct 31  | 4.0                    | 6.0                   | XXX            | 3.0                         | 4.5                   | 6.0                     |
| Nov 1 - Apr 30  | 12.0                   | 18.0                  | XXX            | 9.0                         | 13.5                  | 18.0                    |

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 18711-0790*

**WQM Permit No. 3512401**, Sewerage, **Lackawanna College**, 501 Vine St., Scranton, PA 18509.

This proposed facility is located in Covington Twp., **Lackawanna County**, PA.

Description of Proposed Action/Activity: This Project involves construction of a small flow sewage treatment system consisting of a septic tank, flow equalization, a greenhouse treatment system, ultraviolet disinfection and reuse of treated effluent for toilet flushing.

**WQM Permit No. 4812401**, Sewerage, **Borough of Glendon**, 24 Franklin Street, Glendon PA 18042.

This proposed facility is located in Glendon Boro., **Northampton County**, PA.

Description of Proposed Action/Activity: This Project involves construction of a sewer extension to serve approximately 25 existing dwelling along Main Street. The sewer consists of approximately 1400 lineal feet of gravity sewer, a pump station and a force main.

**WQM Permit No. 1311401**, Sewerage, **Tuthill Corporation dba Blue Mountain Ski Area**, PO Box 216, Palmerton PA.

This proposed facility is located in Lower Towamensing Twp., **Carbon County**, PA.

Description of Proposed Action/Activity: This Project involves installation of additional facilities at the existing Blue Mountain Ski Area to increase the capacity of the existing sewage treatment facility from 0.060 MGD to 0.300 MGD.

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

**WQM Permit No. 2112401**, Sewerage, **William and Laura Lee Kauffman**, 110 Union Hall Road, Carlisle, PA 17013-8391.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a small flow treatment system to serve their existing single family residence.

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

**WQM Permit No. 4910403**, Sewerage [SIC 4952], PO Box 80, Dewart, PA 17730-0080

This proposed facility is located in Delaware Township, Watsontown Borough and Milton Borough, **Northumberland County**.

Description of Proposed Action/Activity: Value engineering conducted after the issuance of WQM Permit No. 4910403 for the Northern Neighbors Sewer Improvement Project requires an amendment to the permit. The changes include: replacement of the proposed Fredericks Drive Pump Station with a low pressure sewer extension, decreases in pipe diameter of the proposed Dewart Main Pump Station and Watsontown Main Pump Station force mains and changes to the design of the Watsontown Main Pump Station.

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

**WQM Permit No. 6312401**, Sewerage, **Live Nation Pittsburgh**, 665 Route PA 18, Burgettstown, PA 15021

This proposed facility is located in Hanover Township, **Washington County**

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

**WQM Permit No. WQG026134**, Sewerage, **Hempfield Township Municipal Authority**, 1146 Woodward Drive, Greensburg, PA 15601

This proposed facility is located in Hempfield Township, **Westmoreland County**

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

#### **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> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAI01091108             | Bucks County Airport Authority<br>3879 Old Easton Road<br>PO Box 1185<br>Doylestown, PA 18901 | Bucks         | Milford Township    | Unami Creek (HQ-TSF)       |

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>                |
|-------------------------|--|---------------|---------------------|---|
| PAI023911017            | George Busch Compass<br>Business Center, LLC<br>3140-B Tilghman St., #202<br>Allentown, PA 18104 | Lehigh        | Upper Macungie Twp. | Unnamed Tributary to Iron Run, HQ-CWF, MF |



| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>County</i> | <i>Municipality</i> | <i>Receiving<br/>Water/Use</i> |
|-----------------------------|---|---------------|---------------------|--------------------------------|
| PAI023911019                | Frank Ford<br>St. Luke's Hospital &<br>Health Network<br>1736 Hamilton St.<br>Allentown, PA 18104 | Lehigh        | City of Allentown   | Cedar Creek,<br>HQ-CWF, MF     |

|              |   |        |                      |   |
|--------------|---|--------|----------------------|---|
| PAI023911020 | Daniel Puchyr<br>Bracy Contracting, Inc.<br>4240 W. Tilghman St.<br>Allentown, PA 18104               | Lehigh | North Whitehall Twp. | Jordan Creek,<br>HQ-CWF, MF<br>Coplay Creek,<br>CWF, MF |
|              | Pennsylvania Dept.<br>of Transportation<br>Michael Keiser<br>1002 Hamilton St.<br>Allentown, PA 18101 |        |                      |   |

*Northampton County Conservation District: 14 Gracedale Ave., Greystone Building, Nazareth, PA 18064, 610-746-1971.*

| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>                      | <i>County</i> | <i>Municipality</i> | <i>Receiving<br/>Water/Use</i> |
|-----------------------------|--|---------------|---------------------|--------------------------------|
| PAI024811009                | Lafayette College<br>9 North Campus Lane<br>Easton, PA 18042 | Northampton   | City of Easton      | Bushkill Creek,<br>HQ-CWF, MF  |

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

| <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>County</i> | <i>Municipality</i>  | <i>Receiving<br/>Water/Use</i>                           |
|-------------------|---|---------------|--|--|
| PAI032106002R     | Tom Varish<br>WG Development Corp<br>1860 Baltimore Pike, Suite 1<br>Gettysburg, PA 17325   | Cumberland    | South Middleton<br>Township & Mount<br>Holly Springs Borough | Yellow Breeches<br>Creek/HQ-CWF &<br>Mountain Creek/ CWF |
| PAI033611007      | Scott Kreider<br>S&A Kreider & Sons Farm<br>761 Spring Valley Road<br>Quarryville, PA 17566 | Lancaster     | East Drumore<br>Township                                     | Jackson Run/<br>HQ-CWF, MF                               |

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

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

| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>                         | <i>County</i> | <i>Municipality</i> | <i>Receiving<br/>Water/Use</i> |
|-----------------------------|---|---------------|---------------------|--------------------------------|
| PAI044111005                | Stephen Marshall<br>1274 Marshall Rd<br>Roaring Branch PA 17765 | Lycoming      | Jackson Township    | Roaring Brook (Branch)<br>HQ   |

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

*Lawrence County Conservation District, Lawrence Co government Center, 430 Court Street, New Castle PA 16101*

| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>County</i> | <i>Municipality</i> | <i>Receiving<br/>Water/Use</i> |
|-----------------------------|--|---------------|---------------------|--------------------------------|
| PAI063706001R               | Lawrence Co Economic<br>Development Corporation<br>Attn: Linda Nitch, Exec. Dir.<br>100 East Reynolds Street<br>New Castle PA 16101<br>&<br>Medure Development LLC<br>Attn: Mr. Angelo Medure<br>4092 Wampum Road<br>New Castle PA 16102 | Lawrence      | Neshannock Townshp  | Shenango River WWF             |

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

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|        |                                |
|--------|--------------------------------|
| 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>    |
|--|---------------|--------------------|--------------------------------|--------------------|---|-----------------------|
| Penn England Farm<br>10341 Fox Run Road<br>Williamsburg, PA 16693  | Blair         | 2,966.7            | 3,338.45                       | Dairy              | Clover Creek—HQ<br>Piney Creek—HQ<br>Fox Run—HQ<br>New Creek—HQ | Renewal               |
| John Nolt<br>10190 Mountain Rd.<br>Port Royal, Pa 17082  | Juniata       | 35                 | 489.42                         | Poultry            | None  | Renewal               |
| Lazy Hog Farm<br>(Chris Hoffman)<br>4390 Mountain Rd.<br>McAlisterville, PA 17049  | Juniata       | 80                 | 651.9                          | Swine              | HQ  | Renewal               |
| Marlin Sensenig<br>114 Huckleberry Road<br>Jonestown, PA 17038   | Lebanon       | 0                  | 355.07                         | Poultry            | NA  | Renewal /<br>New CAFO |
| Mary Ann Rutt<br>524 North Garfield Road,<br>Bernville, PA 19506   | Berks         | 195.5              | 711.3                          | swine              | NA  | Renewal               |
| Joe Jurgielewicz & Son, Ltd.,<br>PO Box 257,<br>Shartlesville, PA 19554<br>(mailing),<br>1301 Airport Road,<br>Bethel, PA 19507<br>(physical)      | Berks         | 31.1               | 73.52                          | duck               | NA  | Renewal               |
| Joe Jurgielewicz & Son, Ltd.,<br>PO Box 257,<br>Shartlesville, PA 19554<br>(mailing),<br>177 Seip Lane,<br>Shoemakersville, PA 19555<br>(physical) | Berks         | 63.64              | 75.0                           | duck               | NA  | Renewal               |
| Drew Derstein's Deer<br>Stone Ag<br>10049 Ferguson Valley Rd.<br>Lewistown PA 17044  | Mifflin       | 0                  | 716.5                          | swine              | Strodes Run<br>HQ—cold water<br>fishery                         | Renewal               |

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

### SAFE DRINKING WATER

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

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

##### Permit No. 6112501, Public Water Supply

|                           |  |
|---------------------------|--|
| Applicant                 | <b>UPMC Senior Communities<br/>Sugar Creek Station</b>   |
| Township or Borough       | Sugar Creek Borough  |
| County                    | <b>Venango</b>   |
| Responsible Official      | Deborah S. Brodine, President  |
| Type of Facility          | Public Water Supply  |
| Consulting Engineer       | Raymond H. Antonelli, Sr., P.E.<br>NIRA Consulting Engineers, Inc.<br>950 Fifth Avenue<br>Coroapolis, PA 15108   |
| Application Received Date | January 12, 2012   |
| Description of Action     | Electrical, piping and SCADA upgrades to pump station, new concrete water storage tank with SCADA, chlorine monitoring and demolition of existing tanks. |

## MINOR AMENDMENT

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

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

#### Application No. 4283501-MA2, Minor Amendment.

|                           |   |
|---------------------------|---|
| Applicant                 | <b>Bradford City Water Authority</b>  |
| Township or Borough       | Bradford Township   |
| Responsible Official      | Kim R. Benjamin   |
| Type of Facility          | Public Water Supply   |
| Consulting Engineer       | Randy L. Krause<br>Bankson Engineers, Inc.<br>267 Blue Run Road<br>P. O. Box 200<br>Indianola, PA 15051 |
| Application Received Date | January 5, 2012   |
| Description of Action     | Replacement of chemical tanks at water treatment plant.   |

## 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:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**Edwards Residence**, Lower Chichester Township, **Delaware County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Clark Erskine, Allstate Insurance, 1200 Atwater Drive Suite 110, Malvern, PA 19355, Bill Neef, ServiceMASTER by ARtec, 150 East Baltimore Avenue, PO Box 271, Clifton Heights, PA 19018 on behalf of Raven Edwards, 1309 Markets Street, Linwood, PA 19061 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no.2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was to have been reported in the *Delaware County Times* on November 4, 2011

**Philadelphia VA Medical Center**, City of Philadelphia, **Philadelphia County**. Bridget Shadler, Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, Elizabeth Roberts, Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602 on behalf of Paul Rivers, Philadelphia V.A. Medical Center, University and Woodland Avenue, Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2, 4, 5, and no. 6 fuel oil. The future use of the site will remain the same.

**Sitewide BP Marcus Hook Refinery**, Borough of Trainer & Marcus Hook, **Delaware County**. Dave Frearson, Sovereign Consulting, 111A North Gold Drive, Robbinsville, NJ 08691, Christopher Jaggie, Sovereign Consulting, 111A North Gold Drive, Robbinsville, NJ 08691, Sasa Jazic, Atlantic Richfield Company, 28100 Torch Parkway, Mail Code 2-S, Warrenville, Illinois 60555 on behalf of Ken Kerntke, ConocoPhillips, 4101 Post Road, Trainer, PA 19061 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted the release of inorganics, voc's and metals. The

future use of the site will remain the same. A summary of the Notice of Intent to Remediate was to have been published in the *Delaware County Times* on February 31, 2011.

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

**Former Conrail Hollidaysburg Property, Baker Hughes Portion, Jones Street**, Hollidaysburg, PA 16648, Hollidaysburg Boro, **Blair County**. Mountain Research, 825 25th Street, Altoona, PA 16601, on behalf of Baker Hughes Oilfield Operations, Inc. 2929 Allen Parkway, Houston, TX 77019, submitted a Notice of Intent to Remediate site groundwater and soil contaminated with VOCs, Chlorinated Solvents, PAHs and Inorganics. The site will be remediated to the Site Specific standard. Future use of the site will be a sand plant.

**Former Exxon Mobil Oil Corporation—Mt. Union Terminal #37-058**, 15534 Croghan Pike, Mt. Union, PA 17260, Shirley Township, **Huntingdon County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of ExxonMobil Environmental Services, 38 Varick Street, Brooklyn, NY 11222, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with leaded and unleaded gasoline. The site will be remediated to the Non-Residential Statewide Health standard. Future use of the site is commercial.

**T.W. Ponessa & Associates Corporate Offices**, 414 North Prince Street, Lancaster, PA 17603, Lancaster City, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Triple J Associates, Ltd, 160 Valley Road, Lancaster, PA 17601, submitted a Notice of Intent to Remediate site soils contaminated with fuel oil. The site will be remediated to the Residential Statewide Health standard. Future use of the site is commercial offices and retail.

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

**Vera Grove Rishel Estate Property**, Point Township, **Northumberland County**. Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 on behalf of Vera Grove Rishel Estate Property, 2747-2757 Point Township Drive (Route 11), Northumberland PA 17857 has submitted a Notice of Intent to Remediate soil contaminated with leaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**Anadarko Petroleum Corporation—Seely Pipe Line Hensler Road Diesel Release**, Mifflin Township, **Lycoming County**. Groundwater Environmental Services on behalf of Anadarko Petroleum Corporation has submitted a Final Report for soil contaminated with diesel fuel along Hensur Road. The applicant proposes to remediate the site to meet the Statewide Health Standard.

**Scott Nolt Farm**, Granville Township, **Bradford County** Mike Martin, Edger Enterprises LLC, 330 East 14th Street, Elmira Heights, NY 14903, on behalf of Scott Nolt, 1766 East Canton Road, Canton, PA 17724 has submitted a Notice of Intent to Remediate soil contaminated with drill cuttings, motor oil and diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard.

## RESIDUAL WASTE GENERAL PERMITS

**Application(s) received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGR123SW007.** 212 Water Services, LLC, 2795 E. Cottonwood Parkway, Suite 310, Salt Lake City, UT 84121. A registration for a residual waste general permit for an industrial wastewater treatment facility in Rostraver Township, **Westmoreland County** for processing of drilling fluids, raw gas well flow back and produced water generated during hydraulic fracturing and extraction of natural gas from Marcellus Shale geologic formations, for beneficial reuse at the well site. The application was received on December 7, 2011 and deemed administratively complete by the Regional Office on January 10, 2012.

Comments concerning the application should be directed to Diane McDaniel, Environmental Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application may contact the DEP Southwest Regional Office at 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to, and approval or denial of the application.

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGR097R021. Atlas Oilfield Construction Co., LLC;** 95 W. Wellsboro Street, P. O. Box 467, Mansfield, PA 16933. Site: Atlas—Lawrenceville Facility, 347 Water Tower Road, Lawrence Twp., PA. The application is for research and development in recycling natural gas drill cuttings in the manufacturing of an asphalt road base cold mix product. The application was deemed administratively complete by Central Office on January 12, 2012.

Written comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place “Comments on WMGR097R021” in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

**General Permit Application No. WMGR138.** Federouch Landscape Supply, P. O. Box 522, Lawrence, PA 15055. Peters Township Yard Site: 202 Buckeye Street, Canonsburg, PA 15317; Scott Township Yard Site: 245 Hope Street, Carnegie, PA 15106. The application is for a

residual waste general permit for processing of yard waste, land clearing and grubbing waste, concrete and asphalt waste, and construction and demolition waste for beneficial use as landscaping material. The application was determined to be administratively complete by Central Office on January 3, 2012.

Written comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place “Comments on WMGR138” in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit Application No. 101662. Conshohocken Recycling & Rail Transfer, LLC,** 1060 Conshohocken Road, Conshohocken PA 19428-1002. This permit application is for the reissuance of the existing solid waste management permit from Conshohocken Rail, LLC to Conshohocken Recycling & Rail Transfer, LLC at the Conshohocken Recycling & Rail Transfer, LLC facility, an existing construction and demolition waste transfer station facility, located in Plymouth Township **Montgomery County**. The application was received by the Southeast Regional Office on November 30, 2011.

**Permit Application No. 101494. Waste Management of Pennsylvania, Inc.,** 1000 New Ford Mill Road, Morrisville PA 19067. This minor permit modification application is for installation and operation of an LFG-fired engine for on-site power generation at the Tullytown Resource Recovery Facility located in Falls Township and Tullytown Borough, **Bucks County**. The application was received by the Southeast Regional Office on December 23, 2011.

## 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 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*

**56-00181C: Southern Alleghenies Landfill, Inc.** (843 Miller Picking Road, Davidsville, PA 15928) to deactivate the 4,000 cubic feet per minute cfm McGill enclosed flare and operate the 3,500 cfm Parnell enclosed flare as the primary flare at the Conemaugh Township Landfill in Conemaugh Township, **Somerset County**.

**04-00718: Three Rivers Aggregates, LLC** (SR 351, New Galilee, PA 16141) for a portable crusher, a diesel generator for power, and processing sand and gravel at the Palmer Sand and Gravel Plant in Darlington Township, **Beaver 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.**

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

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

**09-0219: Premium Excavating, LLC** (18 Steel Road West, Morrisville, PA 19067) for the installation of a nonmetallic crushing plant to process construction wash-out material (concrete waste) from concrete delivery trucks located in Falls Township, **Bucks**. The Plan Approval will contain all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

**46-0108C: Highway Materials, Inc.** (1128 Crusher Road, Perkiomenville, PA 18074) for installation of a secondary crusher and baghouse at their Perkiomenville Quarry in Marlborough Township, **Bucks County**. The crusher replaces an existing secondary crusher and will be electrically powered. This replacement will not cause the facility to exceed any major source thresholds and the facility will continue to maintain its synthetic minor operating status. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**09-0184: Doylestown Hospital** (595 West State Street, Doylestown, PA 18901) for the installation of a Selective Catalytic Reduction (SCR) system and Oxidation Catalyst to an existing natural-gas fired electric generator located in Doylestown Township, **Bucks County**. The facility has proposed to increase the use of this generator up to a maximum of 5,500 hours per year for peak shaving purposes. This project will not cause the facility to exceed any major source thresholds and the facility will continue to maintain its synthetic minor operating status. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**46-0274A: Tegrant Diversified Brands, Inc.** (161 Corporate Drive, Montgomeryville, PA 18936) for modification of an insulated shipping container manufacturing operation in Montgomery Township, **Montgomery County**. Tegrant Diversified Brands is a minor facility. The manufacturing process is a closed mold, rigid polyurethane foam molding operation which uses materials containing Volatile Organic Compounds. The modification consists of: switching to a different manufacturer of the raw materials (polyol resin and isocyanate), increase the amount of raw materials currently used, and to replace the mixing/injection equipment used to blend and inject the foam into the molds. Tegrant is requesting the increase of raw material usage because of future expected growth. Therefore, the company is also requesting an increase to the facility volatile organic emission limit from 6.5 tons per year (tpy) to 8.0 tpy. Best Available Technology (BAT) is applicable for this modification. BAT for this modification will be: reduction of clean up solvent used, more efficient injection equipment, and good house-keeping practices. The Plan Approval will include work practice standards, monitoring, and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**06-05077A: Can Corp. of America** (326 June Ave., PO Box 170, Blandon, PA 19510) for installing a metal sheet coater at their Blandon Plant in Maidencreek Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received 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 06-05077A is for installing a metal sheet coater controlled by an oxidizer. The company shall be subject to and comply with Best Available Technology (BAT) requirements of 25 Pa. Code § 127.12(a)(5). The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The expected air emissions from the proposed project are a maximum of 6.6 tons per year of VOC.

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

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

Mr. Thomas Hanlon, P.E., Facility Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

**28-05045A: PPL Renewable Energy, LLC** (Two North Ninth Street, Allentown, PA 18101) for construction of a landfill gas treatment system, four (4) landfill gas-fired reciprocating internal combustion engines (RICEs) and associated four (4) electric generators, and an enclosed ground flare at its new Blue Ridge Renewable Energy Plant in Greene Township, **Franklin County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the above-mentioned company for the above-mentioned project. This plan approval will be incorporated into the company's new Title V Operating Permit at a later date.

Plan Approval No. 28-05045A authorizes the construction of the abovementioned sources. The four (4) landfill gas-fired RICEs will be subject to 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The Plan Approval and Title V Operating Permit will contain emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality requirements. Potential CO emissions from the proposed sources will be capped at 249.9 TPY in order to avoid Prevention of Significant Deterioration (PSD) applicability. The proposed sources will also have the following potential emissions: 95.3 TPY NO<sub>x</sub>; 92.9 TPY PM<sub>10</sub>; 91.0 TPY SO<sub>x</sub>; 48.7 TPY VOC; 31.0 TPY formaldehyde; 36.4 TPY total HAPS; and 7,548.6 TPY CO<sub>2e</sub>.

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

A person may oppose the proposed 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, P.E., New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

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

**18-00032A: PVS Chloralkali, Inc.** (10900 Harper Avenue, Detroit, MI 48213) for a plan approval to install a packed bed scrubber to control the air contaminant emissions from the hydrochloric acid transloading operation at their facility in Castanea Township, **Clinton County**. The respective facility is a state only (natural minor) facility for which a state only operating permit has not been issued.

The Department's review of the information submitted by PVS Chloralkali, Inc. indicates that installation of the scrubber will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these find-

ings, the Department intends to issue a plan approval for the installation of the scrubber. Additionally, if the Department determines the scrubber is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a state only (natural minor) operating permit.

The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. No more than 10,400,000 gallons of hydrochloric acid shall be transferred from railcars to tanker trucks at this facility in any 12 consecutive month period.

2. The emission of hydrochloric acid from the transloading operation shall not exceed 0.08 tons in any 12 consecutive month period.

3. Hydrochloric acid shall not be transferred from railcars to tanker trucks without the simultaneous operation of the packed bed scrubber.

4. The packed bed scrubber shall be equipped with instrumentation to continuously monitor the differential pressure across the packing bed, the flow rate of the recirculating scrubbing solution and the conductivity of the scrubbing solution.

5. The recirculation flow rate of the packed bed scrubber shall be maintained at or above 10.8 gallons per minute and the hydrochloric acid concentration of the scrubbing solution shall not exceed 4%, by weight, whenever railcars and/or tanker trucks are being vented to the scrubber.

6. A rubber-lined, conical loading spout, or a loading spout assembly referred to a "mexican hat," shall be used to capture the hydrochloric acid emissions from tanker trucks whenever the hydrochloric acid is top-loaded via the tanker's loading hatch.

7. The permittee shall maintain accurate and comprehensive records of the amount of hydrochloric acid transferred from railcars to tanker trucks during each month and the amount of hydrochloric acid emitted each month for the previous 12 consecutive month period. These records shall be submitted to the Department on an annual basis.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

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

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

**03-00253: Western Allegheny Energy, LLC** (301 Market Street, Kittanning, PA 16201) for construction and initial temporary operation of a coal preparation plant rated for an annual throughput of 800,000 tons of coal at the Parkwood Mine Coal Preparation Plant in Plumcreek Township, **Armstrong County**.

In accordance with 25 Pa. Code § 127.44—127.46 the Department of Environmental Protection (DEP) intends

to issue Air Quality Plan Approval: PA-03-00253 to allow the construction and initial temporary operation of a coal preparation plant rated for an annual throughput of 800,000 tons of coal at the Parkwood Mine Coal Preparation Plant located in Plumcreek Township, Armstrong County. The facility will consist of a double deck screen controlled by water sprays, conveyers, stackers, stockpiles, truck loadout, and an emergency diesel generator.

Potential emissions from the facility are estimated to be 1.25 tons of nitrogen oxides (NO<sub>x</sub>), 0.15 tons of carbon monoxide (CO), 20.21 tons of particulate matter (PM) and 5.35 tons of particulate matter less than 10 microns in diameter (PM<sub>10</sub>) per year. Best available technology (BAT) for the proposed sources will include but is not limited to the use of a water sprays on all transfer points; paving, sweeping and watering of roadways; enclosures and covers at transfer points; use of stackers for coal stockpiles; maintaining a coal moisture content greater than or equal to 5%; use of existing wind barriers; use of a water truck with pressurized spray gun; tarping of all loaded trucks and a posted notice of tarping requirement; upwind/downwind dustfall monitoring at the request of the Department; and a posted speed limit of 15 mph on all in plant roads.

The authorization is subject to State regulations and Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subparts Y and III. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes work practice, monitoring, recordkeeping, and reporting conditions. Once all compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code 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 Alexander Sandy, 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-03-00253).

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 Alexander Sandy at 412-442-4028.

**32-00059E: GenOn Northeast Management Co.** (121 Champion Way, Suite 200, Canonsburg, PA 15317) to allow construction and initial operation of selective catalytic reduction (SCR) systems and associated support equipment to control NO<sub>x</sub> emissions at the Conemaugh Power Plant located in West Wheatfield Township, **Indiana County**.

Notice is hereby given in accordance with 25 PA Code §§ 127.44—127.46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-32-00059E to allow the construction and initial operation of selective catalytic reduction (SCR) systems and associated support equipment to control NO<sub>x</sub> emis-



sions at the Conemaugh Power Plant located in West Wheatfield Township, Indiana County.

SCR systems are to be installed downstream from the economizer and upstream from the airheater in the Boiler Units 1 and 2 exhaust streams. SCR may employ 29% aqueous ammonia injection in controlling NO<sub>x</sub> emissions. New air contamination sources proposed at the facility include one limestone and two hydrated lime storage silos. Fugitive emissions are also expected from aqueous ammonia, limestone, and hydrated lime deliveries to the plant and fly ash disposal. Best available technology (BAT) for the proposed sources includes pneumatic (enclosed) loading of the silos and installation of bin vent filters on the silos. Existing vehicle and roadway emission reduction practices will remain in effect at the facility. This authorization is subject to state regulations including 25 Pa. Code §§ 123.1, 123.2 and 123.31. Opacity and fugitive emission limits; testing, monitoring, recordkeeping, and reporting requirements; and work practice standards are included for the SCR systems and storage silos.

Potential emissions from the SCR system installation are calculated to be 20.20 tons of particulate matter (PM), 7.60 tons of particulate matter less than 10 microns (PM), and 1.06 tons of particulate matter less than 2.5 microns (PM<sub>2.5</sub>) per year. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently submit a TVOP administrative amendment application in accordance with 25 Pa. Code Subchapters F and G.

Interested persons may submit written comments, suggestions or objections concerning the proposed Plan Approval to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the following:

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

Identification of the proposed Plan Approval (PA-32-00059E).

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

A public hearing may be held if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such a notification is sufficient. Written comments or requests for a public hearing should be directed to Alan Binder, Air Quality, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information you may contact Alan Binder at 412-442-4168.

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

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

**AMS 11375: Philadelphia Marriott** (1201 Market Street, Philadelphia, PA 19107) for the operation of existing two (2) 500 HP boilers firing natural gas and #2 fuel oil, one (1) 1200 kW emergency generator, one (1) 300 kW emergency generator, and one (1) 182 HP fire pump. Each emergency generator and fire pump is limit to 500 hrs of operation. The operations of the emergency generators are limited to emergency, testing, and tuning. The facility will be restricted to 25 ton per year of NO<sub>x</sub>

emissions to qualify as Synthetic Minor. The plan approval will contain operating, testing, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 11243: Philadelphia International Airport** (8800 Essington Avenue, Philadelphia, PA 19153) for the operation of existing emergency and non-emergency generators. Emergency generators include one (1) 100 kW Cummins diesel fired generator, two (2) 80 kW Winco diesel fired generators, one (1) 275 kW Marathon diesel fired generator, and one (1) 350 kW Marathon diesel fired generator. Non-emergency generators include one (1) 320 kW Caterpillar diesel fired generator and one (1) 350 kW Marathon diesel fired generator. Each emergency and non emergency generator is limit to 500 hrs of operation. The operations of the emergency generators are limited to emergency, testing, and tuning. The generators are subject to area source MACT Subpart ZZZZ with compliance date of May 3, 2013. There will be a potential emission increase of 5.73 tons for Nitrogen Oxides (NO<sub>x</sub>) for the facility. The plan approval will contain operating, testing, monitoring, and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 11031: SEPTA—Southern Bus Facility** (20th & Johnson Street, Philadelphia, PA 19145) for installing two (2) each 8.4 MMBTU/hr, and two (2) each 8.66 MMBTU/hr boilers firing 32 and Natural gas, Stage 2 Vapor Recovery Unit, a paint booth, Parts washer, and Pressure Washer. There will be a potential emission increase of 22 tons of Nitrogen Oxides (NO<sub>x</sub>) and 30 tons of (SO<sub>x</sub>) Sulfur Oxide per year for the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 11031: SEPTA—Wayne Junction Car House** (4500 Germantown Ave. Philadelphia, PA 19141) for installing two (2) each 2.51 MMBTU/hr, one (1) 2.05 MMBTU/hr boilers firing No. 2 and Natural gas, and a .60MMBTU/hr space heater, a Spray can paint booth, Parts washer, and Pressure Washer, There will be a potential emission increase of 5.29 tons of Nitrogen Oxides (NO<sub>x</sub>) and 7.5 tons of (SO<sub>x</sub>) Sulfur Oxide per year for the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

## OPERATING PERMITS

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

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

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

**46-00011: ArcelorMittal Plate, LLC** (900 Conshohocken Stare Road, Conshohocken, PA 19428) for renewal of the Title V Operating Permit in Plymouth Township, **Montgomery County**. The initial permit was issued on 7-5-2001 and was subsequently renewed on 6/8/2001. The facility use quenching and tempering heat treatment processes to increase the strength and hardness of steel plate, which is used as the protective skins on military vehicles and other many non-military application. As a result of potential emissions of NO<sub>x</sub>, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25

Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit renewal does not reflect any change in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64.

The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

**46-00041: Graphic Packaging International, Inc.** (1035 Longford Road, Phoenixville, PA 19460) for renewal of the Title V Operating Permit in Upper Providence Township, **Montgomery County**. The current permit will expire on March 13, 2012. The facility's major emission points include printing presses containing Volatile Organic Compounds (VOCs). The facility is an area source for Hazardous Air Pollutants (HAP). There are no new sources at this facility; however, new source IDs have been added to the permit in order to address applicable regulations for existing sources. Source ID 741 has been added to Section A (Site Inventory) and D (Source Level) to include the applicable presumptive RACT requirements and the applicable requirements of 40 CFR Part 63 Subpart ZZZZ. Source ID 902 has been created in order to incorporate the applicable provisions of 25 Pa. Code § 129.63 for existing degreasing operations. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64 because there are no control devices on sources at this facility. The source is not a major source for Greenhouse Gases (GHG).

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

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

**13-00003: Panther Creek Partners,—Nesquehoning Plant** (1001 Industrial Road, Nesquehoning, PA 18240-2244) for electric services utilizing two (2) circulating fluidized bed burners in Nesquehoning Borough, **Carbon County**. This is a renewal of the Title V Operating Permit. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit shall include emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-949-705-4863*

**36-05136: Granger Energy of Honeybrook, LLC** (481 South Churchtown Road, Narvon, PA 17555) for operation of two (2) Landfill gas-fired reciprocating internal combustion engines at their Lanchester Landfill in Caernarvon Township, **Lancaster County**. This is a renewal of the facility's operating permit issued in 2006, that will also incorporate the requirements from plan approval number 36-05136C.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

Actual air emissions for 2010 were 13.4 tons of NO<sub>x</sub>, 40.8 tons of CO, 0.9 tons of SO<sub>x</sub>, and 2.4 tons of PM<sub>10</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations. The facility is subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards For Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE).

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the 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.

Mr. Thomas Hanlon, P.E., Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Permits issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or permits issued to sources with limitations on the potential to emit used to avoid otherwise applicable Federal requirements may become part of the SIP, and will be submitted to the EPA for review and approval.

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

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

**TV-65-00840: Dominion Transmission, Inc.** (1875 Grange Road, Charleroi, PA 15022) for pipeline transportation of natural gas at the South Oakford Compressor Station in Hempfield Township, **Westmoreland County**. This is a Title V Operating Permit Renewal Application submittal.

**OP-63-00488: Monongahela Valley Hospital** (1163 Country Club Rd., Monongahela, PA 15063) Operating Permit renewal for the Monongahela Valley Hospital in Monongahela, **Washington County**. Equipment at this facility includes two 16.7 mmbtu/hr natural gas or No. 2 fuel oil-fired boilers, several smaller natural gas or No. 2 fuel oil-fired boilers, four emergency generators, and an ethylene oxide sterilizer. Potential emissions from the emission sources at this facility are based on burning natural gas in all boilers for 8,760 hours per year and low sulfur diesel fuel in the emergency generators for 500 hours per year. Emissions are estimated to be 29.6 tons NO<sub>x</sub>, 1.2 tons VOCs, 18.1 tons CO, 2.2 tons particulate matter and 0.8 tons SO<sub>2</sub>. Actual emissions from the

facility are much lower considering most of the boilers do not operate at full rated capacity. The facility is subject to the applicable requirements of Pa Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

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

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

**24-00127: National Fuel Gas Supply Corp.—Lamont Station** (P. O. Box 2081, Erie, PA 16512) to re-issue the Title V Operating Permit for this natural gas transmission station at 5405 Highland Road, in Jones Township, **Elk County**. The facility is a major facility due to its potential to emit nitrogen oxides.

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

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

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

**15-00108: Refractory Minerals Co, Inc.** (150 South Jennersville Road, West Grove, PA 19390) for an alumina processing (crushing and milling) facility in Penn Township, **Chester County**. The permit is for a non-Title V (State only) facility. The source of air emissions is the process itself and particulate matter emissions are controlled by a settling chamber and a dust collector. There are two additional dust collectors that exhaust indoors, which the Department does not permit. No new sources or controls have been installed since the permit was last issued and no new regulations have been promulgated that apply to this facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**40-00018: Exopack, LLC** (3 Mapelwood Drive, Hazelton, PA 18202) for operation of multicolor flexographic printing presses and patch printers at Hazle Township, **Luzerne County**. The proposed State-only Operating Permit (Synthetic Minor) contains other applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to verify facility compliance with Federal and State air pollution regulations.

**45-00017: Hanson Aggregates PA, LLC** (7660 Imperial Way, Allentown, PA 18195) for crushed and broken limestone mining and quarrying in Hamilton Township, **Monroe County**. This is a renewal of the State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**67-05079: York Building Products Company, Inc.** (P. O. Box 1708, York, PA 17405) for the Thomasville Blacktop Plant in Jackson Township, **York County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility.

The subject facility had the following actual emissions in 2010: 11 TPY of CO; 1 TPY of NO<sub>x</sub>; 1 TPY of PM<sub>10</sub>; 1,011 TPY of CO<sub>2</sub>; and 1,015 TPY of CO<sub>2e</sub>. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. The batch asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the 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, P.E., New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**44-05016: Lewistown Cabinet Center, Inc.** (PO Box 507, Reedsville, PA 17084) for their cabinet manufacturing facility in Armagh Township, **Mifflin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

Actual emissions for the facility in 2010 included 20.2 tons of volatile organic compounds (VOC) and 1.8 tons of hazardous air pollutants (HAP). The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public

review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the 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, P.E., New Source Review Chief may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**28-03028: New Enterprise Stone & Lime Co.** (PO Box 77, New Enterprise, PA 16664) for operation of an existing limestone crushing plant and an existing concrete batch for their facility in Fannett Township, **Franklin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the above-mentioned facility.

The subject facility has potential Particulate Matter—10 controlled emissions of 9.0 tons per year. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the 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. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

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

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

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

**14-00026: Hilex Poly Co., LLC.** (PO Box 258, Milesburg, PA 16853) for their polyethylene bag manufacturing facility in Boggs Township, **Centre County**. The facility's main sources include 44 corona treaters, a printing operation consisting of 17 flexographic presses and one (1) parts washer. The facility has the potential to emit SOx, NOx, CO, PM-PM10, VOCs, and HAPs below the major emission thresholds. The facility also has the potential to emit 34.20 tons of ozone in any 12 consecutive month period. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

**49-00018: ARCOS Industries, LLC** (1 Arcos Drive, Mt. Carmel, PA 17851) for their manufacturing facility in Mt Carmel Township, **Northumberland County**. The facility's main sources include four (4) inline cold continuous web perchloroethylene cleaning machines, a natural gas fired paint bake off oven and various small combustion sources. The facility has the potential to emit SOx, NOx, CO, PM-PM10, VOCs, and HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

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

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

**OP-63-00488: Monongahela Valley Hospital** (1163 Country Club Rd., Monongahela, PA 15063) for Operating Permit renewal for the Monongahela Valley Hospital in Monongahela, **Washington County**. Equipment at this facility includes two 16.7 mmbtu/hr natural gas or No. 2 fuel oil-fired boilers, several smaller natural gas or No. 2 fuel oil-fired boilers, four emergency generators, and an ethylene oxide sterilizer. Potential emissions from the emission sources at this facility are based on burning natural gas in all boilers for 8,760 hours per year and low sulfur diesel fuel in the emergency generators for 500 hours per year. Emissions are estimated to be 29.6 tons NOx, 1.2 tons VOCs, 18.1 tons CO, 2.2 tons particulate matter and 0.8 tons SO<sub>2</sub>. Actual emissions from the facility are much lower considering most of the boilers do not operate at full rated capacity. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**37-00027: IA Construction Corp.—West Pittsburg Plant** (167 Sandbank Road, Wampum, PA 16157) for a Synthetic Minor Permit to operate a hot mix asphalt plant in Taylor Township, **Lawrence County**. The significant sources are hot mix batch plant (300 TPH); fugitives from transfer points and portable generator. The

facility has taken a restriction on production not exceeding 495,000 tons per year to qualify as a Synthetic Minor facility.

**43-00347: Terra Resources, LLC**, (267 Gilmore Road, Enon Valley, PA 16120) to issue a new State Only Operating Permit for the Taylor Mine in Jefferson Township, **Mercer County**. The facility is a Natural Minor. The primary sources at the facility are a crusher, screen, and conveyors for sand and gravel processing. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**62-00172: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) to issue a new State Only Operating Permit for their Brokenstraw Mine in Pittsfield Township, **Warren County**. The facility is a Natural Minor. The primary sources at the facility are sand and gravel processing plants and diesel engines. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

#### PLAN APPROVALS

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

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

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

**48-317-024: ConAgra Food Ingredients Co.** (4888 South Delaware Drive, PO Box 193, Martins Creek, PA 18063) for their facility in Lower Mt. Bethel Township, **Northampton 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 ConAgra Food Ingredients Company (4888 South Delaware Drive, PO Box 193, Martins Creek, PA 18063) for their facility located in Lower Mt. Bethel Township, Northampton County. This Plan Approval No. 48-317-024 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-317-024 is for the installation of a new wheat receiving and storage operation. Emissions will be controlled by the use of a baghouse. The facility is subject to 40 CFR Part 60 Subpart DD. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

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

Identification of the proposed permit No.: 48-317-024.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

#### *Coal Applications Received*

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

**30841316 and NPDES No. PA 0213535. Consol Pennsylvania Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to renew the permit for the Bailey Mine & Prep Plant in Richhill, Aleppo, Gray and Morris Townships, **Green County** and East Finley and West Finley Townships, **Washington County** and related NPDES permit. No additional discharges. The application was considered administratively complete on January 10, 2012. Application received: October 28, 2011.

**30841316. Consol Pennsylvania Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine & Prep Plant in Richhill and Aleppo Townships, **Greene County** to change 165 underground and subsidence control plan area permit acres from development mining to longwall mining for the 19H longwall panel. The application was considered administratively complete on January 10, 2012. Application received: December 2, 2011.

**30841316 and NPDES No. PA 0213535. Consol Pennsylvania Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323) to revise the permit for the Bailey Mine & Prep Plant in Morris Township, **Greene County** and related NPDES permit to add one new outfall for the 7 North 1 Shaft and Portal. Surface Acres Proposed 52.9. Receiving stream: Patterson Creek, classified for the following use: HQ-WWF. The application was considered administratively complete on January 12, 2012. Application received: November 30, 2010.

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

**56823143 and NPDES No. PA0605841. Croner, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Quemahoning Township, **Somerset County**, affecting 202.0 acres. Receiving stream(s): unnamed tributaries to Beaverdam Creek and Beaverdam Creek classified for the following use(s): high quality—cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority, Stonycreek River. Application received: December 28, 2011.

**56120101 and NPDES No. PA0263397, Wilson Creek Energy, LLC**, 140 West Union Street, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface mine in Jenner Township, **Somerset County**, affecting 154.1 acres. Receiving stream(s): Hoffman Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Quemahoning Reservoir. This application incorporates SMP No. 56090110 and its related stream encroachment. Application received: December 20, 2011.

**56940104 and NPDES No. PA0212849. Mountaineer Mining Corporation**, 1010 Garret Shortcut Road, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting

107.2 acres. Receiving stream(s): UTS to Tubs Run and Laurel Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 5, 2012.

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

**40020201R2. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), renewal of an existing anthracite coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 113.0 acres, receiving stream: Catawissa Creek, classified for the following use: cold water fishes. Application received: January 5, 2012.

#### *Noncoal Applications Received*

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

**10000305. Three Rivers Aggregates, LLC** (225 North Shore Drive, Pittsburgh, PA 15212) Renewal of NPDES Permit No. PA0241792 in Worth Township, **Butler County**. Receiving streams: Black Run and unnamed tributaries to Black Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 12, 2012.

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

**64122501 and NPDES Permit No. PA0225240, Tim Kohrs**, (1031 Bethany Turnpike, Honesdale, PA 18431), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in Texas Township, **Wayne County** affecting 10.0 acres, receiving stream: Indian Orchard Brook, classified for the following uses: HQ-cold water fishery and migratory fishes. Application received: December 28, 2011.

## MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

| <i>Parameter</i>  | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i>        | <i>Instantaneous<br/>Maximum</i> |
|-------------------|---------------------------|---------------------------------|----------------------------------|
| Iron (Total)      | 3.0 mg/l                  | 6.0 mg/l                        | 7.0 mg/l                         |
| Manganese (Total) | 2.0 mg/l                  | 4.0 mg/l                        | 5.0 mg/l                         |
| Suspended solids  | 35 mg/l                   | 70 mg/l                         | 90 mg/l                          |
| pH*               |                           | greater than 6.0; less than 9.0 |                                  |

Alkalinity greater than acidity\*

\*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

| <i>Parameter</i>              | <i>30-day<br/>Average</i> | <i>Daily<br/>Maximum</i>        | <i>Instantaneous<br/>Maximum</i> |
|-------------------------------|---------------------------|---------------------------------|----------------------------------|
| Suspended solids              | 35 mg/l                   | 70 mg/l                         | 90 mg/l                          |
| Alkalinity exceeding acidity* |                           |                                 |                                  |
| pH*                           |                           | greater than 6.0; less than 9.0 |                                  |

\* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0263338 (Mining permit no. 56110107), Rosebud Mining Company**, 1117 Shaw Mines Road, Meyersdale, PA 15552, new of an NPDES permit for surface mine in Brothersvalley Township,

**Somerset County**, affecting 170.5 acres. Receiving stream(s): unnamed tributaries to Buffalo Creek, classified for the following use(s): cold water fisheries. This receiving stream is included in the Buffalo Creek TMDL. Application received: August 18, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the

BAT limits described above for coal mining activities.

The treated wastewater outfall(s) listed below discharge to unnamed tributaries to Buffalo Creek.

Note: The effluent limits on this SMP No. 56110107 will be used from the adjacent Rosebud Mining Company, SMP No. 56020104 upon its completion since SMP No. 56110107 is a continuation of SMP No. 56020104

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|---------------------|--------------------------|
| 001, 002, 003       | Yes                      |

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

| <i>Outfalls: 001, 002, 003</i>                                     | <i>30-Day</i>  | <i>Daily</i>   | <i>Instant.</i> |
|--|----------------|----------------|-----------------|
| <i>Parameter</i>   | <i>Average</i> | <i>Maximum</i> | <i>Maximum</i>  |
| Iron (mg/l)  | 3.0            | 6.0            | 7.0             |
| Manganese (mg/l)   | 2.0            | 4.0            | 5.0             |
| Aluminum (mg/l)  | 0.7            | 1.4            | 1.8             |
| Total Suspended Solids (mg/l)                                      | 35.0           | 70.0           | 90.0            |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times |                |                |                 |
| Alkalinity must exceed acidity at all times                        |                |                |                 |

The stormwater outfall(s) listed below discharge to unnamed tributaries to Buffalo Creek.

| <i>Outfall Nos.</i>     | <i>New Outfall (Y/N)</i> |
|-------------------------|--------------------------|
| 004, 005, 006, 007, 008 | Yes                      |

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

| <i>Outfalls: 004, 005, 006, 007, 008</i>                           | <i>30-Day</i>  | <i>Daily</i>   | <i>Instant.</i> |
|--|----------------|----------------|-----------------|
| <i>Parameter</i>   | <i>Average</i> | <i>Maximum</i> | <i>Maximum</i>  |
| Iron (mg/l)  |                |                | 7.0             |
| Total Settleable Solids  |                |                | 0.5 ml/l        |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times |                |                |                 |
| Alkalinity must exceed acidity at all times                        |                |                |                 |

**NPDES No. PA0249921 (Mining permit no. 56060108), Rosebud Mining Company**, P. O. Box 157, Meyersdale, PA 15552, renewal of an NPDES permit for bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 98.3 acres. Receiving stream(s): Millers Run, UNT to Millers Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Buffalo Creek TMDL. Application received: November 17, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Millers Run, UNT to Millers Run.

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|---------------------|--------------------------|
| 002                 | N                        |

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

| <i>Outfalls: 002</i>   | <i>30-Day</i>  | <i>Daily</i>   | <i>Instant.</i> |
|--|----------------|----------------|-----------------|
| <i>Parameter</i>   | <i>Average</i> | <i>Maximum</i> | <i>Maximum</i>  |
| Iron (mg/l)  | 3.0            | 6.0            | 7.0             |
| Manganese (mg/l)   | 2.0            | 4.0            | 5.0             |
| Aluminum (mg/l)  | 0.75           | 1.5            | 1.9             |
| Total Suspended Solids (mg/l)                                      | 35.0           | 70.0           | 90.0            |
| pH (S.U.): Must be between 6.0 and 9.0 standard units at all times |                |                |                 |
| Alkalinity must exceed acidity at all times                        |                |                |                 |

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0242462 (Permit No. 10030302), Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Renewal of an NPDES permit for a large industrial minerals surface mine in Brady Township, **Butler County**, affecting 340.7 acres. Receiving streams: Unnamed tributaries to Big Run and Big Run, classified for the following uses: CWF. TMDL: None. Application received: January 4, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.



The outfall(s) listed below discharge to unnamed tributary to Big Run:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| 007                | N                        |
| 008                | N                        |
| 009                | N                        |
| 010                | N                        |

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

| <i>Parameter</i>                             | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|----------------|-----------------------|----------------------|-------------------------|
| pH <sup>1</sup> (S.U.)                       | 6.0            |                       |                      | 9.0                     |
| Iron (mg/l)                                  |                | 3                     | 6                    | 7                       |
| Manganese (mg/l)                             |                | 2                     | 4                    | 5                       |
| Alkalinity greater than acidity <sup>1</sup> |                |                       |                      |                         |
| Total Suspended Solids (mg/l)                |                | 35                    | 70                   | 90                      |
| Osmotic Pressure (milliosmoles/kg)           |                |                       |                      | 50                      |

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

The outfall(s) listed below discharge to unnamed tributary to Big Run:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| 001                | N                        |
| 002                | N                        |
| 003                | N                        |
| 004                | N                        |
| 005                | N                        |
| 006                | N                        |

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

| <i>Parameter</i>                             | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|----------------|-----------------------|----------------------|-------------------------|
| pH <sup>1</sup> (S.U.)                       | 6.0            |                       |                      | 9.0                     |
| Iron (mg/l)                                  |                |                       |                      | 7.0                     |
| Alkalinity greater than acidity <sup>1</sup> |                |                       |                      |                         |
| Total Settleable Solids (ml/l)               |                |                       |                      | 0.5                     |

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request

are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E35-437. PPL Electric Utilities**, Two North 9th Street, Allentown, PA 18101, in Blakely Borough, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To fill 3.1 acres of isolated wetlands within the Hull Creek and Wildcat Creek Watersheds for the purpose of constructing the Lackawanna Substation Expansion Project.

The project is located on the north side of Rustic Lane approximately 1.0 mile southeast of its intersection with SR 1029 (Green Grove Road) (Olyphant, PA Quadrangle

Latitude: 41°29'53", Longitude: -75°36'40") in Blakely Borough, Lackawanna County.

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

**E65-945. Daniel Shapira, Esq.** Shirley 301 Grant Street, Pittsburgh, PA 15217. ACOE Pittsburgh District. The applicant proposes to expand and maintain the pool zones of two existing ponds to increase 0.56 acres the overall surface area of each pond. The existing surface areas of pond No. 1 is 1 acre and pond No. 2 is 2.3 acres. The ponds are located on an unnamed tributary to Snyders Run (Wilpen, PA Quadrangle N: 16.75 inches; W: 9.8 inches; Latitude: 40°20'31"; Longitude: 79°11'42") in Fairfield Township, **Westmoreland County**. The impacts associated with expansion of pond 1 include 0.031 acre of wetland and 76 linear feet of streams; 0.398 acre of wetland will be impacted by spoil area. The impacts associated with expansion of pond 2 include 0.058 acre of wetland and 427 linear feet of stream channel. The requested mitigation consists of construction of 0.56 acre of palustrine open-water wetlands; and 0.08 acre of palustrine scrub-shrub wetlands, and 230 linear feet of emergency spillway channel.

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

**E10-475, PA DOT**, District 10-0, 2550 Oakland Ave., PO Box 429, Indiana, PA 15701. SR O228-251 Mars RR Bridge, in Adams Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 41', 10.4"; W: 80°, 0', 6.3").

To conduct the following activities associated with the Concrete Arch Culvert extension over Breakneck Creek, reconstruction and widening of State Route 0228 and

improvements to the signalized intersection of SR 228 and Mars-Valencia Road (SR 3015) in Adams Township, Butler County.

1. To fill a total of 0.25 acre of wetland area. Wetland area has been previously mitigated as part of the SR 0228 Ramps @ I-79 project.

2. To install and maintain a 75ft long, Concrete Arch Culvert extension over Breakneck Creek (WWF).

3. To place a Rock apron along 17 ft. of stream within Breakneck Creek (WWF).

4. To replace and maintain a 32 ft. long, 24 in. RCP Culvert within a Tributary to Breakneck Creek (WWF).

5. To install and maintain a 220 ft. long, 54 in. CMP Culvert and Manhole, that outlets into a proposed Storm Water Management Pond impacting 266 ft. of a Tributary to Breakneck Creek (WWF).

6. To install and maintain a 35 ft. long, 18 in. to 24 in. CMP Culvert and Manhole that outlets to a Tributary to Breakneck Creek (WWF).

**E42-08-007, NFG Midstream Mt. Jewett, LLC**, 6363 Main Street, Williamsville, NY 14221. MOJ-4 Pipeline Project, in Wetmore Township, **McKean County**, Army Corps of Engineers Pittsburgh District (Kane and Mt. Jewett, PA Quadrangle N: 41° 39' 41.83"; W: -78° 42' 46.73").

The applicant proposes to construct and maintain approximately 36,500 feet of natural gas pipeline located in Wetmore Township, McKean County. The proposed pipeline will connect an existing well field to an existing National Fuel Gas pipeline west of Detrick Road. The water obstructions and encroachments for the purpose of installing the natural gas pipeline are described below:

To construct and maintain:

| <i>Impact No.</i> | <i>Description of Impact</i>   | <i>Latitude / Longitude</i> |
|-------------------|--|-----------------------------|
| 1                 | A 12" diameter steel natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 597 square feet of temporary wetland impact.  | 41.6293°<br>-78.7127°       |
| 2                 | A 12" diameter steel natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 4487 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 797 square feet of temporary wetland impact.  | 41.6302°<br>-78.7144°       |
| 3                 | A 12" diameter steel natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 1193 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 118 square feet of temporary wetland impact.  | 41.6323°<br>-78.7156°       |
| 4                 | A 12" diameter steel natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) EV wetland and an UNT to Long Run (CWF) having 13,968 square feet of temporary wetland impact and 51 linear feet of temporary stream impact and a temporary equipment crossing of a palustrine emergent (PEM) EV wetland and an UNT to Long Run (CWF) having 1,856 square feet of temporary wetland impact and 11 linear feet of temporary stream impact.. | 41.6342°<br>-78.7177°       |
| 5                 | A 20" diameter HDPE natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 1045 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 198 square feet of temporary wetland impact.   | 41.6534<br>-78.7248°        |

| <i>Impact No.</i> | <i>Description of Impact</i>  | <i>Latitude / Longitude</i> |
|-------------------|---|-----------------------------|
| 6                 | A 20" diameter HDPE natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 1575 square feet of temporary wetland impact.   | 41.6543°<br>-78.7246°       |
| 7                 | A 20" diameter HDPE natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) EV wetland and Buck Run (CWF) having 2502 square feet of temporary wetland impact and 74 linear feet of temporary stream impact and a temporary equipment crossing of Buck Run (CWF) having 11 linear feet of temporary stream impact.   | 41.6547°<br>-78.7240°       |
| 8                 | A 20" diameter HDPE natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) EV wetland having 181 square feet of temporary wetland impact.   | 41.6547°<br>-78.7234°       |
| 9                 | A 20" diameter HDPE natural gas pipeline and a 6" diameter steel natural gas pipeline and associated right-of-way to cross an UNT to Buck Run (CWF) having 176 linear feet of temporary stream impact and a temporary equipment crossing of an UNT to Buck Run (CWF) having 25 linear feet of temporary stream impact.  | 41.6553°<br>-78.7227°       |
| 10                | A 20" diameter HDPE natural gas pipeline and an 8" diameter steel natural gas pipeline and associated right-of-way to cross an UNT to Buck Run (CWF) having 91 linear feet of temporary stream impact and a temporary equipment crossing of an UNT to Buck Run (CWF) having 13 linear feet of temporary stream impact.  | 41.6584°<br>-78.7183°       |
| 11                | An 8" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) EV wetland and an UNT to Lanigan Brook (CWF) having 1169 square feet of temporary wetland impact and 71 linear feet of temporary stream impact and a temporary equipment crossing of a palustrine emergent (PEM) EV wetland and an UNT to Lanigan Brook (CWF) having 22 square feet of temporary wetland impact and 10 linear feet of temporary stream impact. | 41.6702°<br>-78.7108°       |
| 12                | A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 1721 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 644 square feet of temporary wetland impact.  | 41.6813°<br>-78.7234°       |
| 13                | A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 18,881 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 2676 square feet of temporary wetland impact.   | 41.6814°<br>-78.7251°       |
| 14                | A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 5507 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 502 square feet of temporary wetland impact.  | 41.6817°<br>-78.7267°       |
| 15                | A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 17,193 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 1860 square feet of temporary wetland impact.   | 41.6823°<br>-78.7289°       |
| 16                | A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 2205 square feet of temporary wetland impact.   | 41.6830°<br>-78.7336°       |
| 17                | A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 968 square feet of temporary wetland impact.  | 41.6830°<br>-78.7336°       |
| 18                | A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) EV wetland and an UNT to Glad Run (HQ-CWF) having 1853 square feet of temporary wetland impact and 83 linear feet of temporary stream impact and a temporary equipment crossing of an UNT to Glad Run (CWF) having 11 linear feet of temporary stream impact.  | 41.6832°<br>-78.7346°       |
| 19                | A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) EV wetland having 144 square feet of temporary wetland impact.   | 41.6842°<br>-78.7411°       |

| <i>Impact No.</i> | <i>Description of Impact</i>   | <i>Latitude / Longitude</i> |
|-------------------|--|-----------------------------|
| 20                | A 20" diameter steel natural gas pipeline and associated right-of-way to cross Glad Run (HQ-CWF) having 62 linear feet of temporary stream impact and a temporary equipment crossing of an UNT to Buck Run (CWF) having 10 linear feet of temporary stream impact.                             | 41.6843°<br>-78.7414°       |
| 21                | A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 4549 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 150 square feet of temporary wetland impact. | 41.6855°<br>-78.7475°       |
| 22                | A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 1950 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 623 square feet of temporary wetland impact. | 41.6853°<br>-78.7487°       |
| 23                | A 12" diameter steel natural gas pipeline and associated right-of-way to cross a palustrine emergent (PEM) wetland having 159 square feet of temporary wetland impact and a temporary equipment crossing of a palustrine emergent wetland having 113 square feet of temporary wetland impact.  | 41.6862°<br>-78.7515°       |

The project will result in a total of 699 linear feet of temporary stream impacts and 2.09 acres of temporary wetland impacts from utility line and road crossings. (0.48 acre of wetland impacts are to exceptional value wetlands)

*Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E4129-026: Chief Gathering LLC**, 6051 Wallace Road, Suite 210, Wexford, Pa 15090, Shrewsbury Township, Lycoming County, ACOE Baltimore District.

To construct, operate, and maintain:

1) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 71 linear feet of an unnamed tributary to Lake Run (HQ-CWF,MF) (Picture Rocks PA Quadrangle 41°20'03"N 76°40'57"W),

2) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 65 linear feet of an unnamed tributary to Lake Run (HQ-CWF,MF) (Picture Rocks PA Quadrangle 41°20'03"N 76°40'56"W),

3) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 68 linear feet of an unnamed tributary to Lake Run (HQ-CWF,MF) (Picture Rocks PA Quadrangle 41°20'02"N 76°40'56"W),

4) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 2355 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°20'02"N 76°40'53"W),

5) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 30 linear feet of an unnamed tributary to Lake Run (HQ-CWF,MF) and 546 square feet of adjacent palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°19'58"N 76°40'46"W),

6) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 1188 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°19'59"N 76°40'32"W),

7) one 12 inch natural gas pipeline bored beneath 168 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°20'00"N 76°40'30"W),

8) one 12 inch natural gas pipeline bored beneath 30 linear feet of Lake Run (HQ-CWF,MF) (Picture Rocks PA Quadrangle 41°20'01"N 76°40'28"W),

9) one 12 inch natural gas pipeline bored beneath 60 linear feet of unnamed tributaries to Lake Run (HQ-CWF,MF) and 2945 square feet of adjacent palustrine forested (PFO) wetland (Picture Rocks PA Quadrangle 41°20'02"N 76°40'27"W),

10) one 12 inch natural gas pipeline impacting 850 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°20'03"N 76°40'25"W),

11) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 66 linear feet of a an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'14"N 76°39'52"W),

12) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 67 linear feet of a an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'16"N 76°39'46"W),

13) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 2075 square feet of a palustrine emergent (PEM) wetland (Picture Rocks PA Quadrangle 41°20'22"N 76°39'37"W),

14) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 65 linear feet of a an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'26"N 76°39'35"W),

15) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 69 linear feet of a an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'27"N 76°39'35"W),

16) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 66 linear feet of a an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'28"N 76°39'34"W),

17) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 64 linear feet of a an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'28"N 76°39'32"W),

18) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 74 linear feet of Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'29"N 76°39'29"W),

19) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 119 linear feet of Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'28"N 76°39'27"W),

20) one 12 inch natural gas pipeline impacting 9 linear feet of an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'31"N 76°39'22"W),

21) one 12 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 66 linear feet of an unnamed tributary to Lick Run (HQ-CWF, MF) (Picture Rocks PA Quadrangle 41°20'31"N 76°39'21"W).

The project will result in 989 linear feet of temporary stream impacts and 0.23 acre of temporary wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus well development.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D64-001. Reservoir #7 Dam**, Aqua Pennsylvania, Inc., 762 W. Lancaster Avenue, Bryn Mawr, PA 19010. To operate and maintain the Reservoir #7 Dam across Racket Brook (CWF), having no proposed impacts to waterways or wetlands, for the purpose of complying with Department regulations. (Waymart, PA Quadrangle N: 15.0 inches; W: 11.0 inches) in Canaan Township, **Wayne County**.

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## ACTIONS

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### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

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#### I. NPDES Renewal Permit Actions

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2553.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>     | <i>Stream Name<br/>(Watershed No.)</i>        | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|--|---|----------------------------|
| PA0012203<br>(IW)           | Allen Organ Company, LLC<br>150 Locust Street<br>Macungie, PA 18062-0036                                 | Lehigh County<br>Macungie Borough        | Swabia Creek<br>(2-C)                         | Y                          |
| PA0035025<br>(Sewage)       | Western Wayne School District<br>Western Wayne HS WWTP<br>2132 Easton Turnpike<br>South Canaan, PA 18459 | Wayne County<br>South Canaan<br>Township | Unnamed Tributary to<br>Middle Creek<br>(01B) | Y                          |
| PA0063533<br>(Sewage)       | Tobyhanna Township<br>Wastewater Treatment Facility<br>S.R. 115<br>Blakeslee, PA 18360                   | Monroe County<br>Tobyhanna Township      | Tobyhanna Creek<br>(02A)                      | Y                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>            | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N</i> |
|-----------------------------|--|---|--------------------------------------|---------------------------|
| PA0096423<br>Sewage         | Turkeyfoot Valley Area School District<br>RD #1, Box 78<br>Confluence, PA 15424        | Somerset County<br>Lower Turkeyfoot<br>Township | Casselman River                      | Y                         |
| PA0020656<br>Sewage         | Newell Municipal Authority<br>413 Second Street<br>PO Box 356<br>Newell, PA 15466-0356 | Fayette County<br>Newell Borough                | Monongahela River                    | Y                         |

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

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

**NPDES Permit No. PA0234087**, CAFO, 0213, 0211, **Philip D. Courter**, 6527 Jacksonville Road, Mill Hall, PA 17751-8876.

This proposed facility is located in Porter Township, **Clinton County**.

Description of Size and Scope of Proposed Operation/Activity: An existing beef and swine facility near Mill Hall, PA. The farm consists of 20 cow/calf pairs and 2200 finishing hogs and plans to add 2400 finishing hogs for a total of 690.01 AEU's. The farm consists of 160 acres which includes about 22 acres of pasture land, about 124 acres of cropland, and the balance in farmstead and woods. The hogs will produce 1.6 MG of liquid manure per year and will be stored in two, underbarn concrete pits totaling 1.543 MG (currently .734 MG). The beef produce 129 tons of solid manure per year and 48,644 gallons of liquid manure per year and is stored in a .316 MG round, concrete pit.

There will be a total manure storage capacity of 1.86 MG. The excess manure will be exported to George Courter.

The receiving stream, Cedar Run, is in the State Water Plan Watershed 09C (Bald Eagle Creek) and is classified for: HQ-CWF.

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

## III. QM Industrial Waste and Sewerage Actions under The Clean Streams Law

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

**QM Permit No. 6705413, Amendment 11-1**, Sewerage, **Newberry Township Municipal Authority**, 400 Cly Road, York Haven, PA 17370.

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

Description of Proposed Action/Activity: Permit approval for upgrades to the existing treatment plant to meet proposed nutrient limits specified in their NPDES permit issued on June 24, 2010.

**QM Permit No. 0711403, Amendment 11-1**, Sewerage, **Freedom Township Water & Sewer Authority**, 131 Municipal Street, East Freedom, PA 16637.

This proposed facility is located in Blair Township, **Blair County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of approximately 820' of 8" and 180' of 10" gravity sanitary sewer lines to connect McKee sewer service area to the existing manhole on the Country Road 101 (Everett Road) to eliminate the existing McKee pump station. The existing McKee pump station will be demolished.

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

**WQM Permit No. 5688201-T1A1**, Industrial Waste, **Shade Landfill, Inc.**, 1176 No. 1 Road, Cairnbrook, PA 15924-8406

This existing facility is located in Shade Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance of an amendment.

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

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

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i>       | <i>Municipality</i>                                 | <i>Receiving Water/Use</i>                              |
|-------------------------|---|---------------------|---|---|
| PAI01<br>091102         | PPL Electric Utilities Corporation<br>2 North Ninth Street, GENN5<br>Allentown, PA 18101            | Bucks and<br>Lehigh | Springfield, Richland and<br>Upper Saucon Townships | Tumble Brook—<br>Tohickon Creek<br>(CWF-MF &<br>TSF-MF) |
| PAI01<br>2306002-R      | Traymore Investment Partners, LP<br>347 East Conestoga Road<br>Wayne, PA 19087                      | Delaware            | Thornbury Township                                  | Unnamed Tributary<br>Chester Creek<br>(TSF-MF)          |
| PAI01<br>231103         | White Horse Development<br>Company, Inc.<br>950 West Valley Forge Road<br>King of Prussia, PA 19406 | Delaware            | Newtown Township                                    | Unnamed Tributary<br>Crum Creek<br>(HQ-CWF)             |

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

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                  | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>       |
|-------------------------|--|---------------|---------------------|----------------------------------|
| PAI045911001            | Keith Brubacher<br>539 Lambert Rd<br>Narvon PA 17555 | Tioga         | Liberty Township    | UNT Zimmerman<br>Creek<br>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>   |
|--|----------------------|--|--|---|
| Highland Township<br>Chester County  | PAG0200<br>1511038   | Sebastian Realty<br>c/o Iron Springs Farm, Inc.<br>75 Old Stottsville Road<br>Coatesville, PA 19320  | Unnamed Tributary<br>Birch Run (TSF-MF)                | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900                    |
| Concord Township<br>Delaware County  | PAR10-<br>J160-R3    | Brinton Land Development<br>Assoc<br>313 Rock Hill Road<br>Suite 200<br>Bala Cynwyd, PA 19004-2051   | West Branch Chester<br>Creek (TSF-MF)                  | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900                    |
| Sharon Hill Borough<br>Delaware County   | PAG0200<br>2311036   | Choice One Property<br>Sharon Hill, LP<br>105 Overview Drive<br>Media, PA 19063  | Unnamed Tributary<br>Darby Creek<br>(TSF-MF)           | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900                    |
| Springfield Township<br>Delaware County  | PAG0200<br>2311024   | CEC Entertainment, Inc.<br>441 West Airport Freeway<br>Irving, TX 75062  | Stony Creek (WWF)                                      | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900                    |
| Newtown Township<br>Delaware County  | PAG0200<br>2306053-R | Bentley Communities<br>1595 Paoli Pike<br>West Chester, PA 19380   | Julip Run, Little<br>Darby and Darby<br>Creek (CWF-MF) | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900                    |
| Media Borough<br>Delaware County   | PAG0200<br>2311023   | Overlook Circle Developers<br>181 Dam View Road<br>Media, PA 19063   | Ridley Creek<br>(TSF-MF)                               | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900                    |
| Upper Providence<br>Township<br>Montgomery County                                | PAG0200<br>4610072   | GMO of Oaks, LLC<br>2802 A Southampton Road<br>Philadelphia, PA 19154  | Unnamed Tributary<br>Perkiomen Creek<br>(WWF-MF)       | Southeast<br>Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>484-250-5900                    |
| Lower Paxton Twp.<br>Dauphin County  | PAG02002211037       | John Huenke<br>Cornerstone & King's Pointe<br>200 Baily Drive, Suite 202<br>Stewartstown, PA 17363<br>&<br>Michael Murphy<br>Murphy Rentals, Inc.<br>3320 Derry Street<br>Harrisburg, PA 17111 | Paxton Creek/ WWF                                      | Dauphin Co<br>Conservation District<br>1451 Peters<br>Mountain Rd<br>Dauphin, PA 17018<br>717.921.8100        |
| Londonderry & Lower<br>Swatara Townships &<br>Middletown Boro.<br>Dauphin County | PAG02002211021       | Gary Graham<br>PA Turnpike Commission<br>PO Box 7676<br>Harrisburg, PA 17106-7676  | Swatara Creek/<br>WWF                                  | Dauphin Co<br>Conservation District<br>1451 Peters<br>Mountain Rd<br>Dauphin, PA 17018<br>717.921.8100        |
| Lurgan Township<br>Franklin County<br>&<br>Hopewell Twp.<br>Cumberland Co.       | PAG2002809029R       | Gary Graham<br>PA Turnpike Commission<br>PO Box 7676<br>Harrisburg, PA 17106-7676<br>(Road and Bridge Construction)  | Conodoguinet<br>Creek/WWF                              | Franklin Co<br>Conservation District<br>185 Franklin Farm<br>Lane<br>Chambersburg PA<br>17201<br>717.264.5499 |



*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*

Fermanagh Twp.

PAG2033406003R

John Groninger  
Swamp Road  
PO Box 36  
Mexico, PA 17056

Horning Run/ CWF

Juniata Co.  
Conservations  
District  
146 Stoney Creek  
Drive, Suite 4  
Mifflintown, PA  
17059  
717.436.8953*Northcentral Region: Watershed Management Program Manager, 208 W Third Street, Williamsport, Pa 17701**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water / Use**Contact Office &  
Phone No.*Athens Township  
Bradford County

PAG02000811017

Richard Zentner  
WPAW Ltd  
1388 State Route 487  
Bloomsburg PA 17815  
Name change from WPAXChemung River  
WWFBradford County  
Conservation District  
Stoll Natural  
Resource Center  
200 Lake Rd Ste E  
Towanda PA 18848  
(570) 265-5539 X 120Standing Stone  
Township  
Bradford County

PAG02000812003

David N Hedrick  
Hydro Recovery-Bradford LP  
7 Riverside Plz  
Blossburg PA 16912King Creek  
WWFBradford County  
Conservation District  
Stoll Natural  
Resource Center  
200 Lake Rd Ste E  
Towanda PA 18848  
(570) 265-5539 X 120Wysox Township  
Bradford County

PAG02000812004

Daniel Hawbaker  
Wysox Commerce Park LP  
1952 Waddle Rd  
Ste 203  
State College PA 16803Susquehanna River  
WWFBradford County  
Conservation District  
Stoll Natural  
Resource Center  
200 Lake Rd Ste E  
Towanda PA 18848  
(570) 265-5539 X 120Lawrence Township  
Clearfield County

PAG02001711008

Jane & Chris Davis  
718 Clearfield St  
Clearfield PA 16830Clearfield Creek  
WWFClearfield County  
Conservation District  
511 Spruce St Ste 6  
Clearfield PA 16830  
Phone: (814)  
765-2629Scott Township  
Columbia County

PAG02001909009R

Columbia County Industrial  
Development Auth  
238 Market St  
Bloomsburg PA 17815UNT Fishing Creek  
CWFColumbia County  
Conservation District  
702 Sawmill Rd  
Ste 204  
Bloomsburg PA  
17815  
(570) 784-1310 X 102Clinton Township  
Lycoming County

PAG02004111027

Roger Jarrett  
5680 Route 405  
Muncy PA 17756UNT to West  
Branch  
Susquehanna River  
WWFLycoming County  
Conservation District  
542 County Farm Rd  
Suite 202  
Montoursville PA  
17754  
(570) 433-3003

*Facility Location:  
Municipality &  
County*

Jackson, Little  
Mahanoy, Lower  
Augusta, Lower  
Mahanoy, Upper  
Augusta Townships  
Northumberland  
County

*Permit No.*

PAG02004910022(1)

*Applicant Name &  
Address*

PPL Utilities  
4810 Lycoming Mall Dr  
Montoursville PA 17754

*Receiving  
Water/Use*

Sealholtz Run, UNT  
Hallowing Run,  
Hallowing Run,  
UNT Boile Run,  
UNT Mahanoy  
Creek, Mahanoy  
Creek, UNT  
Susquehanna River,  
Filders Run,  
Dalmatia Creek,  
UNT Mahantango  
Creek &  
Mahantango Creek  
WWFs

*Contact Office &  
Phone No.*

Northumberland  
Cnty Conservation  
Dist  
441 Plum Creek Rd  
Sunbury PA 17801  
(570) 286-7114 Ext. 4

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

*Facility Location:  
Municipality &  
County*

Beaver County  
Rochester Borough

*Permit No.*

PAG02000411012

*Applicant Name and  
Address*

David Mastrostefano  
Sheetz  
5700 6th Street  
Altoona, PA 16602

*Receiving  
Water/Use*

Lacock Run (WWF)

*Contact Office and  
Phone No.*

Beaver County CD  
156 Cowpath Rd  
Aliquippa, PA 15001  
(724) 378-1701

Fayette County  
Bullskin Township

PAG02002611012(1)

Terrence Shallenberger  
Shallenberger Properties, LLC  
195 Enterprise Lane  
Connellsville, PA 15425

Mounts Creek  
(WWF)

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

Indiana County  
White Township

PAG02003211012

Indiana County Humane Society  
65 Haven Drive  
Indiana, PA 15701

Ramsey Run (CWF)

Indiana County CD  
625 Kolter Drive,  
Suite 8  
Indiana, PA 15701  
(724) 471-4751

Washington County  
Hanover Township

PAG02006312005

Washington County  
Council on Economic  
Development  
40 South Main Street  
Washington, PA 15301

UNT to Raccoon  
Creek (WWF)

Washington County  
CD  
2800 North Main  
Street  
Suite 105  
Washington, PA  
15301  
(724) 705-7098

Adams Township and  
Mars Borough  
Butler County

PAG2001009002(1)

Mars Holdings Inc  
PO Box 928  
500 Wittenberg Way  
Mars PA 16046

UNT Breakneck  
Creek WWF

Butler Conservation  
District  
724-284-5270

Jackson Township  
Butler County

PAG02001010013(2)

The Buncher Company  
Penn Liberty Plaza 1  
1300 Penn Ave, Ste 300  
Pittsburgh PA 15222

UNT Glade Run  
WWF

Butler Conservation  
District  
724-284-5270

Butler City  
Butler County

PAG02001011020

Butler Area Sewer Authority  
100 Litman Road  
Butler PA 16001

Sullivan Run WWF

Butler Conservation  
District  
724-284-5270

Forward Township  
Butler County

PAG02001011024

Frank Shipley  
8037 Rowen Road  
Cranberry Township PA 16066

UNT  
Connoquenessing  
Creek WWF

Butler Conservation  
District  
724-284-5270

Mercer Township and  
Harrisville Borough  
Butler County

PAG02001011023

Harrisville DPP V, LLC  
201 Summit View Drive  
Brentwood TN 37027

Slippery Rock Creek  
WWF

Butler Conservation  
District  
724-284-5270

## NOTICES

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name and<br/>Address</i>   | <i>Receiving<br/>Water / Use</i>                      | <i>Contact Office and<br/>Phone No.</i>   |
|---|-------------------|---|---|---|
| Cranberry Township<br>Butler County                         | PAG02001011026    | Sippel Enterprises<br>2591 Wexford Bayne Road<br>Suite 100<br>Sewickley PA 15143                                      | Brush Creek WWF                                       | Butler Conservation<br>District<br>724-284-5270   |
| Zelienople Borough<br>Butler County                         | PAG02001011029    | PENNDOT District 10<br>Attn: Mr. Brian Allen P.E.<br>2550 Oakland Avenue<br>Indiana PA 15701                          | Muntz Run WWF   | Butler Conservation<br>District<br>724-284-5270   |
| City of Oil City<br>Venango County                          | PAG02006111008    | David W. Fagan<br>Clarion University—<br>Venango Campus<br>1801 West 1st Street<br>Oil City PA 16301                  | UNT Allegheny<br>River WWF,<br>Allegheny River<br>CWF | Venango<br>Conservation District<br>814-676-2832  |
| Tremont Township<br>Schuylkill County                       | PAG2-1154-12-00   | PA DEP<br>Bureau of Abandoned Mine<br>Reclamation<br>2 Public Square<br>Fifth Floor<br>Wilkes-Barre, PA<br>18711-0790 | Lorberry Creek<br>(CWF)                               | PA DEP<br>Bureau of Abandoned<br>Mine Reclamation<br>2 Public Square<br>Fifth Floor<br>Wilkes-Barre, PA<br>18711-0790<br>(570) 826-2371 |

*General Permit Type—PAG-3*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water / Use</i>         | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|---|--|---|
| Northumberland<br>Borough<br>Northumberland<br>County       | PAR804839         | Norfolk Southern Railway Co.<br>1200 Peachtree Street<br>N.E. Box 13<br>Atlanta, GA 30309 | West Branch<br>Susquehanna<br>River—10-D | DEP Northcentral<br>Regional Office<br>Water Management<br>208 W Third Street<br>Suite 101,<br>Williamsport, PA<br>17701-6448<br>570.327.3664 |
| City of Pittsburgh<br>Allegheny County                      | PAR806277         | Yellow Cab Company<br>1101 Beaver Avenue<br>Pittsburgh, PA 15233-2225                     | Ohio River                               | Southwest<br>Regional Office:<br>Clean Water<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>412-442-4000       |

*General Permit Type—PAG-10*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water / Use</i> | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|-------------------|---|----------------------------------|--|
| Aleppo Township<br>Greene County                            | PAG10646          | Appalachia Midstream<br>Services, LLC<br>179 Chesapeake Drive<br>Jane Lew, WV 26378 | UNT to Mudlick<br>Fork           | Southwest<br>Regional Office:<br>Clean Water<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh PA<br>15222-4745<br>(412) 442-4000 |

General Permit Type—PAG-12

Facility Location:  
Municipality &  
County

| Permit No. | Applicant Name & Address  | Receiving Water/Use                      | Contact Office & Phone No.   |
|------------|---|--|--|
| PAG123715  | Curtis M. Lehman CAFO<br>514 Bricker Road<br>Bernville, PA 19506    | UNT Little Northkill<br>Creek / CWF / 3C | DEP SCRO<br>Clean Water Program<br>909 Elmerton Ave.<br>Harrisburg, PA 17110<br>717.705.4707 |
| PAG123717  | Flintrock Corp.<br>16 East Brubaker Valley Road<br>Lititz, PA 17543 | UNT Hammer<br>Creek/ TSF/ 7J             | DEP SCRO<br>Clean Water Program<br>909 Elmerton Ave.<br>Harrisburg, PA 17110<br>717.705.4707 |

**STATE CONSERVATION COMMISSION**

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

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

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

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

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

**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

| Agricultural Operation Name and Address                                    | County    | Total Acres | Animal Equivalent Units | Animal Type              | Special Protection Waters (HQ or EV or NA) | Approved or Disapproved |
|--|-----------|-------------|-------------------------|--------------------------|--|-------------------------|
| Noah W. Kreider & Sons LLP<br>1461 Lancaster Road<br>Manheim, PA 17545     | Lancaster | 1600        | 10986.7                 | Layers / Pullets / Dairy | NA   | Approved                |
| Stephen & Phillip Hershey<br>500 Florin Avenue<br>Mt. Joy, PA 17552        | Lancaster | 23.6        | 1701.72                 | Layers                   | NA   | Approved                |
| Robert L. Brubaker Jr.<br>2871 North Colebrook Road<br>Manheim, PA 17545   | Lancaster | 38.5        | 386.41                  | Swine / Pullet           | NA   | Approved                |
| Dale Rohrer<br>750 Doe Run Road<br>Lititz, PA 17543                        | Lancaster | 365.4       | 1841.54                 | Swine                    | NA   | Approved                |
| Scattered Acres<br>Edward Hartman<br>209 Hartman Road<br>Reading, PA 19605 | Lancaster | 97.9        | 1494.2                  | Dairy                    | NA   | Approved                |
| David H. Martin<br>420 Nottingham Road<br>Nottingham, PA 19362             | Lancaster | 232.45      | 698.7                   | Swine / Pullets / Dairy  | HQ   | Approved                |

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>Approved or Disapproved</i> |
|--|---------------|--------------------|--------------------------------|--------------------|---|--------------------------------|
| Troester Dairy<br>175 Cannon Road<br>Mifflinburg, PA 17844 | Union         | 778                | 1176.6                         | Dairy              | HQ  | Approved                       |

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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**

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

**Operations Permit No. 0911572** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, (PWSID #1460073), Bristol Township, **Bucks County** on January 10, 2012 for the operation of Edgely Well Field Improvements approved under construction permit # 0910537

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

**Permit No. 0605522**, Public Water Supply.  
 Applicant **Berkleigh Heights, Inc.**  
 Municipality Richmond Township  
 County **Berks**

|  |   |
|--|---|
| Responsible Official   | William J Keller<br>1329 Richmond Rd.<br>Fleetwood, PA 19522  |
| Type of Facility   | Reactivation of Well No. 2 as a source for the public water supply.   |
| Consulting Engineer  | Bruce W Haigh, P.E.<br>Whitemore and Haigh Engineering, Inc.<br>200 Bethlehem Drive<br>Morgantown, PA 19543 |
| Permit to Construct Issued:  | 12/23/2011  |
| <b>Permit No. 6711516 MA, Minor Amendment</b> , Public Water Supply.   |   |
| Applicant  | <b>Meadowbrook Mobile Home Park</b>   |
| Municipality   | Fairview Township   |
| County   | <b>York</b>   |
| Responsible Official   | Ernie Kerstetter, Owner<br>247 Ridge Hill Road<br>Mechanicsburg, PA 17050                                   |
| Type of Facility   | 4-Log Demonstartion.  |
| Consulting Engineer  | Janet R McNally, P.E.<br>William F. Hill & Assoc., Inc.<br>207 Baltimore St.<br>Gettysburg, PA 17325        |
| Permit to Construct Issued:  | 1/3/2012  |
| <b>Operations Permit</b> issued to: <b>Turkey Hill Dairy, Inc.</b> , 7360322, Manor Township, <b>Lancaster County</b> on 1/3/2012 for the operation of facilities approved under Construction Permit No. 3611502.              |   |
| <b>Operations Permit</b> issued to: <b>Kinkora Pythian Home</b> , 7500028, Penn Township, <b>Perry County</b> on 1/3/2012 for the operation of facilities submitted under Application No. 5011508 MA.                          |   |
| <b>Operations Permit</b> issued to: <b>Countryside Christian Community</b> , 7380001, North Annville Township, <b>Lebanon County</b> on 1/3/2012 for the operation of facilities submitted under Application No. 7380001.      |   |
| <b>Operations Permit</b> issued to: <b>Calamus Estates, LLP</b> , 7360032, Paradise Township, <b>Lancaster County</b> on 1/10/2012 for the operation of facilities submitted under Application No. 3611548 MA.                 |   |
| <b>Operations Permit</b> issued to: <b>Leisure Living Retirement Home</b> , 4290830, Dublin Township, <b>Fulton County</b> on 12/23/2011 for the operation of facilities approved under Construction Permit No. 2911501 MA.    |   |
| <b>Operations Permit</b> issued to: <b>Mt Gretna Camp Meeting Association</b> , 7380023, West Cornwall Township, <b>Lebanon County</b> on 1/3/2012 for the operation of facilities submitted under Application No. 3811506 MA. |   |

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

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

Applicant **Aqua Pennsylvania, Inc.—Roaring Creek Division**

[Township or Borough] Jackson Township

County **Snyder**

Responsible Official Mr. Tate Hunsinger  
Operations Manager  
Aqua Pennsylvania, Inc.—  
Roaring Creek Division  
204 East Sunbury Street  
Shamokin, PA 17872

Type of Facility Public Water Supply

Consulting Engineer William A. LaDieu, P.E.  
CET Engineering Services  
1240 N. Mountain Road  
Harrisburg, PA 17112

Permit Issued January 10, 2012

Description of Action Operation of the SolarBee water mixer in the Kratzerville Finished Water Storage Tank.

**Permit No. MA (1486501-T1)—Operation** Public Water Supply.

Applicant **Pennsylvania American Water Company**

[Township or Borough] Philipsburg Borough

County **Centre**

Responsible Official Mr. Paul A. Zielinski  
PA American Water Company  
800 West Hersheypark Drive  
Hershey, PA 17033

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued January 11, 2012

Description of Action Elimination of recommended fluoride range of 0.8 to 1.2 mg/l from Permit No. 1486501-T1 (Special Condition E); revised recommended optimal fluoride level of 0.7 mg/l at Philipsburg Filtration Plant.

**Permit No. MA (1400504)—Operation** Public Water Supply.

Applicant **Pennsylvania American Water Company**

[Township or Borough] Rush Township

County **Centre**

Responsible Official Mr. Paul A. Zielinski  
PA American Water Company  
800 West Hersheypark Drive  
Hershey, PA 17033

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued January 11, 2012

Description of Action Elimination of recommended fluoride range of 0.8 to 1.2 mg/l from Permit No. 1400504 (Special Condition F); revised recommended optimal fluoride level of 0.7 mg/l at Penn Five (Trout Run Wells 1 & 2) Building.

**Permit No. 5910504—Operation** Public Water Supply.

Applicant **Dominion Transmission, Inc.**

[Township or Borough] Clymer Township

County **Tioga**

Responsible Official Mr. Kevin Zink  
Dominion Transmission, Inc.  
5094 Route 349  
Westfield, PA 16950

Type of Facility Public Water Supply

Consulting Engineer Mr. Jim Baker  
Larson Design Group  
1 West Market Street  
3rd Floor, Suite 401  
Corning, NY 14830

Permit Issued January 17, 2012

Description of Action Operation of a sodium hypochlorite disinfection system, a barium removal system (consisting of an existing ion exchange softener), and two 120-gallon detention tanks.

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

Applicant **Orograin Bakery Manufacturing, Inc.**

[Township or Borough] Old Lycoming Township

County **Lycoming**

Responsible Official Ms. Tina Rook  
Orograin Bakery  
Manufacturing, Inc.  
3375 Lycoming Creek Road  
Williamsport, PA 17701

Type of Facility Public Water Supply

Consulting Engineer Mr. Kim Mazur, P.E.  
Entech Engineering, Inc.  
4 South Fourth Street  
Reading, PA 19602

Permit Issued January 17, 2012

Description of Action Operation of the recently installed sodium hypochlorite feed system, Well No. 1 replacement pump, and 130 feet of 16-inch and 50 feet of 6-inch detention piping to provide 4-log inactivation of viruses.

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

**Operation Permit** issued to **Borough of Cambridge Springs**, PWSID #6200004, Cambridge Springs Borough, **Crawford County**. Permit Number 2099501-MA1 issued January 10, 2012 for the operation of the new 495,000 gallon glass coated, bolted steel finished water storage

tank. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on December 20, 2011.

**Permit No. 1011505** Public Water Supply  
 Applicant **Borough of Zelenople**  
 Township or Borough Borough of Zelenople  
 County **Butler**  
 Type of Facility Public Water Supply  
 Consulting Engineer Thomas L. Thompson, P.E.  
 Gannet Fleming, Inc.  
 554 South Erie Street  
 Mercer, PA 16137  
 Permit to Construct January 11, 2012  
 Issued

**Transfer of Operation Permit** issued to **Brent Community Cooperative Water Association, Inc.**, PWSID #6370037, Pine Grove Township, **Lawrence County** on June 29, 2011. Action is for change in ownership. The new permit number is 3787501-T1.

**Cancellation of Construction Permit** issued to **Pennsylvania American Water Company**, New Castle District, PWSID #6370034, Mahoning Township, **Lawrence County** on January 11, 2012. This action represents the cancellation of Permit Number 3708502 issued December 15, 2008. This project was cancelled by the developer of Valley View Downs Racetrack and Casino.

**Cancellation of Construction Permit** issued to **Pennsylvania American Water Company**, PWSID #6620020, Conewango Township, **Warren County** on January 12, 2012. This action represents the cancellation of Permit Number 3103-T1-MA3 issued January 15, 2008. This project was cancelled due to the project not being completed.

**Permit No. 1084501-T1-MA1** Public Water Supply  
 Applicant **Pennsylvania American Water Company**  
 Township or Borough Center Township  
 County **Butler**  
 Type of Facility Public Water Supply  
 Consulting Engineer Gregory R. Stein, P.E.  
 Tank Industry Consultants  
 7740 West new York Street  
 Indianapolis, IN 46214  
 Permit to Construct January 13, 2012  
 Issued

**Permit No. 3784501-T1-MA6** Public Water Supply  
 Applicant **Pennsylvania American Water Company**  
 Township or Borough Neshannock Township  
 County **Lawrence**  
 Type of Facility Public Water Supply  
 Consulting Engineer Gregory R. Stein, P.E.  
 Tank Industry Consultants  
 7740 West new York Street  
 Indianapolis, IN 46214  
 Permit to Construct January 13, 2012  
 Issued

**Permit No. 3701501-MA1** Public Water Supply  
 Applicant **Pennsylvania American Water Company**  
 Township or Borough Wayne Township  
 County **Lawrence**  
 Type of Facility Public Water Supply  
 Consulting Engineer Gregory R. Stein, P.E.  
 Tank Industry Consultants  
 7740 West new York Street  
 Indianapolis, IN 46214  
 Permit to Construct January 13, 2012  
 Issued

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

##### Plan Location:

| Borough or Township | Borough or Township Address          | County |
|---------------------|--------------------------------------|--------|
| Westfall Township   | P. O. Box 247<br>Matamoras, PA 18336 | Pike   |

**Plan Description:** This Plan Revision (Special Study) provides for re-rating the existing wastewater treatment plant to 0.374 MGD (Alternative 1), installation of a second (parallel) sanitary force main sewer and replacement of the existing Westfall Sewage Pump Station No. 1 with a larger capacity pump station within the existing sewage conveyance system (Alternative 2D), and the Authority's (Municipal Authority of the Township of Westfall) takeover of the existing Milford Landing Pumping Station including installation of a new package pump station to address operational and equipment issues (Alternative 3C).

Any required NPDES Permits or WQM Permits should be obtained in the name of the Authority.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

#### PREAMBLE 2

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the

final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**Moore Residence**, Pennsbury Township, **Chester County**. James Maddox, J&M Industries, 11 Millside Drive, Wilmington, DE 19081 on behalf of Ann E. Moore, 1 Red Oak Road, Wilmington, DE 19086 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sitewide BP Marcus Hook Refinery**, Borough of Trainer & Marcus Hook, **Delaware County**. Dave Frearson, Sovereign Consulting, 111A North Gold Drive, Robbinsville, NJ 08691, Christopher Jaggie, Sovereign Consulting, 111A North Gold Drive, Robbinsville, NJ 08691, Sasa Jazic, Atlantic Richfield Company, 28100 Torch Parkway, Mail Code 2-S, Warrenville, Illinois 60555 on behalf of Ken Kerntke, ConocoPhillips, 4101 Post Road, Trainer, PA 19061 has submitted a Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with inorganics, voc's and metals. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Reynolds Packaging**, Borough of Downingtown, **Chester County**. Michael Welsh, PE, Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19355, David Watson, Reynolds Packaging, LLC, 6641 West Bread Street, Richmond, VA 23230, Jeffrey K. Walsh, Penn E&R, Inc. 2755 Bergey Road, Hatfield, PA 19440 on behalf of Bryan Cullen, Westrum Park Place LP, 370 Commerce Drive Suite 100, Fort Washington, PA 19034 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Camilla Hall Nursing Home**, East Whiteland Township, **Chester County**. Richard J. Burns, Conestoga-Rover & Associates, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of David McDonnell, Sister, Servants of the Immaculate Heart of Mary, 1140 King

Road, Immaculate, PA 19345-0200 has submitted a Final Report concerning remediation of site groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Conshohocken Rail LLC**, Plymouth Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc. 215 West Church Road, King of Prussia, PA 19406 on behalf of Andrew Cahill, TWL Lending, LLC, 4537 South Valentia Way, Suite 340, Greenwood Village, CO 80111 has submitted a Cleanup Plan and Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**905 Montgomery Avenue Site** Lower Merion Township, **Montgomery County**. James Manuel, REPSG, 6901 Kingsessing Avenue, Philadelphia, PA 19142, Brenda Kellogg, REPSG, 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Bee Brahlin, Brahlin Properties, Inc., 1535 Chestnut Street, Philadelphia, PA 19102 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sunoco Inc. Phila Refinery Schuylkill River Tank Farm AO1-5**, City of Philadelphia, **Philadelphia County**. Colleen Costello, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1500, Philadelphia, PA 19103, James Oppenheim, Sunoco, Inc. (R&M), 100 Green Street, Marcus Hook, PA 19061 on behalf of Scott Baker, Sunoco, Inc. (R&M) 3144 Passyunk Avenue, Philadelphia, PA 19145 has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site groundwater and soil contaminated with other organics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**533 West Baltimore Avenue Site**, Clifton Height Borough, **Delaware County**. Chris Hirschmann, Hirschmann Consulting, LLC. 1600 Route 22 East, Union NJ 07083 on behalf of Stephen Niggeman, SN&JN, LP c/o: Metro Commercial Management Services, 303 Fellowship Road, Suite 202, Mount Laurel, NJ 08054 has submitted a Final Report concerning remediation of site groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Jeras Corporation Property (Runk Barn)**, 2175 Pirma Avenue, South Whitehall Township, **Lehigh County**. Chris Jacangelo, J. Rockwood & Associates, Inc., P. O. Box 1006, Easton, PA 18044 has submitted a Final Report (on behalf of his client, Jeras Corporation, 1802 N. Cedar Crest Boulevard, Allentown, PA 18104), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a pitted and corrosive underground storage tank, which was observed during the tank's removal process. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Express-Times* on December 21, 2011.



**Bethlehem Commerce Center-Undeveloped Portions of the Saucon Tract** (owned by LVIP), Bethlehem City, **Northampton County**. Kenneth G. Robbins, HDR Engineering, 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 has submitted a Final Report (on behalf of his client, Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164), concerning the remediation of soil found to have been impacted by VOCs, Semi-VOCs and Inorganic constituents as a result of historical operations at the former Bethlehem Steel Plant. The report was submitted to document attainment of the Site-Specific Standard. A public notice regarding the submission of the Final Report was published in *The Express Times* on December 7, 2011.

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

**PREIT / Logan Valley Mall**, Plank Road and Goods Lane, Altoona, PA 16602, Logan Township, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of PA Real Estate Investment Trust, 200 South Broad Street, Philadelphia, PA 19102, submitted a Final Report concerning remediation of site soils contaminated with BTEX, PAHs and lead. The report is intended to document remediation of the site to meet the Residential Statewide Health standard. Groundwater has already been addressed in a separate report.

**Reyna Residential Property**, 135 Tuckahoe Road, Dillsburg, PA 17019, Franklin Township, **York County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110-9307, on behalf of William Reyna, 135 Tuckahoe Road, Dillsburg, PA 17019 and Suburban Energy Services, PO Box 4833, Syracuse, NY 13221, submitted a Final Report concerning remediation of site soils and groundwater contaminated with heating oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**FedEx Freight Incorporated**, 2030 North Union Street, Middletown, PA 17057, Lower Swatara Township, **Dauphin County**. Bureau Veritas North America, Inc., 110 Fieldcrest Avenue, Edison, NJ 08837, on behalf of FedEx, Freight, Inc., 3405 Victor Street, Santa Clara, CA 95054, submitted a Final Report for site soils and groundwater contaminated with petroleum hydrocarbons from an oil/water separator. The report is intended to document remediation of the site to meet the Non-Residential Statewide Health standard.

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

**The Buncher Company—14th through 21st Street Property** (aka Buncher Floating Restaurant, Buncher 16th Street Property—former Special Industrial Area) City of Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of The Buncher Company, Penn Liberty Plaza 1, 1300 Penn Avenue, Suite 300, Pittsburgh, PA 15222 has submitted a Remedial Investigation Report/Risk Assessment/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with metals, SVOCs and VOCs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401*

**Wilson Residence**, Haverford Township **Delaware County**. Staci Cottone, J&J Spill Service and Supplies, Inc., PO Box 370, Blue Bell PA 19422, Jill S. Haimson, CGWP, PG, Preferred Environmental Services 323 Merrick Avenue, North Merrick, NY, 11566 on behalf of

Matthew and Andrew Wilson, 12 Shawnee Road, Ardmore, PA 19003 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 1, 2011.

**Mill Pond Center**, Morrisville Borough **Bucks County**. Thomas Hippensteal, P.G., Environmental Consultants, Inc., PO Box 940, Springhouse, PA 19477 on behalf of Ashi, Patel, Mill Pond Center, Pennsylvania Avenue and Bridge Street, Morrisville, PA 19067 has submitted a Final Report concerning the remediation of site groundwater contaminated with lead and antimony. The Final report demonstrated attainment of the Background Standard and was approved by the Department on December 15, 2011.

**Salvation Army**, City of Philadelphia, **Philadelphia County**. Raymond Duchamine, ENVision Environmental, Inc., 912 North Orianna Street, Philadelphia, PA 19123, Major Kevin D. Bone, The Salvation Army, 701 North Broad Street, Philadelphia, PA 19123 on behalf of Major Jorge Diaz, The Salvation Army, 440 West Nyack Road, West Nyack, NY 10994 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 8, 2011.

**310 South 48th Street**, City of Philadelphia, **Philadelphia County**. Richard Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406, Samuel W. Galenty, Environmental Consulting, Inc. 2022 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Gregory Heller, The Enterprises Center Community Development Corporation, 4548 Market Street, Philadelphia, PA 19143 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 6, 2011.

**John Wanamaker Jr. High School**, City of Philadelphia, **Philadelphia County**. Darryl Borrelli, Manko, Gold, Katcher, & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, Harris Brody, Accredited Environmental Technologies, Inc. 28 North Pennell Road, Media PA 19063 on behalf of Carlo Cifarelli, Goldenberg Group, 350 Sentry Parkway, Building 630, Suite 300, Blue Bell, PA 19422 has submitted a Final Report concerning the remediation of site soil contaminated with pah, and chlorinated. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 1, 2011.

**Corsaro Residence**, Upper Darby Township **Delaware County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Joe Martina, Farmers Insurance Group, Suite 140, 309 International Circle, Cockeysville, MD 21030 on behalf of Marie Corsaro, 202 Huntley Road, Upper Darby, PA 19082 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 6, 2011.

**Delmont Utilities, Inc.**, Newtown Township **Delaware County**. Joseph Diamadi, Marshal Geoscience Inc., 170 East First Avenue, Collegeville PA 19426 on behalf of Al Conan, Delmont Utilities, Inc., 3565 Winding Way,

Newtown Square, PA 19073 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 31, 2011.

**Commercial Property**, Lansdale Borough **Montgomery County**. Staci Cottone, J&J Spill Service and Supplies, Inc., PO Box 370 Blue Bell, PA 19422 on behalf of Phillip Jenke, Liberty Bell Realty, 21 Jenkins Avenue, Lansdale, PA 19446 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 22, 2011.

**Commercial Office**, City of Philadelphia, **Philadelphia County**. Andrew D. Miller, Ally Services Company, 57 East Durham Street, Philadelphia, PA 19119 on behalf of John B. Sawyer, Jewish Family & Children Services, 210 Arch Street, 5th Floor, Philadelphia, PA 19103 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 14, 2011.

**Ploysat**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia PA 19406 on behalf of Darryl Manuel, Polysat, Inc. 7240 State Road, Philadelphia, PA 19135 has submitted a Final Report concerning the remediation of site groundwater contaminated with organic and semi-volatile organics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 10, 2011.

**Lattari Residence**, City of Philadelphia, **Philadelphia County**. Charles Burger, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, Karen Washko, Longacre Appraisal & Adjustment, 5339 Woodland Avenue, Philadelphia, PA 19143 on behalf of Lattari Residence, 2623 South 16th Street, Philadelphia, PA 19145 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 20, 2011.

**Chelsea Tank Farm**, upper Chichester, Bethel, and Aston Township **Delaware County**. Chrissy Piechoski, Antea Group, 780 East Market Street, Suite 120, West Chester, PA 19382, Timothy Jenesky, Antea Group, 780 East Market Street, Suite 120, West Chester, PA 19382 on behalf of Randy Coil, Atlantic Richfield Company, A BP Product North America Inc. Affiliated Company, 501 Westlake Park Blvd, Houston TX 77079 has submitted a Remedial Investigation/Risk Assessment and Final Report concerning the remediation of site soil and groundwater contaminated with jet fuel. The Remedial Investigation/Risk Assessment and Final Report were approved by the Department on December 8, 2011.

**DuPont Marshall Laboratories**, City of Philadelphia, **Philadelphia County**. Matthew Brill, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034, David Kistner, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Sathya Yalvigi, E.I. Du Pont De Nemours and Company Marshall Laboratory, 3401 Gray Ferry Avenue, Philadelphia PA 19146 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganic and lead. The Final report demon-

strated attainment of the Site Specific Standard and was approved by the Department on December 21, 2011.

**Russell Property**, City of Philadelphia, **Philadelphia County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, George Mecleary, State Farm, PO Box 8061, Ballston Spa, NY 12020-8061 on behalf of Norman Russell, 206 East Clearfield Street, Philadelphia, PA 19134 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 24, 2011.

**Ridge Pike Lumber Company**, Plymouth Township **Montgomery County**. Staci Cottone, J&J Spill Service and Supplies, Inc., PO Box 370, Blue Bell, PA 19422 on behalf of David Madway, Home Center Realty, 1104 Saint Andrew Road, Bryn Mawr, PA 19010 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 25, 2011.

**26th & Penrose Avenue**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Service, Inc., 215 Church Road, King of Prussia, PA 19406 on behalf of Steve D'Angelo, Danbro, L.P., 3700 South 26th Street, Philadelphia, PA 19145 has submitted a Final Report/Remedial Investigation Report concerning the remediation of site groundwater contaminated with mtbe and organics. The Remedial Investigation and Final Report were approved by the Department on November 23, 2011.

**Simone Residence**, Norristown Township **Montgomery County**. Charles Burger, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, Jason Bean, 309 Lakeside Drive, Suite 100, Horsham PA 19044 on behalf of Maria Simone, 221 Bryan Road, Norristown, PA 19401 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 21, 2011.

**Meenan Oil Company Facility**, Upper Darby Township **Delaware County**. Andrew K. Markoski, PG., Patriot Environmental Management, PO Box 629, Douglasville, PA 19518 on behalf of Barry D. Miller, Meenan Oil Company, Inc. PO Box 659, Douglasville, PA 19518 has submitted a Remedial Investigation/Final Report concerning the remediation of site groundwater and soil contaminated with no. 2 fuel oil. The Remedial Investigation/Final Report was disapproved by the Department on November 14, 2011.

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

**R. Hull 1H/2H Well Site**, Phillips Road (Township Road 378), Springville Township, **Susquehanna County**. David Testa and James Pinta, Jr., URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a Final Report (on behalf of their client, Cabot Oil & Gas Corporation, Five Penn Center West, Suite 401, Pittsburgh, PA 15276), concerning the remediation of soil found to have been impacted by diesel fuel and drill mud as a result of a release that occurred due to a reserve pit's improper closure. The report documented attainment of the Statewide Health Standard for soil and the Background Standard for soil and was approved on January 10, 2012. The report was originally submitted within 90 days of the release.

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

**The Jay Group / Fire Pump House**, 1400 Zeager Road, Elizabethtown, PA, 17022, Elizabethtown Borough, **Lancaster County**. TIER Environmental Services, Inc. 5745 Lincoln Highway, Gap, PA 17527, on behalf of The Jay Group, 700 Indian Springs Road, Lancaster, PA 17601, submitted a Final Report concerning remediation of site soils contaminated with fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on January 11, 2012.

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

**Pickelner Facility Cleanup**, Loyalsock Township, **Lycoming County**. Letterle & Associates, LLC, on behalf of Pickelner Fuel Company, Inc., 210 Locust Street, Williamsport, Pa 17701 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with leaded and unleaded gasoline for the Pickelner site located at 2500 East Third Street, Williamsport, Pa 17701. The Final report demonstrated attainment of the Site-specific Standard and Statewide Health Standard and was approved by the Department on January 10, 2012.

#### MUNICIPAL WASTE GENERAL PERMITS

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

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

**Permit No. 101701 Edie Recycling Center**, PO Box 448 Marietta, PA 17547. This is a major permit modification to Solid Waste Permit No. 101701 this modification approves the acceptance of municipal and select residual wastes, as well as increasing the daily tonnage from 250 tons/day to 500 tons/day.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

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

**Permit Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit No. 301220. Clean Earth of Philadelphia, Inc.**, 3201 South 61st Street, Philadelphia PA 19153-3502, City of Philadelphia, **Philadelphia County**. This solid waste permit is being issued to allow for the short-term, continued operation under previously permitted terms and conditions at the Clean Earth of Philadelphia, Inc., facility, an existing residual waste processing facility, during the review of the facility's 10-year renewal application. The permit was issued by the Southeast Regional Office on December 21, 2011.

**Permit No. 101680. Waste Management Disposal Services Of Pennsylvania, Inc.**, 1000 New Ford Mill Road, Morrisville PA 19067. This minor permit modification approves several design features related to constructability and standard practices associated with Sedimentation Basin No. 2 at GROWS North Landfill, a municipal waste landfill located in Falls Township, **Bucks County**. The permit was issued by the Southeast Regional Office on December 22, 2011.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**58-399-032GP5: Laser Northeast Gathering Co. LLC** (1212 South Abington Road, Clarkes Summit, PA 18411) on January 9, 2012, to construct and operate two dehydrators/reboilers at their Lawrence NE FRP Site in Liberty Township, **Susquehanna County**.

**58-399-033GP5: Laser Northeast Gathering Co. LLC** (1212 South Abington Road, Clarkes Summit, PA 18411) on January 9, 2012, to construct and operate two dehydrators/reboilers at their Snake Creek FRP site in Liberty Township, **Susquehanna County**.

**58-399-034GP5: Laser Northeast Gathering Co. LLC** (1212 South Abington Road, Clarkes Summit, PA 18411) on January 9, 2012, to construct and operate two (2) dehydrators/reboilers at their Kane Road FRP site in Forest Lake Township, **Susquehanna County**.

**58-399-035GP5: Laser Northeast Gathering Co. LLC** (1212 South Abington Road, Clarkes Summit, PA 18411) on January 9, 2012, to construct and operate two (2) dehydrators/reboilers at their Lane Road FRP site in Middletown Township, **Susquehanna County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-26-00587B: Laurel Mountain Midstream, LLC** 1605 Coraopolis Heights Road, Moon Township, PA 15108 on January 9, 2012, to allow the enforcement of new self-enforceable emission limits on the previously installed two (2) Caterpillar Engines, G3516LE, rated at 1340 bhp 1,400 rpm, One (1) previously installed TEG dehydrator, rated @ 0.25MMBtu/hr, Four (4) previously installed Condensate/Storage Tanks with various capacities, and one (1) previously installed ancillary equipment (Electric Engine, rated at 1,500 bhp) at their Springhill Compressor Station, located in Springhill Township, **Fayette County**.

**GP3-63-00950A: Alex E. Paris Contracting Company, Inc.** (1595 Smith Township State Road, P. O. Box 369, Atlasburg, PA 15004-0369) on January 10, 2012, to allow the installation and operation of one (1) Eagle Crusher Company, Inc. Model 33D7105 portable crusher

rated at 400 tph; controlled by water sprays and the continued operation of one (1) Norberg Model LT 105 jaw crusher, one (1) Metso Modle LT 1213 impact crusher, and one (1) DBi Viper Model 301 double deck vibratory screen, each rated at 400 tph, at their Archer Road Site located in Morris Township, **Washington County**.

**GP9-63-00950A: Alex E. Paris Contracting Company, Inc.** (1595 Smith Township State Road, P. O. Box 369, Atlasburg, PA 15004-0369) on January 10, 2012, to allow the installation and operation of one (1) John Deere 3JDXL diesel-fired engine, rated at 235 bhp, and the continued operation of one (1) Caterpillar C-9 DITA diesel-fired engine, rated at 300 bhp, and one (1) Caterpillar C-13 DITA diesel-fired engine, rated at 415 bhp, at their Archer Road Site located in Morris Township, **Washington County**.

**GP1-26-00595: Magnablend Inc.** (326 N. Grand Ave., Waxahacie, TX 75165) on January 10, 2012, to allow the continued operation of a Cleaver Brooks natural gas-fired boiler at its Everson Plant located in Everson Borough, **Fayette County**.

**GP5-03-00255: EQT Gathering, LLC** (EQT Plaza, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on January 12, 2012, to allow the installation and operation of a 120 MMscfd tri-ethylene glycol dehydration unit with reboiler rated at 1.5 MMBtu/hr, controlled by a flare, at the Terra Station in Plumcreek Township, **Armstrong County**.

**GP5-26-00584C: Laurel Mountain Midstream, LLC** (West Pointe Center Three, 1605 Coraopolis Heights Road, Moon Township, PA 15108-0611) on January 13, 2012, received authorization for construction and operation of sources and controls associated with a natural gas production facility at the Dunbar Compressor Station located in Dunbar Township, **Fayette County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**54-316-008: JELD-WEN** (1162 Keystone Blvd., Pottsville, PA 17901-9055) on January 5, 2012, to install a new paint booth w/dryer at their facility in Cass Township, **Schuylkill County**.

**48-399-069: Praxair Distribution Mid Atlantic LLC—d.b.a. GTS Welco** (145 Shimersville Road, Bethlehem, PA 18015) on December 28, 2011, to install an Ethylene Oxide Scrubber system for their facility in the City of Bethlehem, **Northampton County**.

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

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

**41-00082A: PPL Renewable Energy, LLC** (2 North Ninth Street, Allentown, PA 18101) on November 18, 2011, to construct and operate a four (4) 1.6 megawatt CAT model G3520C landfill gas fired engines at their Lycoming County Landfill in Brady Township, **Lycoming County**.

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

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

**33-185A: Columbia Gas Transmission LLC—Iowa Compressor Station** (41.12932N 79.00884W, Iowa Road, Pine Creek, PA 17739) on January 6, 2012, to construct two (2) compressor engines and support equipment in Pine Creek Township, **Jefferson County**. This is a State Only facility.

**62-032H: Ellwood National Forge—Irvine** (1 Front Street, Irvine, PA 16329) on January 4, 2012, modify natural gas and fuel oil combustion rates for existing furnaces in Brokenstraw Township, **Warren County**. This is a Title V facility.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**23-0105: Hanson Aggregates PA, LLC.** (7660 Imperial Way, Allentown, PA 18195) on January 12, 2012, to operate a fabric filter baghouse in Thornbury Township, **Delaware County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**07-03055A: Advanced Metals Processing—PA LLC** (129 South Sparks Street, Suite 1, State College, PA 16801-3913) on January 11, 2012, for a nonferrous metal delacquering oven at the facility in Hollidaysburg Borough, **Blair County**. The Plan Approval was extended.

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

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

**PA-32-00409: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201-9642) on January 10, 2012, to extend the period of temporary operation of a coal preparation plant known as the Starford Mine Coal Preparation Plant in Greene Township, **Indiana County**.

**PA-65-00986A: Tiger Door, Inc.** (1181 Garden Street, Greensburg, PA 15601) Plan Approval Extension is effective January 14, 2012, with an expiration date of July 14, 2012, to extend the period of temporary operation of sources and controls authorized under Plan Approval PA-65-00986A the Tiger Door Manufacturing Plant located in Hempfield Township, **Westmoreland County**.

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

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

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

**16-00128: County Landfill** (PO Box 237, Leeper, PA 16233-0237) on January 11, 2012, issued an administrative amendment to the Title V Operating Permit to incorporate the change in responsible official for the facility located in Farmington Township, **Clarion County**.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**54-00031: Schuylkill Health System** (700 East Norwegian Street, Pottsville, PA 17901) on January 12, 2012, for Schuylkill Medical Center facility in the Pottsville City, **Schuylkill County**. This is a renewal of the State-Only Natural Minor operating permit.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**67-03070: Lower Allen Township Authority** (120 Limekiln Road, New Cumberland, PA 17070-2428) on January 10, 2012, for their Lower Allen Township Wastewater Treatment Plant in Fairview Township, **York County**. The State-only permit was renewed.

**67-03078: Snyder's—Lance, Inc.** (1350 York Street, Hanover, PA 17331-7949) on January 11, 2012, for their snack food manufacturing facility in Penn Township, **York County**. The State-only permit was renewed.

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

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

**19-00032: Benton Area School District** (Benton Area School District, 600 Green Acres Road, Benton, PA 17814) on December 14, 2011, issued State Only Operating Permit 19-00032 for their facility in Benton, **Columbia County**. State Only Operating Permit 19-00032 contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulatory requirements.

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

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

**32-00335: Superior Well Services, LTD—Black Lick Facility** (Route 19 South, Black Lick, PA 15716) on January 10, 2012, issued a State Only Operating Permit for the operation of a cement and sand storage facility for the oil and gas industry located in Burrell Township, **Indiana County**. The subject facility consists of one cement silo, two sand silos, one blend tank, one scale tanks and an hydrochloric storage tank used to store materials used for oil and gas well isolation. The facility has the potential to emit 52.11 tpy PM. The facility is required to conduct a daily survey of the facility during

daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the daily survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. The facility is also required to water all in-plant roads once per day, dependent on the weather, maintain a set vehicle pattern, post speed limit sign of 15 mph as well as promptly remove earth or other material from paved roads onto with earth or other material has been transported by trucking or earth moving equipment, or other means. Particulate matter emissions are not to exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

**11-00521: Fuel Recovery, Inc.** (254 Interpower Drive, Colver, PA 15927) on January 13, 2012, to issue the State Only Operating Permit for the operation of the Lilly Coal Refuse Site. The 200,000 ton per year facility contains air contamination sources, consisting of one screen driven by a 152-bhp diesel engine, conveyers, truck loading/unloading, and storage piles. The facility is subject to the applicable requirements of 40 CFR 60, Subpart Y and Subpart IIII and Pa. Code Title 25, Chapters 121-145. The permit also includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements for the facility located in Washington Township, **Cambria County**.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**46-00031: GlaxoSmithKline** (1250 S Collegeville Road, Collegeville, PA 19426) on January 11, 2012, for their Upper Providence facility in Upper Providence Township, **Montgomery County**. The operating permit was administratively amended to incorporate the requirements of Plan Approval No. 46-0031C. The amended operating permit contains the applicable regulatory requirements including monitoring, record-keeping, and emission limits.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863*

**07-03014: New Enterprise Stone & Lime Co., Inc.** (PO Box 77, New Enterprise, PA 16664-0077) on January 11, 2012, for their stone crushing operation at the Roaring Spring Quarry in Taylor Township, **Blair County**. The State-only permit was administratively amended to include the requirements of Plan Approval No. 07-03014A.

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

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

**60-00005: Elkay Wood Products Co.** (100 Industrial Park, Mifflinburg PA 17844) on January 5, 2012, revised State Only Operating Permit 60-00005. The revisions to the operating permit included removal of the testing, monitoring and recordkeeping conditions for oil. The facility doesn't use oil as fuel to operate any stationary air contaminant source. Additionally, the description of the lumber drying operation was revised to reflect normal operating conditions. State Only Operating Permit 60-00005 contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulatory requirements.

**19-00025: Penford Carolina, LLC** (920 Seventh Avenue, Berwick, PA 18603) on January 11, 2012, issued a revised state only (natural minor) operating permit for a change of ownership of the Berwick Borough facility from Keystone Starches, LLC to Penford Carolina, LLC. This facility is located in Berwick Borough, **Columbia County**. This revised operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

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

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

**37-00318: Kennametal ISA—Northgate Facility** (Northgate Industrial Park, Building A, New Castle, PA 16105) on January 12, 2012, issued an administrative amendment to the State Operating Permit to incorporate the change in ownership, tax ID, responsible official and permit contact for the facility in Neshannock Township, **Lawrence County**.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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

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

**33-00125: Energy Resources Brockway Tipple** (One Energy Place, Latrobe, PA 15650) on January 13, 2012, for revocation of their State Operating Permit for their Coal Preparation Plant in Snyder Township, **Jefferson County**. On January 10, 2012, the Department of Environmental Protection conducted a compliance inspection of the facility. Based on the inspection report the source at the facility was last operated in the Spring of 2009. Since it has been greater than one year from the date that the affected sources were operated and a deactivation plan / maintenance plan was not submitted, the sources cannot be reactivated in accordance with 25 Pa. Code § 127.11a and § 127.215. Instead, a plan approval will be required if the facility wishes to re-start any of the crushing equipment. Therefore, the Department hereby revokes Natural Minor Operating Permit No: 33-00125.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### *Coal Permits Actions*

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

**30831303 and NPDES Permit # PA0013511. Cumberland Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to renew the permit and renew and revise the related NPDES permit for the Cumberland Mine in Whiteley, Center, Franklin, Greene, Perry, and Wayne Townships, **Greene County** to add NPDES Outfall 033. Receiving Stream: Unnamed Tributary to Roberts Run, classified for the following use: WWF. The application was considered administratively complete on April 14, 2008. Application received: October 9, 2007. Permit issued: January 12, 2012.

**30831303. Cumberland Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Wayne Township, **Greene County** to install the No. 10 airshaft site. Surface Acres Proposed 17.3. The application was considered administratively complete on August 16, 2010. Application received: May 7, 2010. Permit issued: January 12, 2012.

**03981301 and NPDES No. PA0216198. Western Allegheny Energy, LLC**, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit and revise the permit for the Parkwood Mine in Plumcreek and South Bend Townships, **Armstrong County** and **Armstrong Township, Indiana County** to operate the mine and add underground permit acres and reconfigure and add subsidence control plan area acres. The mine and related NPDES permit are being transferred from Rosebud Mining Company. No revisions to the related NPDES permit. Underground Acres Proposed 1971.0, Subsidence Control Plan Acres Proposed 788.0. The application was considered administratively complete on February 14, 2011. Application received: November 17, 2011. Permit issued: January 12, 2012.

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

**56900109 and NPDES No. PA0598887. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Quemahoning and Somerset Town-

ships, **Somerset County**, affecting 48.2 acres. Receiving stream(s): Wells Creek classified for the following use(s): warm water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. Application received: July 20, 2011. Permit issued: January 6, 2012.

**32010110 and NPDES No. PA0249033, Alverda Enterprises, Inc.**, P. O. Box 87, Alverda, PA 15710, permit renewal for reclamation only of a bituminous surface mine in Pine Township, **Indiana County**, affecting 78.1 acres. Receiving stream(s): N/A, the permit was issued w/non discharge alternatives for treated water classified for the following use(s): N/A. There are no potable water supply intakes within 10 miles downstream. Application received: September 8, 2011. Permit issued: January 6, 2012.

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

**03080105 and NPDES Permit No. PA0251534. Britt Energies, Inc.** (P. O. Box 515, Indiana, PA 15701). Permit issued for commencement, operation and reclamation of an auger and bituminous surface mine, located in Plumcreek Township, **Armstrong County**, affecting 63.9 acres. Receiving streams: Cherry Run and unnamed tributaries to Cherry Run Application received: December 3, 2008. Permit issued: January 10, 2012.

### *Noncoal Permits Actions*

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

**59101001. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16801), non-coal mining operation in Covington Township, **Tioga County**. Restoration of 5.0 acres. Receiving streams: Wilson Creek tributary to Tioga River. Application received: December 14, 2011. Final bond release approved: January 9, 2012.

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

**62071002. Munsee Sand & Gravel** (927 West Smith Street, Corry, PA 16407). Final bond release for a General Permit for Short-Term Construction Project (GP-103) in Columbus Township, **Warren County**. Restoration of 3.0 acres completed. Receiving streams: Brokenstraw Creek. Application Received: October 19, 2011. Final bond release approved: January 9, 2012.

**25010805. Tom Francis** (10528 Wattsburg Road, Erie, PA 16509). Final bond release for a small industrial minerals surface mining permit in Venango Township, **Erie County**. Restoration of 1.0 acre completed. Receiving streams: Unnamed tributary to French Creek. Application received: September 13, 2011. Final bond release approved: January 9, 2012.

**43110301. Three Rivers Aggregates, LLC** 225 North Shore Drive, Pittsburgh, PA 15212) Commencement, operation and restoration of a large industrial minerals mine Jefferson Township, **Mercer County** affecting 90.0 acres. Receiving streams: Daley Run and Little Neshanock Creek. Application received: June 30, 2011. Permit Issued: January 13, 2012.

**43110301-GP-104. Three Rivers Aggregates, LLC** (225 North Shore Drive, Pittsburgh, PA 15212) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43110301

in Jefferson Township, **Mercer County**. Application received: June 30, 2011. Permit Issued: January 13, 2012.

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

**59101001. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16801), non-coal mining operation in Covington Township, **Tioga County**. Restoration of 5.0 acres. Receiving streams: Wilson Creek tributary to Tioga River. Application received: December 14, 2011. Final bond release approved: January 9, 2012.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Actions*

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

**58124101. Doug Wathen, LLC**, (16282 State Highway 13, Suite J, Branson West, MO 65737), construction blasting for Keilar Gas Pad in Lathrop Township, **Susquehanna County** with an expiration date of January 1, 2013. Permit issued: January 10, 2012.

**36124102. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Eric Herr manure pit in West Lampeter Township, **Lancaster County** with an expiration date of January 1, 2013. Permit issued: January 11, 2012.

**58124001. John Brainard**, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for the Price VV Gas Pad in Lenox Township, **Susquehanna County** with an expiration date of June 30, 2012. Permit issued: January 12, 2012.

**36124101. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Turkey Hill Gas Station in Caernarvon Township, **Lancaster County** with an expiration date of January 9, 2013. Permit issued: January 12, 2012.

**40124102. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Eagle Rock Resort in Black Creek, Hazle and North Union Townships, **Luzerne and Schuylkill County** with an expiration date of January 31, 2013. Permit issued: January 12, 2012.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E46-1073. Municipality of Norristown**, 235 E. Airy Avenue, Norristown, PA 19401-5048, Norristown Borough, **Montgomery County**, ACOE Philadelphia District.

To perform the following Water Obstruction and Encroachment activities in and along the 100-year floodplain of Stoney Creek and its tributary associated with connection of the existing Elmwood Park Zoo to the existing 700 acres farm park through the proposed trail system.

1. To construct and maintain approximately a 784-foot long, 10-foot wide trail system.
2. To construct and maintain a 190-foot long, 10-foot wide pedestrian bridge.

The site is located near the intersection of Markley Street and Johnson Highway (Lansdale, PA USGS Quadrangle N: 8.9 inches; W: 2.9 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

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



**E28-370: Pennsylvania Department of Transportation**, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, in Washington Township, **Franklin County**, ACOE Baltimore District

To: 1) remove the existing structure and construct and maintain a two-span precast concrete arch bridge having a total clear span of 84.00 feet, a width of 31.54 feet, and a minimum underclearance of 10.00 feet across Narrows Branch Tuscarora Creek (CWF, MF), 2) permanently impact 0.02 acre of two separate PSS wetlands, 3) temporarily impact 0.02 acre of two separate PSS wetlands, 4) remove the existing pipe and install and maintain a concrete pipe having a length of 33.00 feet and a diameter of 2.00 feet in an unnamed tributary to Narrows Branch Tuscarora Creek (CWF, MF), and 5) remove the existing pipe and install and maintain a concrete pipe having a length of 34.20 feet and a diameter of 1.50 feet in an unnamed tributary to Narrows Branch Tuscarora Creek (CWF, MF), all for the purpose of improving transportation safety and roadway standards. The project is located along SR 4007 (Back Road) in Washington Township, Franklin County (Doylestown, PA Quadrangle; N: 22.4 inches, W: 11.1 inches; Latitude: 40°14'54", Longitude: -77°42'16"). The amount of wetland impact is considered a de minimus impact of 0.02 acre and wetland replacement is not required.

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

**E18-467. Seth Ulmer**, 710 Island Road, Lock Haven, PA 17745. Ulmer Farm Agchemical Handling/Equipment Facility, in Dunnstable Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle, N: 41° 08' 49.75"; W: 77° 23' 27.54").

To: 1) remove a 30-foot by 175-foot four-wall tobacco shed and a 24-foot by 40-foot farm market building, 2) construct and maintain a three-sided 50-foot wide by 120-foot long machinery / facility building that includes an agchemical handling containment structure, and plant a proposed 30-foot by 175-foot "L"-shaped tree windbreak near the new building in the left floodway of the West Branch Susquehanna River located at 710 Island Road. This permit was issued under Section 105.13(e) "Small Projects."

**E49-316. Joe Bressi**, 451 South Main Street, Sunbury, PA 17801. Water Obstruction and Encroachment Joint Permit, in Snyderstown Borough, **Northumberland County**, ACOE Susquehanna River Basin District (Treverton, PA Quadrangle N: 40° 52' 14"; W: -76° 40' 14").

To construct and maintain a single span metal bridge having a clear span of 47-feet, an average underclearance of 6.2 feet and a width of 8.5-feet over an UNT to Little Shamokin Creek. The proposed structure is located at 451 Main Street, Sunbury. This project proposes to permanently impact 20 linear feet of UNT to Little Shamokin Creek, which is designated a Warm Water Fishery and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

**E59-509. Scott A. Fay**, 15781 Route 287, Tioga, PA 19046-3147. Water Obstruction and Encroachment Joint Permit, in Tioga Township, **Tioga County**, ACOE Susquehanna River Basin District (Tioga, PA Quadrangle N: 41° 55' 28"; W: -77° 8' 34").

To construct and maintain a corrugated metal pipe having a diameter of 7-feet and measuring 20-feet long

within Bear Creek, 0.6 mi. west of the int. with SR 0287 and Upper Bear Creek Road along Upper Bear Creek Road. This project proposes to permanently impact 20 linear feet of Bear Creek, which is designated a Warm Water Fishery and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D15-416EA. Mr. Robert Jones**, 4030 Whitehorse Road, Devault, PA 19432. Charlestown Township, **Chester County**, ACOE Philadelphia District.

Project proposes to breach and remove Charlestown Park Dam across a tributary to French Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 300 feet of stream channel. The dam is located approximately 600 feet northeast of the intersection of Township Line Road (T459) and Cold Stream Road (SR1028) (Malvern, PA Quadrangle; Latitude: 40° 07' 07", Longitude: -75° 33' 22").

#### 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.

*Northcentral Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX11-015-0319  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford County  
Township(s) Tuscarora Township  
Receiving Stream(s) and Classification(s) Trib. To Mill Creek, Mill Creek (CWF, MF)

- ESCGP-1 # ESX11-015-0322  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Columbia Township  
 Receiving Stream(s) and Classification(s) Sugar Creek,  
 West Branch Sugar Creek (TSF, MF);  
 Secondary: South Branch Sugar Creek (TSF, MF)
- ESCGP-1 # ESX11-015-0323  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Athens Township  
 Receiving Stream(s) and Classification(s) The Wolcott  
 Creek, The Buck Creek, UNT to Buck Creek (all WWF,  
 MF)
- ESCGP-1 # ESX11-015-0320  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Columbia County  
 Receiving Stream(s) and Classification(s) UNT to Sugar  
 Creek (TSF, MF);  
 Secondary: Sugar Creek (TSF, MF)
- ESCGP-1 # ESX11-113-0028  
 Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road, Ext. Suite 210  
 City, State, Zip Wexford, PA 15090  
 County Sullivan County  
 Township(s) Elkland Township  
 Receiving Stream(s) and Classification(s) Lake Run, Elk  
 Creek (EV);  
 Secondary: Loyalsock Creek (EV)
- ESCGP-1 # ESX11-113-0024  
 Applicant Name Chief Oil & Gas, LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road, Ext. Suite 210  
 City, State, Zip Wexford, PA 15090  
 County Sullivan County  
 Township(s) Cherry Township  
 Receiving Stream(s) and Classification(s) Two UNT to  
 Birch Creek, Birch Creek (both EV);  
 Secondary: Loyalsock Creek (EV)
- ESCGP-1 # ESX11-115-0169  
 Applicant Name Cabot Oil & Gas Corporation  
 Contact Person Kenneth Marcum  
 Address Five Penn Center West, Suite 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna County  
 Township(s) Jessup Township  
 Receiving Stream(s) and Classification(s) East Branch  
 Wyalusing Creek (CWF), South Branch Wyalusing  
 Creek (WWF), UNT to South Branch Wyalusing Creek  
 (WWF)
- ESCGP-1 # ESX11-015-0312  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Pike Township  
 Receiving Stream(s) and Classification(s) Mill Creek  
 (CWF, MF) & Rockwell Creek (WWF, MF)
- ESCGP-1 # ESX11-015-0308  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers, Jr.  
 Address 100 Ist Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford County  
 Township(s) Canton Township  
 Receiving Stream(s) and Classification(s) Alba Creek,  
 UNT to Towanda Creek (both CWF/MF); Towanda  
 Creek (TSF/MF)
- ESCGP-1 # ESX11-033-0015 (01)  
 Applicant Name Energy Corporation of America  
 Contact Person Mark Fry  
 Address 501 56th Street South East  
 City, State, Zip Charleston, WV 25304  
 County Clearfield County  
 Township(s) Goshen Township  
 Receiving Stream(s) and Classification(s) Jack Dent  
 Branch, Medix Run, Shaggers Inn Run, Robert Run,  
 Gifford Run, Deer Creek, Little Deer Creek, Little  
 Trout Run, Surveyor Run and Trout Run (HQ, CWF);  
 Secondary: West Branch Susquehanna River (WWF)
- ESCGP-1 # ESX11-015-0165 (01)  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Smithfield Township  
 Receiving Stream(s) and Classification(s) UNT of Tomjack  
 Creek (TSF);  
 Secondary: Tomjack Creek (TSF)
- ESCGP-1 # ESX11-015-0313  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford County  
 Township(s) Tuscarora Township  
 Receiving Stream(s) and Classification(s) Little Tuscarora  
 Creek (CWF);  
 Secondary: Susquehanna River (WWF)
- ESCGP-1 # ESX11-081-0165  
 Applicant Name EXCO Resources (PA), LLC  
 Contact Person Larry Sanders  
 Address 3000 Ericsson Drive, Suite 200  
 City, State, Zip Warrendale, PA 15086  
 County Lycoming County  
 Township(s) Penn Township  
 Receiving Stream(s) and Classification(s) Beaver Run  
 (CWF),  
 Secondary: West Branch Susquehanna River (WWF,  
 MF)
- ESCGP-1 # ESX11-033-0039  
 Applicant Name EOG Resources  
 Contact Person Jon Jorgenson  
 Address 2039 South Sixth Street  
 City, State, Zip Indiana, PA 15701  
 County Clearfield County  
 Township(s) Lawrence Township  
 Receiving Stream(s) and Classification(s) UNT Coldstream  
 Run (HQ);  
 Secondary: Coldstream Run

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA*

1/9/12

ESCGP-1 No: ESX11-003-0004

Applicant Name: RANGE RESOURCES—APPALACHIA LLC

Contact Person GLENN TRUZZI

Address: 3000 TOWN CENTER BLVD

City: CANONSBURG State: PA Zip Code: 15317

County: ALLEGHENY Township: FRAZER

Receiving Stream (s) And Classifications: BAILEY RUN/LOWER ALLEGHENY RIVER WATERSHED (OTHER)

1/9/12

ESCGP-1 No.: ESX11-125-0107

Applicant Name: RANGE RESOURCES—APPALACHIA LLC

Contact Person: GLENN TRUZZI

Address: 3000 TOWN CENTER BLVD

City: CANONSBURG State: PA Zip Code: 15317

County: WASHINGTON Township(s): AMWELL

Receiving Stream(s) and Classifications: UNTS TO REDD RUN/TENMILE CREEK WATERSHED (OTHER)

1/9/12

ESCGP-1 No.: ESX11-129-0041

Applicant Name: LAUREL MOUNTAIN MIDSTREAM LLC

Contact Person: STEPHANIE L RANKER

Address: 2620 MEMORIAL BLVD STE A

City: CONNELLSVILLE State: PA Zip Code: 15425

County: WESTMORELAND Township(s): SEWICKLEY

Receiving Stream(s) and Classifications: UNT TO YOUGHIOGHENY RIVER/LOWER YOUGHIOGHENY RIVER (OTHER)

10/20/11

ESCGP-1 No.: ESX11-051-0038

Applicant Name: CHEVRON APPALACHIA LLC

Contact Person: JEREMY HIRTZ

Address: 800 MOUNTAIN VIEW DRIVE

City: SMITHFIELD

State: PA Zip Code: 15478

County: FAYETTE Township(s): FRANKLIN

Receiving Stream(s) and Classifications: CRABAPPLE CREEK, UNT CRABAPPLE CREEK OTHER

12/22/2011

ESCGP-1 No.: ESX11-125-0117

Applicant Name: RANGE RESOURCES—APPALACHIA LLC

Contact Person: GLENN TRUZZI

Address: 3000 TOWN CENTER BOULEVARD

City: CANONSBURG State: PA Zip Code: 15317

COUNTY WASHINGTON Township(s): HANOVER

Receiving Stream(s) and Classifications: UNTS TO KINGS CREEK/RACCOON CREEK WATERSHED

10/27/2011

ESCGP-1 No.: ESX11-125-0098

Applicant Name: CHESAPEAKE APPALACHIA LLC

Contact Person: ERIC HASKINS

Address: 101 NORTH MAIN ST

City: ATHENS State: PA Zip Code: 18810

County: WASHINGTON Township(s): UNION

Receiving Stream(s) and Classifications: UNT PETERS CREEK TSF/PETERS CREEK, OTHER

12/22/2011

ESCGP-1 No.: ESX11-003-0007

Applicant Name: RANGE RESOURCES—APPALACHIA LLC

Contact Person: GLENN TRUZZI

Address: 3000 TOWN CENTER BOULEVARD

City: CANONSBURG State: PA Zip Code 15317

County: ALLEGHENY Township(s): FINDLAY

Receiving Stream(s) and Classifications: UNT TO POTATO GARDEN RUN/RACCOON CREEK WATERSHED, OTHER

12/20/2011

ESCGP-1 NO.: ESX11-007-0002

Applicant Name: CHESAPEAKE APPALACHIA LLC

CONTACT: ERIC HASKINS

ADDRESS: 101 N MAIN ST

City: ATHENS State: PA Zip Code: 18810

County: BEAVER

Receiving Stream(s) and Classifications: TWO UNTS TO NORTH FORK BIELER RUN-WWF, OTHER

11/14/11

ESCGP-1 NO.: ESX11-051-0043

Applicant Name: LAUREL MOUNTAIN MEDSTREAM, LLC

CONTACT: FRANK CANNETO

ADDRESS: 1605 CAORAOPOLIS HEIGHTS ROAD

City: MOON TOWNSHIP State: PA Zip Code: 18810

County: FAYETTE

Receiving Stream(s) and Classifications: UNT TO DUNLAP CREEK WWF/LOWER MONONGAHELA RIVER WATERSHED HUC#05020005, OTHER

09/26/2011

ESCGP-1 NO.: ESX11-059-0058

Applicant Name: CAIMAM PENN MIDSTREAM LLC

CONTACT: STEPHEN SKELLIE

ADDRESS: 5944 SHERRY LANE SUITE 645

City: DALLAS State: TX Zip Code: 75225

County: GREENE Township(s): FRANKLIN

Receiving Stream(s) and Classifications: SOUTH FORK TENMILE CREEK/COAL LICK RUN, OTHER

11/23/2011

ESCGP-1 NO.: ESX11-059-0071

Applicant Name: ENERGY CORPORATION OF AMERICA

CONTACT: MARK FRY

ADDRESS: 1380 ROUTE 286 HIGHWAY EAST SUITE 221

City: INDIANA State: PA Zip Code: 15701

County: GREENE Township(s): JEFFERSON

Receiving Stream(s) and Classifications: UNT TO MUDDY CREEK WWF, OTHER

11/23/2011

ESCGP-1 NO.: ESX11-125-0111

Applicant Name: CNX GAS COMPANY LLC

CONTACT: DANIEL BITZ

ADDRESS: 200 EVERGREENE DRIVE

City: WAYNESBURG State: PA Zip Code: 15370

County: WASHINGTON Township(s): SOUTH FRANKLIN

Receiving Stream(s) and Classifications: UNT TO CHARTIERS CREEK, OTHER

10/24/2011

ESCGP-1 NO.: ESX11-059-0064

Applicant Name: EQT PRODUCTION COMPANY

CONTACT: TODD KLANER

ADDRESS: 455 RACETRACK ROAD

City: WASHINGTON State: PA Zip Code: 15301

County: GREENE Township(s): WASHINGTON

Receiving Stream(s) and Classifications: PETTIT RUN, HQ-WWF/SOUTH FORK TENMILE CREEK WATERSHED. HQ

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-047-0039—EQT—Weedville Well Site  
Applicant EQT Production Company  
Contact Mr. Todd Klaner  
Address 455 Racetrack Road, Suite 101  
City Washington State PA Zip Code 15301  
County Elk Township(s) Jay(s)  
Receiving Stream(s) and Classification(s) Unnamed Tributary to Kersey Run & Caledonia Run

ESCGP-1 #ESX11-053-0024—2365 to Stone 1938 Pipeline  
Applicant Pennsylvania General Energy LLC  
Contact Jefferson Byler  
Address 120 Market Street  
City Warren State PA Zip Code 16365  
County Forest Township(s) Green(s)  
Receiving Stream(s) and Classification(s) Tribs to Little Creek (HQ-CWF) Little & Big Weaver Run (CWF) and Coon Creek (CWF) (Ch 93 Desig. Use)

[Pa.B. Doc. No. 12-148. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance—New Guidance*

DEP ID: 385-2314-001. Title: Act 537 Program Guidance; Training Provider Manual for the Pennsylvania Onlot Sewage System Training Program. Description: This document serves to establish the Pennsylvania Onlot Sewage System Training Program. Within the administration of the training program, this document creates uniform procedures and protocol for reviewing and approving training providers as approved sponsors and for review and approval of third-party provider-based training courses and conferences for the continuing education of sewage enforcement officers, to ensure application of appropriate credit to sewage enforcement officers for

training taken and for the comprehensive training of onlot sewage system installers. Written Comments: The Department is seeking comments on draft technical guidance No. 385-2314-001. Interested persons may submit written comments on this draft technical guidance document by February 27, 2012. 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 John Borland, Department of Environmental Protection, Bureau of Point and Non-point Source Management, Division of Planning and Permitting, Rachel Carson State Office Building, 11th Floor, P. O. Box 8774, Harrisburg, PA 17105-8774 or [jboland@pa.gov](mailto:jboland@pa.gov). Contact: Questions regarding the draft technical guidance document should be directed to John Borland at (717) 783-7423 or [jboland@pa.gov](mailto:jboland@pa.gov).

*Effective Date:* Upon publication of notice as final in the *Pennsylvania Bulletin*.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-149. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 43(0471)101.1, Abandoned Mine Reclamation Project, Amsterdam North, Springfield Township, Mercer County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; grading 47,915 cubic yards; limestone coarse aggregate 4,700 tons; dewatering impoundment; and seeding 5 acres. This bid issues January 27, 2012, and bids will be opened on February 23, 2012, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-150. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 54(4148,4665)101.1, Abandoned Mine Reclamation Project, St. Claire East—North Port Carbon, Blythe and East Norwegian Townships, Schuylkill County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; grading 2,171,300 cubic yards; drainage excavation 23,320 cubic yards; rock lining 17,545 square yards; and seeding 170 acres. This bid issues January 27, 2012, and bids will be opened on February 23, 2012, at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface

Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-151. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Initial Notification Concerning Emissions and Source Reporting Requirements for Unconventional Natural Gas Operations

In accordance with section 4(3) of the Air Pollution Control Act (35 P.S. § 4004(3)) and 25 Pa. Code § 135.3 (relating to reporting), the Department of Environmental Protection (Department) is authorized to collect air quality emissions inventories including those from owners and operators of facilities engaged in unconventional natural gas development, production, transmission, processing and related activities.

On December 6, 2011, the Department mailed 99 initial notifications to certain owners and operators of unconventional natural gas development activities of the need to submit data on their facilities' air emissions for the 2011 calendar year. The source reports for this notification are due to the Department by March 1, 2012.

The initial notification published here applies to any other owner and operator involved in unconventional natural gas development in this Commonwealth. Sources and activities at unconventional natural gas operations that the Department has identified as subject to the emissions reporting requirements include the following: compressor stations; dehydration units; drill rigs; fugitives, such as connectors, flanges, pump lines, pump seals and valves; heaters; pneumatic controllers and pumps; stationary engines; tanks, pressurized vessels and impoundments; venting and blow down systems; and well heads and well completions. The source reports are due for activities at all unconventional natural gas wells and facilities that support the unconventional natural gas wells. Complete source reports including emissions data for unconventional natural gas operations during the 2011 calendar year should be submitted to the Department within 60 days. In accordance with 25 Pa. Code § 135.3(c), the Department may grant an extension for a reasonable cause.

Subsequently, the source reports and annual emissions inventories will be due to the Department by March 1 each year for operations during the preceding calendar year. Emission statements required for stationary sources emitting 50 and 100 tons per year of volatile organic compounds and oxides of nitrogen, respectively, should have already been submitted to the Department as required under 25 Pa. Code § 135.21 (relating to emission statements).

Additional information may be obtained by contacting Michael Rudawski, Department of Environmental Protection, Bureau of Air Quality, Air Information Section, P. O. Box 8468, Harrisburg PA 17105-8468, mrudawski@pa.gov, (717) 783-9241.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-152. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Nutrient Credit Trading Program; Certification Requests

The Department of Environmental Protection (Department) provides notice of the following certification requests that have been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient credit trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients.

The information described in this notice relates to submitted certification requests received from January 5, 2012, through January 9, 2012.

#### Background

Before a credit can be used by an NPDES permittee, a three-step process is followed: (1) the certification request must be approved; (2) generation of the credits must be verified; and (3) the credits must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of a pollutant reduction activity to generate credits. Certifications are based on at least: (1) a written request describing the qualifying pollutant reduction activity that will reduce the pollutant loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying pollutant reduction activity has taken place.

Once the credits are certified, they must be verified to be applied toward an NPDES permit for compliance with effluent limits. Verification means implementation of the verification plan contained in the certification. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying pollutant reduction activity has taken place for the applicable compliance year.

The credits also need to be registered by the Department before they can be applied toward an NPDES permit for compliance with effluent limits. Registration occurs only after credits have been certified, verified and a contract has been submitted. The Department registers credits for use during the compliance year in which the qualifying pollutant reduction activity has taken place. The Department provides registered credits with an annual registry number for reporting and tracking purposes.

#### Certification Request

The following request is being reviewed by the Department. The Department will accept written comments on this proposed pollutant reduction activity for 30 days.

*Applicant*

Entech Engineering on behalf of Butler Township Wastewater Department (Luzerne County) (NPDES Permit No. PA-0046388-A1)

HRG, Inc. on behalf of Mid-Centre County Authority (Centre County) (NPDES Permit No. PA-0110965)

*Written Comments*

Interested persons may submit written comments on this proposed pollutant reduction activity by February 27, 2012. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Karen Price, Interstate Waters Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4785, kprice@pa.gov.

For further information about this certification request or the Trading Program contact Karen Price, at the previously listed address or phone number, or visit the Department’s web site at www.depweb.state.pa.us (DEP Keywords: “Nutrient Trading”).

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-153. Filed for public inspection January 27, 2012, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Newborn Screening and Follow-Up Program Technical Advisory Committee Meeting

The Newborn Screening and Follow-Up Program, established under the Newborn Child Testing Act (35 P.S. §§ 621—625) will hold a public meeting on Monday, February 13, 2012, from 10 a.m. to 3 p.m. at the Giant Community Center, 3301 Trindle Road, Camp Hill, PA 17011.

For additional information or for persons with a disability wishing to attend the meeting and require auxiliary aid, service or other accommodation to do so, contact Suzanne Bellotti, Public Health Program Administrator, Division of Newborn Screening and Genetics, (717) 783-8143, speech and/or hearing impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT). R.S.V.P. by January 30, 2012, to Joan Wenerick at (717) 783-8143.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-154. Filed for public inspection January 27, 2012, 9:00 a.m.]

*Pollution Reduction Activity Description*

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of Butler Township Wastewater Department’s installed treatment process.

This certification request is for nutrient reduction credits to be generated from the pollutant reduction activity of Mid-Centre County Authority’s installed treatment process.

## DEPARTMENT OF REVENUE

### Mega Millions® Terminal-Based Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 875.4 (relating to notice of terminal-based lottery game rules), the Secretary of Revenue hereby provides public notice of changes to the Mega Millions® terminal-based lottery game rules that were published at 40 Pa.B. 676 (January 30, 2010); and amended at 40 Pa.B. 5263 (September 11, 2010), 40 Pa.B. 6846 (November 27, 2010) and 41 Pa.B. 2778 (May 28, 2011).

This amendment further provides for the Megaplier® promotion by specifying how the Megaplier® number will be determined if a Megaplier® drawing does not occur prior to the Mega Millions® drawing and further provides for the calculation of the second category prize with the Megaplier® option when set prizes become pari-mutuel. These changes will be effective on the publication date of this notice.

The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 40 Pa.B. 676—681, 40 Pa.B. 5263 and 5264, 40 Pa.B. 6846 and 6847 and 41 Pa.B. 2778 and 2779:

\* \* \* \* \*

10. *Megaplier® promotion.*

\* \* \* \* \*

(c) Prior to the time of each Mega Millions® drawing, the Mega Millions® drawing officials shall conduct a Megaplier® drawing which shall result in the selection of the Megaplier® number from among the following series of numbers: 2, 2, 3, 3, 3, 3, 3, 3, 3, 3, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4, and 4. If the Megaplier® drawing does not occur prior to the Mega Millions® drawing, as solely determined by the lottery authorized to conduct the Megaplier® drawing, the Megaplier® number will be a 4.

\* \* \* \* \*

(g) When the Mega Millions® second through fifth category prizes become parimutuel, the third through the fifth category prizes won will be calculated by multiplying the parimutuel prize value by the Megaplier® number. The second category prize amount with the Megaplier® option will be reduced by the same percentage as the second category prize is reduced when it becomes a parimutuel prize.

\* \* \* \* \*

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 12-155. Filed for public inspection January 27, 2012, 9:00 a.m.]

[ Correction ]

### Pennsylvania Money Vault Instant Lottery Game

Errors occurred in the document which appeared at 42 Pa.B. 465—469 (January 21, 2012). Prize play symbols were printed incorrectly. The correct version of the notice is as follows.

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 Money Vault.

2. *Price:* The price of a Pennsylvania Money Vault instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Money Vault instant lottery game ticket will contain one play area featuring “GAME 1,” “GAME 2,” “GAME 3,” “GAME 4” and “GAME 5” and one “Bonus” area. There are 36 possible play symbols in the play area, one of which will be located in “Game 1,” two of which will be located in “GAME 2,” three of which will be located in “GAME 3,” four of which will be located in “GAME 4” and five of which will be located in “GAME 5.” Each ticket will also contain a “VAULT NUMBERS” area. The “VAULT NUMBERS” area will consist of 16 play symbols. The play symbols located in the “GAMES” and in the “VAULT NUMBERS” area are: 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40. The play symbols located in the “Bonus” area are NO BONUS (TRY AGAIN), TRY AGAIN (NO BONUS) and a Bank (BANK) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in “GAME 1” are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$90<sup>00</sup> (NINETY), \$150 (ONEHUNFTHY), \$300 (THR HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO). The prize symbols and their captions located in “GAME 2” are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$50<sup>00</sup> (FIFTY), \$90<sup>00</sup> (NINETY), \$150 (ONEHUNFTHY) and \$10,000 (TEN THO). The prize symbols and their captions located in “GAME 3” are: \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$30<sup>00</sup> (THIRTY), \$50<sup>00</sup> (FIFTY), \$90<sup>00</sup> (NINETY), \$300 (THR HUN) and \$10,000 (TEN THO). The prize symbols and their captions located in “GAME 4” are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY) and \$50<sup>00</sup> (FIFTY). The prize symbols and their captions located in “GAME 5” are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$30<sup>00</sup> (THIRTY) and \$50<sup>00</sup> (FIFTY). The prize symbols located in the “Bonus” area are: \$3\$ (THR DOL), \$5\$ (FIV DOL), \$10\$ (TEN DOL), \$20\$ (TWENTY), \$30\$ (THIRTY), \$50\$ (FIFTY) and \$150 (ONEHUNFTHY).

5. *Prizes:* “GAME 1” prizes shown are not multiplied, “GAME 2” prizes shown are doubled, “GAME 3” prizes shown are tripled, “GAME 4” prizes shown are quadrupled and “GAME 5” prizes shown are quintupled. The prizes that can be won in this game are: \$3, \$5, \$6, \$10, \$20, \$30, \$50, \$90, \$150, \$300, \$1,000 and \$10,000. The prizes that can be won in the “Bonus” area are: \$3, \$5, \$10, \$20, \$30, \$50 and \$150. The player can win up to 6 times on each ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,000,000 tickets will be printed for the Pennsylvania Money Vault instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any three of the “VAULT NUMBERS” play symbols matches the same exact three play symbols in “GAME 3,” and a prize symbol of \$10,000 (TEN THO) appears in the “Prize” area to the right of “GAME 3,” on a single ticket, shall be entitled to a prize of \$30,000.

(b) Holders of tickets upon which any two of the “VAULT NUMBERS” play symbols matches the same exact two play symbols in “GAME 2,” and a prize symbol of \$10,000 (TEN THO) appears in the “Prize” area to the right of “GAME 2,” on a single ticket, shall be entitled to a prize of \$20,000.

(c) Holders of tickets upon which any one of the “VAULT NUMBERS” play symbols matches the same exact one play symbol in “GAME 1,” and a prize symbol of \$10,000 (TEN THO) appears in the “Prize” area to the right of “GAME 1,” on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the “VAULT NUMBERS” play symbols matches the same exact one play symbol in “GAME 1,” and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area to the right of “GAME 1,” on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any three of the “VAULT NUMBERS” play symbols matches the same exact three play symbols in “GAME 3,” and a prize symbol of \$300 (THR HUN) appears in the “Prize” area to the right of “GAME 3,” on a single ticket, shall be entitled to a prize of \$900.

(f) Holders of tickets upon which any one of the “VAULT NUMBERS” play symbols matches the same exact one play symbol in “GAME 1,” and a prize symbol of \$300 (THR HUN) appears in the “Prize” area to the right of “GAME 1,” on a single ticket, shall be entitled to a prize of \$300.

(g) Holders of tickets upon which any two of the “VAULT NUMBERS” play symbols matches the same exact two play symbols in “GAME 2,” and a prize symbol of \$150 (ONEHUNFTHY) appears in the “Prize” area to the right of “GAME 2,” on a single ticket, shall be entitled to a prize of \$300.

(h) Holders of tickets upon which any three of the “VAULT NUMBERS” play symbols matches the same exact three play symbols in “GAME 3,” and a prize symbol of \$90<sup>00</sup> (NINETY) appears in the “Prize” area to the right of “GAME 3,” on a single ticket, shall be entitled to a prize of \$270.

(i) Holders of tickets upon which any five of the “VAULT NUMBERS” play symbols matches the same exact five play symbols in “GAME 5,” and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “Prize” area to the right of “GAME 5,” on a single ticket, shall be entitled to a prize of \$250.

(j) Holders of tickets upon which any four of the “VAULT NUMBERS” play symbols matches the same exact four play symbols in “GAME 4,” and a prize symbol

of \$50.<sup>00</sup> (FIFTY) appears in the "Prize" area to the right of "GAME 4," on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any two of the "VAULT NUMBERS" play symbols matches the same exact two play symbols in "GAME 2," and a prize symbol of \$90.<sup>00</sup> (NINETY) appears in the "Prize" area to the right of "GAME 2," on a single ticket, shall be entitled to a prize of \$180.

(l) Holders of tickets upon which any one of the "VAULT NUMBERS" play symbols matches the same exact one play symbol in "GAME 1," and a prize symbol of \$150 (ONEHUNFTHY) appears in the "Prize" area to the right of "GAME 1," on a single ticket, shall be entitled to a prize of \$150.

(m) Holders of tickets upon which any three of the "VAULT NUMBERS" play symbols matches the same exact three play symbols in "GAME 3," and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "Prize" area to the right of "GAME 3," on a single ticket, shall be entitled to a prize of \$150.

(n) Holders of tickets upon which any five of the "VAULT NUMBERS" play symbols matches the same exact five play symbols in "GAME 5," and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the "Prize" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$150.

(o) Holders of tickets upon which a Bank (BANK) symbol appears in the "Bonus" area and a prize symbol of \$150 (ONEHUNFTHY) appears in the "prize" area to the right of that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$150.

(p) Holders of tickets upon which any four of the "VAULT NUMBERS" play symbols matches the same exact four play symbols in "GAME 4," and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the "Prize" area to the right of "GAME 4," on a single ticket, shall be entitled to a prize of \$120.

(q) Holders of tickets upon which any two of the "VAULT NUMBERS" play symbols matches the same exact two play symbols in "GAME 2," and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "Prize" area to the right of "GAME 2," on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any five of the "VAULT NUMBERS" play symbols matches the same exact five play symbols in "GAME 5," and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "Prize" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "VAULT NUMBERS" play symbols matches the same exact one play symbol in "GAME 1," and a prize symbol of \$90.<sup>00</sup> (NINETY) appears in the "Prize" area to the right of "GAME 1," on a single ticket, shall be entitled to a prize of \$90.

(t) Holders of tickets upon which any three of the "VAULT NUMBERS" play symbols matches the same exact three play symbols in "GAME 3," and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the "Prize" area to the right of "GAME 3," on a single ticket, shall be entitled to a prize of \$90.

(u) Holders of tickets upon which any four of the "VAULT NUMBERS" play symbols matches the same exact four play symbols in "GAME 4," and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "Prize" area to the right of "GAME 4," on a single ticket, shall be entitled to a prize of \$80.

(v) Holders of tickets upon which any one of the "VAULT NUMBERS" play symbols matches the same exact one play symbol in "GAME 1," and a prize symbol of \$50.<sup>00</sup> (FIFTY) appears in the "Prize" area to the right of "GAME 1," on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any five of the "VAULT NUMBERS" play symbols matches the same exact five play symbols in "GAME 5," and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which a Bank (BANK) symbol appears in the "Bonus" area and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area to the right of that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$50.

(y) Holders of tickets upon which any two of the "VAULT NUMBERS" play symbols matches the same exact two play symbols in "GAME 2," and a prize symbol of \$20.<sup>00</sup> (TWENTY) appears in the "Prize" area to the right of "GAME 2," on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets upon which any four of the "VAULT NUMBERS" play symbols matches the same exact four play symbols in "GAME 4," and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of "GAME 4," on a single ticket, shall be entitled to a prize of \$40.

(aa) Holders of tickets upon which any one of the "VAULT NUMBERS" play symbols matches the same exact one play symbol in "GAME 1," and a prize symbol of \$30.<sup>00</sup> (THIRTY) appears in the "Prize" area to the right of "GAME 1," on a single ticket, shall be entitled to a prize of \$30.

(bb) Holders of tickets upon which any three of the "VAULT NUMBERS" play symbols matches the same exact three play symbols in "GAME 3," and a prize symbol of \$10.<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of "GAME 3," on a single ticket, shall be entitled to a prize of \$30.

(cc) Holders of tickets upon which any five of the "VAULT NUMBERS" play symbols matches the same exact five play symbols in "GAME 5," and a prize symbol of \$6.<sup>00</sup> (SIX DOL) appears in the "Prize" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$30.

(dd) Holders of tickets upon which a Bank (BANK) symbol appears in the "Bonus" area and a prize symbol of \$30\$ (THIRTY) appears in the "prize" area to the right of that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$30.

(ee) Holders of tickets upon which any five of the "VAULT NUMBERS" play symbols matches the same exact five play symbols in "GAME 5," and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of "GAME 5," on a single ticket, shall be entitled to a prize of \$25.

(ff) Holders of tickets upon which any one of the "VAULT NUMBERS" play symbols matches the same



exact one play symbol in "GAME 1," and a prize symbol of \$20.00 (TWENTY) appears in the "Prize" area to the right of "GAME 1," on a single ticket, shall be entitled to a prize of \$20.

(gg) Holders of tickets upon which any two of the "VAULT NUMBERS" play symbols matches the same exact two play symbols in "GAME 2," and a prize symbol of \$10.00 (TEN DOL) appears in the "Prize" area to the right of "GAME 2," on a single ticket, shall be entitled to a prize of \$20.

(hh) Holders of tickets upon which any four of the "VAULT NUMBERS" play symbols matches the same exact four play symbols in "GAME 4," and a prize symbol of \$5.00 (FIV DOL) appears in the "Prize" area to the right of "GAME 4," on a single ticket, shall be entitled to a prize of \$20.

(ii) Holders of tickets upon which a Bank (BANK) symbol appears in the "Bonus" area and a prize symbol of \$20\$ (TWENTY) appears in the "prize" area to the right of that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$20.

(jj) Holders of tickets upon which any three of the "VAULT NUMBERS" play symbols matches the same exact three play symbols in "GAME 3," and a prize symbol of \$5.00 (FIV DOL) appears in the "Prize" area to the right of "GAME 3," on a single ticket, shall be entitled to a prize of \$15.

(kk) Holders of tickets upon which any one of the "VAULT NUMBERS" play symbols matches the same exact one play symbol in "GAME 1," and a prize symbol of \$10.00 (TEN DOL) appears in the "Prize" area to the right of "GAME 1," on a single ticket, shall be entitled to a prize of \$10.

(ll) Holders of tickets upon which any two of the "VAULT NUMBERS" play symbols matches the same exact two play symbols in "GAME 2," and a prize symbol of \$5.00 (FIV DOL) appears in the "Prize" area to the right of "GAME 2," on a single ticket, shall be entitled to a prize of \$10.

(mm) Holders of tickets upon which a Bank (BANK) symbol appears in the "Bonus" area and a prize symbol of \$10\$ (TEN DOL) appears in the "prize" area to the right of that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$10.

(nn) Holders of tickets upon which any three of the "VAULT NUMBERS" play symbols matches the same exact three play symbols in "GAME 3," and a prize symbol of \$3.00 (THR DOL) appears in the "Prize" area to the right of "GAME 3," on a single ticket, shall be entitled to a prize of \$9.

(oo) Holders of tickets upon which any one of the "VAULT NUMBERS" play symbols matches the same exact one play symbol in "GAME 1," and a prize symbol of \$6.00 (SIX DOL) appears in the "Prize" area to the right of "GAME 1," on a single ticket, shall be entitled to a prize of \$6.

(pp) Holders of tickets upon which any two of the "VAULT NUMBERS" play symbols matches the same exact two play symbols in "GAME 2," and a prize symbol of \$3.00 (THR DOL) appears in the "Prize" area to the right of "GAME 2," on a single ticket, shall be entitled to a prize of \$6.

(qq) Holders of tickets upon which any one of the "VAULT NUMBERS" play symbols matches the same exact one play symbol in "GAME 1," and a prize symbol of \$5.00 (FIV DOL) appears in the "Prize" area to the right of "GAME 1," on a single ticket, shall be entitled to a prize of \$5.

(rr) Holders of tickets upon which a Bank (BANK) symbol appears in the "Bonus" area and a prize symbol of \$5\$ (FIV DOL) appears in the "prize" area to the right of that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$5.

(ss) Holders of tickets upon which any one of the "VAULT NUMBERS" play symbols matches the same exact one play symbol in "GAME 1," and a prize symbol of \$3.00 (THR DOL) appears in the "Prize" area to the right of "GAME 1," on a single ticket, shall be entitled to a prize of \$3.

(tt) Holders of tickets upon which a Bank (BANK) symbol appears in the "Bonus" area and a prize symbol of \$3\$ (THR DOL) appears in the "prize" area to the right of that Bank (BANK) symbol, on a single ticket, shall be entitled to a prize of \$3.

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>Scratch The VAULT NUMBERS. Then Scratch The Corresponding Numbers When They Appear In GAMES 1-5. When You Completely Match All Of The Numbers In Any GAME, Apply That GAME's Multiplier To The PRIZE Shown For That GAME And Win That Amount. Each GAME Is Played Separately. GAME 1 Prize Is Not Multiplied. Win With:</i> |               |               |               |               |               | <i>Win:</i> | <i>Approximate Odds of 1 in:</i> | <i>Approximate No. Of Winners Per 9,000,000 Tickets</i> |
|--|---------------|---------------|---------------|---------------|---------------|-------------|----------------------------------|---|
| <i>Bonus</i>   | <i>Game 1</i> | <i>Game 2</i> | <i>Game 3</i> | <i>Game 4</i> | <i>Game 5</i> |             |                                  |   |
|  | \$3           |               |               |               |               | \$3         | 9.09                             | 990,000   |
|  | \$5           |               |               |               |               | \$5         | 23.81                            | 378,000   |
| \$3  | \$3           |               |               |               |               | \$6         | 50                               | 180,000   |
|  |               | \$3           |               |               |               | \$6         | 100                              | 90,000  |
|  |               |               | \$3           |               |               | \$9         | 125                              | 72,000  |
|  | \$3           | \$3           |               |               |               | \$9         | 125                              | 72,000  |
|  | \$6           |               |               |               |               | \$9         | 250                              | 36,000  |
|  |               | \$5           |               |               |               | \$10        | 125                              | 72,000  |
|  | \$10          |               |               |               |               | \$10        | 166.67                           | 54,000  |
| \$5  | \$5           | \$5           |               |               |               | \$20        | 500                              | 18,000  |
|  | \$5           |               | \$5           |               |               | \$20        | 500                              | 18,000  |
|  |               |               |               | \$5           |               | \$20        | 500                              | 18,000  |
|  |               | \$10          |               |               |               | \$20        | 500                              | 18,000  |
|  | \$20          |               |               |               |               | \$20        | 1,000                            | 9,000   |

Scratch The VAULT NUMBERS. Then Scratch The Corresponding Numbers When They Appear In GAMES 1-5. When You Completely Match All Of The Numbers In Any GAME, Apply That GAME's Multiplier To The PRIZE Shown For That GAME And Win That Amount. Each GAME Is Played Separately. GAME 1 Prize Is Not Multiplied. Win With:

| Bonus | Game 1   | Game 2   | Game 3   | Game 4 | Game 5 | Win:     | Approximate Odds of 1 in: | Approximate No. Of Winners Per 9,000,000 Tickets |
|-------|----------|----------|----------|--------|--------|----------|---------------------------|--|
|       | \$5      | \$5      | \$5      | \$5    |        | \$30     | 1,000                     | 9,000  |
| \$5   | \$5      |          |          | \$5    |        | \$30     | 1,000                     | 9,000  |
|       |          |          | \$10     |        |        | \$30     | 1,000                     | 9,000  |
|       | \$30     |          |          |        | \$6    | \$30     | 1,000                     | 9,000  |
|       |          | \$10     | \$10     |        |        | \$30     | 1,000                     | 9,000  |
| \$5   |          | \$5      | \$5      | \$5    |        | \$50     | 1,600                     | 5,625  |
|       | \$10     | \$20     |          |        |        | \$50     | 1,600                     | 5,625  |
|       | \$50     |          |          |        |        | \$50     | 2,000                     | 4,500  |
|       |          |          |          |        | \$10   | \$50     | 2,000                     | 4,500  |
|       | \$10     |          |          | \$10   |        | \$50     | 2,000                     | 4,500  |
| \$30  | \$5      | \$5      | \$10     | \$10   |        | \$90     | 4,000                     | 2,250  |
| \$10  |          |          | \$10     | \$5    | \$6    | \$90     | 6,000                     | 1,500  |
|       |          |          | \$30     | \$20   |        | \$90     | 4,000                     | 2,250  |
|       | \$90     |          |          |        | \$5    | \$90     | 4,000                     | 2,250  |
| \$10  | \$20     | \$20     | \$10     |        |        | \$90     | 4,000                     | 2,250  |
|       |          | \$50     |          |        | \$10   | \$90     | 6,000                     | 1,500  |
| \$20  | \$30     |          | \$10     | \$30   |        | \$90     | 4,000                     | 2,250  |
|       |          |          |          |        | \$10   | \$150    | 8,000                     | 1,125  |
|       | \$150    |          | \$50     |        | \$10   | \$150    | 24,000                    | 375  |
| \$20  | \$30     |          |          |        | \$20   | \$150    | 8,000                     | 1,125  |
|       |          |          | \$50     |        | \$30   | \$150    | 12,000                    | 750  |
|       |          |          |          |        | \$30   | \$150    | 12,000                    | 750  |
|       | \$150    |          |          |        |        | \$150    | 12,000                    | 750  |
|       | \$30     |          |          |        | \$50   | \$150    | 24,000                    | 375  |
|       |          | \$90     |          | \$30   |        | \$300    | 20,000                    | 450  |
|       |          |          | \$50     |        | \$30   | \$300    | 30,000                    | 300  |
|       |          | \$150    | \$90     |        | \$6    | \$300    | 40,000                    | 225  |
|       | \$300    |          |          |        |        | \$300    | 17,143                    | 525  |
| \$150 | \$150    | \$50     | \$50     | \$50   | \$50   | \$300    | 24,000                    | 375  |
| \$50  | \$50     |          | \$300    |        |        | \$300    | 24,000                    | 375  |
|       | \$1,000  |          |          |        |        | \$1,000  | 30,000                    | 300  |
|       | \$10,000 |          |          |        |        | \$1,000  | 30,000                    | 300  |
|       |          | \$10,000 |          |        |        | \$10,000 | 1,800,000                 | 5  |
|       |          |          | \$10,000 |        |        | \$20,000 | 1,800,000                 | 5  |
|       |          |          |          |        |        | \$30,000 | 900,000                   | 10   |

Game 1: Win prize shown.  
 Game 2: (X2) = Win double the prize shown.  
 Game 3: (X3) = Win triple the prize shown.  
 Game 4: (X4) = Win four times the prize shown.  
 Game 5: (X5) = Win five times the prize shown.  
 Bonus: Reveal a "BANK" (BANK) symbol, win prize shown to the right of 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 Money Vault 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 Money Vault, prize money from winning Pennsylvania Money Vault 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 Money Vault 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 Money Vault or through normal communications methods.

DANIEL MEUSER,  
 Secretary

[Pa.B. Doc. No. 12-120. Filed for public inspection January 20, 2012, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Receipt of Applications for Funding under the Section 5310 Program Fiscal Year 2011-2012

The Department of Transportation, Bureau of Public Transportation, under the authority in section 5310 of the Federal Transit Laws (49 U.S.C.A. § 5310), rescinds the notice published at 41 Pa.B. 6842 (December 17, 2011) relating to the receipt of applications for the State-administered Section 5310 Program (program).

Under the program, private nonprofit organizations and designated public bodies may apply for Federal capital assistance to pay up to 80% of the purchase cost of new wheelchair accessible small transit vehicles and other equipment used to provide needed transportation services for senior citizens and persons with disabilities who cannot be reasonably accommodated by existing transportation providers.

However, because of changes being made in the application process, applications will not be received until further notice.

Additional information can be obtained by calling Ben Brosius, Bureau of Public Transportation, (717) 787-1211, [bbrosius@pa.gov](mailto:bbrosius@pa.gov).

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

[Pa.B. Doc. No. 12-156. Filed for public inspection January 27, 2012, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, January 12, 2012, and announced the following:

#### *Action Taken—Regulations Approved:*

Pennsylvania Gaming Control Board #125-138: Table Game Devices (deletes temporary 58 Pa. Code Chapters 524, 528 and 529; adds permanent Chapters 605a, 613a and 615a; and amends 58 Pa. Code Chapter 461a)

Pennsylvania Gaming Control Board #125-142: General Table Games Provisions; Credit; Table Game Minimum Training Standards (deletes temporary 58 Pa. Code Chapters 521, 526 and 527 and adds permanent Chapters 601a, 609a and 611a)

Pennsylvania Gaming Control Board #125-148: Table Game Rules for Roulette, Big Six Wheel and Casino War (deletes temporary 58 Pa. Code Chapters 531, 533 and 567 and adds permanent Chapters 617a, 619a and 651a)

Pennsylvania Gaming Control Board #125-149: Table Game Rules for Pai Gow, Craps and Mini-Craps and Sic Bo (deletes temporary 58 Pa. Code Chapters 535, 537 and 539 and adds permanent Chapters 621a, 623a and 625a)

Pennsylvania Gaming Control Board #125-151: Table Game Rules for Minibaccarat, Midibaccarat and Baccarat (deletes temporary 58 Pa. Code Chapters 541, 543 and 545 and adds permanent Chapters 627a, 629a and 631a)

### Approval Order

Public Meeting Held  
January 12, 2012

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., abstained

*Pennsylvania Gaming Control Board—  
Table Game Devices;  
Regulation No. 125-138 (#2886)*

On January 19, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking deletes temporary 58 Pa. Code Chapters 524, 528 and 529; adds permanent Chapters 605a, 613a and 615a; and amends 58 Pa. Code Chapter 461a. The proposed regulation was published in the January 29, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 14, 2011 but was withdrawn by letter dated November 9, 2011. The final-form regulation was re-submitted to the Commission on November 22, 2011.

This rulemaking rescinds Chapters 524, 528 and 529 of the Board's temporary regulations and replaces them with permanent Chapters 605a (relating to electronic gaming tables), 613a (relating to gaming related gaming service providers) and 615a (relating to conditional table game device licenses). This regulation also updates Chapter 461a to include table game devices and gaming related services.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. §§ 1202 (b)(30)) 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  
January 12, 2012

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., abstained

*Pennsylvania Gaming Control Board—  
General Table Games Provisions; Credit; Table Game  
Minimum Training Standards;  
Regulation No. 125-142 (#2890)*

On March 22, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking deletes temporary 58 Pa. Code Chapters 521, 526 and 527 and adds permanent Chapters 601a, 609a and 611a. The proposed regulation was published in the April 2, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 22, 2011.

This rulemaking rescinds Chapter 521, 526 and 527 of the Board's temporary regulations and replaces them with permanent Chapter 601a (relating to general table games provisions), Chapter 609a (relating to credit) and Chapter 611a (relating to table game minimum training standards).

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. §§ 1202 (b)(30)) 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.

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### Approval Order

Public Meeting Held  
January 12, 2012

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., abstained

*Pennsylvania Gaming Control Board—  
Table Game Rules for Roulette, Big Six Wheel  
and Casino War;  
Regulation No. 125-148 (#2895)*

On May 12, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking deletes temporary 58 Pa. Code Chapters 531, 533 and 567 and adds permanent Chapters 617a, 619a and 651a. The proposed regulation was published in the June 11, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 14, 2011 but was withdrawn by letter dated November 9, 2011. The final-form regulation was re-submitted to the Commission on November 22, 2011.

This rulemaking rescinds three chapters of the Board's temporary table game regulations pertaining to the games of Roulette, Big Six Wheel and Casino War and replaces them with three new chapters of permanent regulations.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. §§ 1202 (b)(30)) 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.

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### Approval Order

Public Meeting Held  
January 12, 2012

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., abstained

*Pennsylvania Gaming Control Board—  
Table Game Rules for Pai Gow, Craps and  
Mini-Craps and Sic Bo;  
Regulation No. 125-149 (#2896)*

On May 19, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regula-

tion from the Pennsylvania Gaming Control Board (Board). This rulemaking deletes temporary 58 Pa. Code Chapters 535, 537 and 539 and adds permanent Chapters 621a, 623a and 625a. The proposed regulation was published in the June 11, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 14, 2011 but was withdrawn by letter dated November 9, 2011. The final-form regulation was re-submitted to the Commission on November 22, 2011.

This rulemaking rescinds three chapters of the Board's temporary table game regulations pertaining to the games of Pai Gow, Craps and Mini-Craps, and Sic Bo and replaces them with three new chapters of permanent regulations.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. §§ 1202 (b)(30)) 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.

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### Approval Order

Public Meeting Held  
January 12, 2012

*Commissioners Voting:* Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Esq., abstained

*Pennsylvania Gaming Control Board—  
Table Game Rules for Minibaccarat, Midibaccarat  
and Baccarat;  
Regulation No. 125-151 (#2897)*

On June 9, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking deletes temporary 58 Pa. Code Chapters 541, 543 and 545 and adds permanent Chapters 627a, 629a and 631a. The proposed regulation was published in the June 25, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 14, 2011 but was withdrawn by letter dated November 9, 2011. The final-form regulation was re-submitted to the Commission on November 22, 2011.

This rulemaking rescinds three chapters of the Board's temporary table game regulations pertaining to the games of Minibaccarat, Midibaccarat and Baccarat and replaces them with three new chapters of permanent regulations.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. §§ 1202 (b)(30)) 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. 12-157. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agencies must consider these comments in preparing the final-form regulation. The final-form regulations must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

| <i>Reg. No.</i> | <i>Agency/Title</i>  | <i>Close of the Public Comment Period</i> | <i>IRRC Comments Issued</i> |
|-----------------|--|---|-----------------------------|
| 18-420          | Department of Transportation Public Transportation—Sustainable Mobility<br>41 Pa.B. 6089 (November 12, 2011) | 12/12/11                                  | 01/11/12                    |
| 15-453          | Department of Revenue Reality Transfer Tax Amendments<br>41 Pa.B. 6220 (November 19, 2011)                   | 12/19/11                                  | 01/18/12                    |

#### **Department of Transportation Regulation #18-420 (IRRC #2922)**

#### **Public Transportation—Sustainable Mobility January 11, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the November 12, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Transportation (Department) to respond to all comments received from us or any other source.

#### **1. Expiration of the temporary regulation—Consistency with statute; Compliance with the regulations of the Independent Regulatory Review Commission.**

The Department states in the Preamble that:

The purpose of Chapter 427 is to implement 74 Pa.C.S. Chapter 15 (relating to sustainable mobility options), as required under 74 Pa.C.S. § 1505. *Section 1505 of 74 Pa.C.S. directed the Department to promulgate temporary regulations within 2 years of the effective date of 74 Pa.C.S. Chapter 15, by July 18, 2009, and thereafter to promulgate permanent regulations.* The Department has used the period during which the temporary regulations have been effective to test and refine the regulations to assure compliance in carrying out the purposes for which 74 Pa.C.S. Chapter 15 provides financial assistance for public transportation services and infrastructure in this Commonwealth. This proposed rulemaking is the result of that experience under the temporary regulations. (Emphasis added.)

On November 1, 2011, the Department submitted the proposed regulation showing the full text of temporary Chapter 427 with amendments. On November 12, 2011, the proposed regulation appeared in the *Pennsylvania Bulletin* in an abbreviated form, just showing the amendments.

The Department's authority to promulgate a temporary regulation states, in part:

Unless otherwise provided in this chapter, in order to facilitate the prompt implementation of this chapter, during the two-year period following the effective

date of this section, the Department shall promulgate temporary regulations *which shall expire four years from the effective date of this section.* (Emphasis added.)

See 74 Pa.C.S. § 1505(b)(1).

By statute, the temporary regulations expired on July 18, 2011, prior to the submittal of the proposed regulation. In effect, there is no existing Chapter 427 to amend.

We recognize the Department's intent was to implement temporary Chapter 427 with the amendments. However, neither the Department's submittal of the proposed regulation, nor the subsequent *Pennsylvania Bulletin* publication show the addition of the full text of Chapter 427 in compliance with 1 Pa. Code § 305.1a. We recommend that the final-form regulation properly designate the addition of the full text of Chapter 427 in compliance with our regulations at 1 Pa. Code § 307.3a.

#### **2. Section 427.4. Local matching funds.—Clarity.**

*"Swaptions"*

Paragraph (a)(6) uses the term "swaptions." We recommend defining this term or deleting it.

*"Schedules as required by the Department"*

Paragraphs (b)(4) and (c)(3) use the phrase "schedules as required by the Department." This phrase is vague because the regulation is not clear regarding what is required. We recommend clarifying these provisions.

#### **3. Section 427.5. Procurement.—Clarity; Reasonableness.**

Subsection (b) begins with the phrase "failure to comply with any applicable requirement." This phrase is subjective. We recommend specifying the requirements that apply.

#### **4. Section 427.6. Restriction on use of funds.—Clarity.**

Paragraph (a)(3) uses the phrase "State capital assistance including current or carryover PTAF, Act 3, Section 1514 Bond or Section 1517 Capital Improvement assistance." It is not clear what the phrases "PTAF," "Act 3," "Section 1514 Bond" or "Section 1517 Capital Improvement assistance" refer to. For example, "Act 3" of what year? The regulation should either be amended to specify these phrases or define them.

**5. Section 427.7. Audits.—Clarity.***Auditing standards*

Subparagraph (a)(4)(i) requires an audit to be conducted in accordance with “auditing standards generally accepted in the United States.” How can the regulated community determine what standards apply? The Department should replace this phrase with specific standards.

*“Schedules as required by the Department”*

Subparagraph (a)(4)(v) requires an audit to include all supplemental schedules “as required by the Department.” This phrase is vague. Again, the regulation itself should state the specific requirements.

**6. Section 427.11. Data submission and verification.—Clarity.**

Subsections (a), (b) and (d) use the phrase “section 1513 operating assistance” funds or grants. The Department should either define this phrase or provide the specific citation. The same concern applies to Subsection 427.12(a)

**7. Section 427.12. Performance reviews.—Clarity.**

Paragraph (b)(2) states the Department will provide its performance review policy on its website. We request a specific website reference to this policy and an explanation of how the policy will affect the regulation. Why didn't the Department include the process for conducting a performance review in regulation?

**Department of Revenue  
Regulation #15-453 (IRRC #2924)  
Realty Transfer Tax Amendments  
January 18, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the November 19, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Revenue (Department) to respond to all comments received from us or any other source.

**1. Determining whether the regulation is in the public interest.**

Section 5.2 of the RRA (71 P. S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under § 745.5(a) in the Regulatory Analysis Form (RAF).

The information contained in the RAF submitted with this rulemaking is not sufficient to allow this Commission to determine if the regulation is in the public interest. By way of example, there is no detailed fiscal impact and cost benefit analysis in the RAF. How did the Department arrive at the conclusion that there will be no costs or savings to the regulated community, local government and state government? Regarding the approximate number of people that will be required to comply with the regulation, the Department responded that the number is indeterminable. Why is that number indeterminable? The Department has also failed to describe how the regulation compares to those of other states. Without this information, we cannot determine if this proposed regulation is in

the public interest. In the Preamble and RAF submitted with the final-form rulemaking, the Board should provide more detailed information required under § 745.5(a) of the RRA.

**2. Section 91.101. Definitions.—Whether the regulation is consistent with the intent of the General Assembly; Clarity.***Business trust*

A commentator believes that, under this definition, all trusts would be considered business trusts. Therefore, every transfer of real estate to a trust would be subject to realty transfer tax. This would be contrary to the Realty Transfer Tax Law (72 P. S. §§ 8101-C—8103-C.1) (Law) and the statutory exclusions it provides for living trusts and ordinary trusts. Given the concerns raised by the commentator, we ask the Department to explain if transfers to living trusts and ordinary trusts would be taxable, and if so, what statutory provision would allow the Department to tax those transfers. If the transfers are not taxable, we recommend that the definition of “business trust” be clarified to reflect that fact.

**3. Section 91.138. Valuation.—Clarity.**

Paragraph (3) pertains to other valuation methods when there is not a bona fide sale or computed value. A commentator has pointed out two concerns with this paragraph. First, under Subparagraph (3)(ii)(A), the reference to the term “licensed real estate appraiser” is incorrect and should be replaced with “certified real estate appraiser” because appraisers in Pennsylvania are certified, not licensed. Second, Subparagraph (3)(ii)(b) includes the phrase “realistic estimate of the value of the real estate.” The commentator notes that the term “realistic” is difficult to quantify and suggests that it either be deleted or a reference to Section 608(c) of the Real Estate Licensing and Registration Act be added to the regulation. We agree with the commentator and ask the Department to amend the regulation accordingly.

**4. Section 91.153. Agent and straw party transactions.—Reasonableness; Need; Clarity.**

According to the Preamble, new Subsection (e) expands on the subject matter of this section because it has generated questions from taxpayers. We have two concerns. First, we ask the Department to explain the nature of the questions and how the new language addresses the concerns. We also ask the Department to explain the need for invalidating an indemnification or subrogation agreement between a purported principal or real party in interest and a purported agent or straw party, and whether this invalidation is consistent with the law.

Second, as noted by a commentator, what does the phrase “does not circumvent this condition” found in Subsection (e)(4) mean? We suggest that this phrase be clarified.

**5. Section 91.193. Exemptions and exclusions.—Statutory authority; Whether the regulation is consistent with the intent of the General Assembly; Clarity.**

Amendments to this section of the regulation replace the characterization of certain transactions as being “excluded” from tax as now being “exempt” from tax. The Preamble provides little information on why this change is needed. Commentators are concerned that this change conflicts with the Law. We agree that this change appears to conflict with excluded transactions specifically cited as such in Section 1102-C.3 of the Law (72 P. S. § 8102-C.3). We ask the Department to provide a more detailed

explanation of why this change is needed and how it is consistent with the Law and the intent of the General Assembly when it enacted the Law.

In addition, it is our understanding that the Court of Common Pleas issues divorce decrees. Therefore, Example 2 under § 91.193(b)(6)(i)(F) should be amended accordingly.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-158. Filed for public inspection January 27, 2012, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Voluntary Surrender of Pennsylvania Certificate of Authority Filed by Philadelphia-United Fire Insurance Company

Philadelphia-United Fire Insurance Company, a domestic stock property insurance company, has submitted an

application for approval to surrender its Insurance Department Certificate of Authority.

Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer; identification of the application to which the comment is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based.

Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-159. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of The Insurance Company Law of 1921 (40 P. S. § 991.1605(b)), the Insurance Department (Department) hereby publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of January 4, 2011, published at 41 Pa.B. 569 (January 22, 2011).

Persons with any questions concerning this notice should contact Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

### Eligible Surplus Lines Insurer List As of Tuesday, January 17, 2012

| <i>Key#</i> | <i>Company Name</i>                             | <i>Statutory Home Address</i>                              |
|-------------|---|--|
| 48123       | ACE EUROPEAN GROUP LIMITED                      | 100 LEADENHALL STREET<br>LONDON, United Kingdom EC3A 3BP   |
| 10512       | ADMIRAL INSURANCE COMPANY                       | 1209 ORANGE STREET<br>WILMINGTON, DE 19801                 |
| 10513       | ADRIATIC INSURANCE COMPANY                      | 314 EAST THAYER AVENUE<br>BISMARCK, ND 58501               |
| 67489       | AIX SPECIALTY INSURANCE COMPANY                 | 103 FOULK ROAD<br>SUITE 202<br>WILMINGTON, DE 19803        |
| 48099       | ALLIANZ GLOBAL CORPORATE & SPECIALTY AG         | KONIGINASTRASSE 28<br>MUNICH, Germany D80802               |
| 10516       | ALLIANZ UNDERWRITERS INSURANCE COMPANY          | 2350 EMPIRE AVENUE<br>BURBANK, CA 91504-3350               |
| 10535       | ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.      | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808 |
| 10570       | ALTERRA EXCESS & SURPLUS INSURANCE COMPANY      | 1209 ORANGE STREET<br>WILMINGTON, DE 19801                 |
| 10519       | AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY | 1209 ORANGE STREET<br>WILMINGTON, DE 19801                 |
| 10520       | AMERICAN EQUITY INSURANCE COMPANY               | 2401 WEST PEORIA AVENUE<br>PHOENIX, AZ 85029               |
| 63828       | AMERICAN MODERN SURPLUS LINES INSURANCE COMPANY | 7000 MIDLAND BLVD<br>AMELIA, OH 45102-2607                 |
| 18146       | AMERICAN SAFETY INDEMNITY COMPANY               | 201 ROBERT S. KERR AVENUE<br>OKLAHOMA CITY, OK 73102-4267  |

| <i>Key#</i> | <i>Company Name</i>                                  | <i>Statutory Home Address</i>   |
|-------------|--|---|
| 10522       | AMERICAN WESTERN HOME INSURANCE COMPANY              | 600 BANK OF OKLAHOMA PLAZA<br>OKLAHOMA CITY, OK 73102   |
| 83774       | AMTRUST INTERNATIONAL UNDERWRITERS LIMITED           | 40 WESTLAND ROW<br>DUBLIN, Ireland 2  |
| 10524       | APPALACHIAN INSURANCE COMPANY                        | 270 CENTRAL AVENUE<br>JOHNSTON, RI 02919-4949   |
| 33748       | ARCH EXCESS & SURPLUS INSURANCE COMPANY              | 10909 MILL VALLEY ROAD<br>OMAHA, NE 68145   |
| 97477       | ARCH INSURANCE COMPANY (EUROPE) LIMITED              | 6TH FLOOR<br>PLANTATION PLACE SOUTH<br>60 GREAT TOWER STREET<br>LONDON, United Kingdom EC3R 5AZ |
| 10587       | ARCH SPECIALTY INSURANCE COMPANY                     | 10909 MILL VALLEY ROAD<br>OMAHA, NE 68145   |
| 81107       | ARIEL REINSURANCE COMPANY LTD                        | 5TH FLOOR<br>VICTORIA PLACE<br>31 VICTORIA STREET<br>HAMILTON, Bermuda HM 11                    |
| 10588       | ARROWOOD SURPLUS LINES INSURANCE COMPANY             | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808                                      |
| 51442       | ASPEN INSURANCE UK LIMITED                           | 30 FENCHURCH STREET<br>LONDON, United Kingdom EC3M 3BD  |
| 35611       | ASPEN SPECIALTY INSURANCE COMPANY                    | 316 NORTH FIFTH STREET<br>BISMARCK, ND 58502  |
| 22348       | ASSICURAZIONI GENERALI S.p.A.                        | PIAZZA DUCA DEGLI ABRUZZI, 2<br>TRIESTE, Italy 34132  |
| 22349       | ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED | THE MAXWELL ROBERTS BUILDING<br>4TH FLOOR<br>ONE CHURCH STREET<br>HAMILTON, Bermuda HM11        |
| 94396       | ASSOCIATED INDUSTRIES INSURANCE COMPANY              | 903 N W 65TH STREET<br>BOCA RATON, FL 33487   |
| 10525       | ASSOCIATED INTERNATIONAL INSURANCE COMPANY           | TEN PARKWAY NORTH<br>DEERFIELD, IL 60015  |
| 52712       | ATAIN INSURANCE COMPANY                              | 2301 E.LAMAR BOULEVARD<br>5TH FLOOR<br>ARLINGTON, TX 76006                                      |
| 41586       | ATLANTIC CASUALTY INSURANCE COMPANY                  | 400 COMMERCE COURT<br>GOLDSBORO, NC 27534   |
| 22371       | AVIVA INTERNATIONAL INSURANCE LIMITED                | ST. HELEN'S<br>1 UNDERSHAFT<br>LONDON, United Kingdom EC3P3DQ                                   |
| 41562       | AXA CORPORATE SOLUTIONS ASSURANCE                    | 4 RUE JULES LEFEBVRE<br>PARIS, France 75009   |
| 59554       | AXIS SPECIALTY EUROPE LIMITED                        | MOUNT HERBERT COURT<br>34 UPPER MOUNT STREET<br>DUBLIN, Ireland 2                               |
| 10592       | AXIS SURPLUS INSURANCE COMPANY                       | 303 WEST MADISON<br>SUITE 500<br>CHICAGO, IL 60606  |
| 10584       | BERKLEY ASSURANCE COMPANY                            | 11201 DOUGLAS AVENUE<br>URBANDALE, IA 50322   |
| 75458       | BERKLEY REGIONAL SPECIALITY INSURANCE COMPANY        | 1209 ORANGE STREET<br>WILMINGTON, DE 19801-1120   |
| 63055       | BERKSHIRE HATHAWAY INTERNATIONAL INSURANCE LIMITED   | 33 ST MARY AXE LONDON,<br>United Kingdom EC3A 8LL   |



| <i>Key#</i> | <i>Company Name</i>                                       | <i>Statutory Home Address</i>   |
|-------------|---|---|
| 22369       | BRITISH AVIATION INSURANCE COMPANY LIMITED                | FITZWILLIAM HOUSE<br>10 ST. MARY'S AXE<br>LONDON, United Kingdom EC3A 8EQ                                       |
| 10528       | CANAL INDEMNITY COMPANY                                   | 400 EAST STONE AVENUE<br>GREENVILLE, SC 29601   |
| 48319       | CAPITOL SPECIALTY INSURANCE CORPORATION                   | 1600 ASPEN COMMONS<br>MIDDLETON, WI 53562   |
| 64641       | CATLIN INSURANCE COMPANY (UK) LIMITED                     | 20 GRACECHURCH STREET<br>LONDON, United Kingdom 3C3V OBG  |
| 63239       | CATLIN SPECIALTY INSURANCE COMPANY                        | 160 GREENTREE DRIVE<br>SUITE 101<br>DOVER, DE 19904   |
| 10529       | CENTENNIAL CASUALTY COMPANY                               | 2200 WOODCREST PLACE<br>SUITE 200<br>BIRMINGHAM, AL 35209   |
| 10531       | CENTURY SURETY COMPANY                                    | 465 CLEVELAND AVENUE<br>WESTERVILLE, OH 43082   |
| 38980       | CHARTIS SELECT INSURANCE COMPANY                          | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808  |
| 10521       | CHARTIS SPECIALTY INSURANCE COMPANY                       | 300 SOUTH RIVERSIDE PLAZA<br>SUITE 2100<br>CHICAGO, IL 60606-6613   |
| 10532       | CHUBB CUSTOM INSURANCE COMPANY                            | C/O CORPORATE SERVICE COMPANY<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801-1120                                |
| 72782       | CINCINNATI SPECIALTY UNDERWRITERS INSURANCE COMPANY (THE) | BRANDYWINE VILLAGE<br>1807 NORTH MARKET STREET<br>WILMINGTON, DE 19802-4810                                     |
| 18617       | CLARENDON AMERICA INSURANCE COMPANY                       | 196 PRINCETON HIGHSTOWN ROAD<br>BUILDING 2, STE 14A<br>PRINCETON JUNCTION, NJ 08550                             |
| 10533       | COLONY INSURANCE COMPANY                                  | 8720 STONY POINT PARKWAY<br>SUITE 300<br>RICHMOND, VA 23235   |
| 10582       | COLONY NATIONAL INSURANCE COMPANY                         | 8720 STONY POINT PARKWAY<br>SUITE 300<br>RICHMOND, VA 23235   |
| 10534       | COLUMBIA CASUALTY COMPANY                                 | CNA PLAZA<br>CHICAGO, IL 60685  |
| 22388       | COMMONWEALTH INSURANCE COMPANY                            | 595 BURRARD STREET,<br>SUITE 1500<br>BOX 49115<br>BENTALL TOWER THREE<br>VANCOUVER, British Columbia<br>V7X 1G4 |
| 74670       | COMPANION SPECIALTY INSURANCE COMPANY                     | 51 CLEMSON ROAD<br>COLUMBIA, SC 29229   |
| 86914       | CONIFER INSURANCE COMPANY                                 | 28200 SOUTHFIELD ROAD<br>LATHRUP VILLAGE, MI 48076  |
| 96047       | COVINGTON SPECIALTY INSURANCE COMPANY                     | c/o NIXON PEABODY LLP<br>900 ELM STREET<br>MANCHESTER, NH 03101   |
| 37372       | CRUM & FORSTER SPECIALTY INSURANCE COMPANY                | 2999 NORTH 44TH STREET<br>SUITE 250<br>PHOENIX, AZ 85018  |
| 66658       | CUMIS SPECIALTY INSURANCE COMPANY, INC.                   | 2000 HERITAGE WAY<br>WAVERLY, IA 50677  |

| <i>Key#</i> | <i>Company Name</i>                            | <i>Statutory Home Address</i>   |
|-------------|--|---|
| 10600       | DARWIN SELECT INSURANCE COMPANY                | 320 WEST CAPITAL STREET<br>SUITE 1000<br>LITTLE ROCK, AR 72201-3525                   |
| 37001       | DISCOVER SPECIALTY INSURANCE COMPANY           | 200 NORTH LASALLE STREET<br>CHICAGO, IL 60661   |
| 10541       | EMPIRE INDEMNITY INSURANCE COMPANY             | 630 NE 63RD STREET<br>OKLAHOMA CITY, OK 73105   |
| 63338       | ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY | 767 THIRD AVENUE FIFTH FLOOR<br>NEW YORK, NY 10017                                    |
| 94256       | ENDURANCE SPECIALTY INSURANCE LTD              | THE WELLESLEY HOUSE<br>90 PITTS BAY ROAD<br>PEMBROKE, Bermuda HM 08                   |
| 10542       | ESSEX INSURANCE COMPANY                        | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 10543       | EVANSTON INSURANCE COMPANY                     | TEN PARKWAY NORTH<br>DEERFIELD, IL 60015  |
| 10544       | EVEREST INDEMNITY INSURANCE COMPANY            | CORPORATION TRUST CENTER<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801                |
| 10545       | EXECUTIVE RISK SPECIALTY INSURANCE COMPANY     | 82 HOPMEADOW STREET<br>SIMSBURY, CT 06070-7683  |
| 10547       | FIREMAN'S FUND INSURANCE COMPANY OF OHIO       | 41 SOUTH HIGH STREET<br>SUITE 1700<br>COLUMBUS, OH 43215-6101                         |
| 10548       | FIRST FINANCIAL INSURANCE COMPANY              | C/O HINSHAW & CULBERTSON, LLP<br>400 SOUTH NINTH STREET<br>SPRINGFIELD, IL 62701-1822 |
| 10549       | FIRST MERCURY INSURANCE COMPANY                | ONE SOUTH WACKER DRIVE<br>SUITE 1350<br>CHICAGO, IL 60606                             |
| 10550       | FIRST SPECIALTY INSURANCE CORPORATION          | 237 EAST HIGH STREET<br>JEFFERSON CITY, MO 65102                                      |
| 18477       | GEMINI INSURANCE COMPANY                       | CORPORATION TRUST CENTER<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801                |
| 10552       | GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA  | 2338 W. ROYAL PALM ROAD<br>SUITE J<br>PHOENIX, AZ 85021                               |
| 10554       | GENERAL STAR INDEMNITY COMPANY                 | 120 LONG RIDGE ROAD<br>STAMFORD, CT 08902-1843  |
| 58119       | GEOVERA SPECIALTY INSURANCE COMPANY            | 4820 BUSINESS CENTER DRIVE<br>SUITE 200<br>FAIRFIELD, CA 94534                        |
| 44715       | GLENCOE INSURANCE LIMITED                      | RENAISSANCE HOUSE<br>12 CROW LANE<br>PEMBROKE, Bermuda HM19                           |
| 73754       | GNY CUSTOM INSURANCE COMPANY                   | 200 MADISON AVENUE<br>NEW YORK, NY 10016-3904   |
| 10556       | GOTHAM INSURANCE COMPANY                       | 59 MAIDEN LANE<br>27TH FLOOR<br>NEW YORK, NY 10036                                    |
| 10514       | GREAT AMERICAN E & S INSURANCE COMPANY         | THE CORPORATION TRUST<br>COMPANY<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801        |
| 10518       | GREAT AMERICAN FIDELITY INSURANCE COMPANY      | THE CORPORATION TRUST<br>COMPANY<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801        |

| <i>Key#</i> | <i>Company Name</i>                         | <i>Statutory Home Address</i>  |
|-------------|---|--|
| 10540       | GREAT AMERICAN PROTECTION INSURANCE COMPANY | 580 WALNUT STREET<br>CINCINNATI, OH 45204  |
| 22412       | GREAT LAKES REINSURANCE (UK) PLC            | PLANTATION PLAN<br>30 FENCHURCH STREET<br>LONDON, United Kingdom EC3M 3AJ                          |
| 36489       | GUILFORD INSURANCE COMPANY                  | C/O HINSHAW & CULBERTSON, LLP<br>400 SOUTH NINTH STREET<br>SUITE 200<br>SPRINGFIELD, IL 62701-1822 |
| 10557       | GULF UNDERWRITERS INSURANCE COMPANY         | ONE TOWER SQUARE<br>HARTFORD, CT 06183   |
| 66133       | HCC SPECIALTY INSURANCE COMPANY             | 201 ROBERT S. HERR AVENUE<br>OKLAHOMA, OK 73102  |
| 78247       | HISCOX SPECIALTY INSURANCE COMPANY INC.     | 233 NORTH MICHIGAN AVENUE<br>SUITE 1840<br>CHICAGO, IL 60601                                       |
| 44169       | HOMELAND INSURANCE COMPANY OF NEW YORK      | 1000 WOODBURY ROAD<br>SUITE 403<br>WOODBURY, NY 11797  |
| 10559       | HOUSTON CASUALTY COMPANY                    | 13403 NORTHWEST FREEWAY<br>HOUSTON, TX 77040   |
| 75182       | HOUSTON SPECIALTY INSURANCE COMPANY         | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808   |
| 37373       | HUDSON SPECIALTY INSURANCE COMPANY          | 17 STATE STREET<br>29TH FLOOR<br>NEW YORK, NY 10004  |
| 10560       | ILLINOIS EMCASCO INSURANCE COMPANY          | 717 MULBERRY STREET<br>DES MOINES, IA 50309-3872   |
| 10561       | ILLINOIS UNION INSURANCE COMPANY            | 525 WEST MONROE STREET<br>CHICAGO, IL 60631  |
| 10562       | INDIAN HARBOR INSURANCE COMPANY             | CT CORPORATION SYSTEM<br>314 EAST THAYER AVENUE<br>BISMARCK, ND 58501                              |
| 75461       | INFRASSURE, LTD                             | UETLIBERGSTRASSE<br>134A P O BOX 5089<br>ZURICH, Switzerland CH8045                                |
| 28076       | INTERNATIONAL INSURANCE CO OF HANNOVER, LTD | 2ND FLOOR, 1 ARLINGTON SQUARE<br>DOWNSHIRE WAY<br>BERKSHIRE, United Kingdom<br>RG12 1WA            |
| 10564       | INTERSTATE FIRE & CASUALTY COMPANY          | 33 WEST MONROE<br>CHICAGO, IL 60603  |
| 70118       | IRONSHORE INSURANCE LTD.                    | 141 FRONT STREET<br>HAMILTON, Bermuda HM19   |
| 10596       | IRONSHORE SPECIALTY INSURANCE COMPANY       | 8601 NORTH SCOTTSDALE ROAD<br>SUITE 300<br>SCOTTSDALE, AZ 85253                                    |
| 10546       | JAMES RIVER INSURANCE COMPANY               | 52 EAST GAY STREET<br>COLUMBUS, OH 43215   |
| 36855       | KINSALE INSURANCE COMPANY                   | 425 W. CAPITOL AVENUE<br>SUITE 1800<br>LITTLE ROCK, AR 72201                                       |
| 80046       | LANCASHIRE INSURANCE COMPANY (UK) LIMITED   | LEVEL 11, VITRO<br>60, FENCHURCH STREET<br>LONDON, United Kingdom EC3M 4AD                         |
| 75297       | LANCASHIRE INSURANCE COMPANY LIMITED        | POWERHOUSE<br>7 PAR-LA-VILLE ROAD<br>HAMILTON, Bermuda HM 11                                       |

| <i>Key#</i> | <i>Company Name</i>   | <i>Statutory Home Address</i>   |
|-------------|---|---|
| 8967        | LANDMARK AMERICAN INSURANCE COMPANY                                       | 201 ROBERT KERR AVENUE<br>SUITE 600<br>OKLAHOMA CITY, OK 73102-4267                     |
| 10567       | LANDMARK INSURANCE COMPANY  | 2730 GATEWAY OAKS DRIVE<br>SUITE 100<br>SACRAMENTO, CA 95833                            |
| 45576       | LANTANA INSURANCE LTD.  | THE SWAN BUILDING<br>26 VICTORIA STREET<br>P. O. BOX HM 1234<br>HAMILTON, Bermuda HM FX |
| 10569       | LEXINGTON INSURANCE COMPANY   | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808                              |
| 22415       | LIBERTY MUTUAL INSURANCE EUROPE LIMITED                                   | 3RD FLOOR, TWO MINSTER COURT<br>MINCING LANE<br>LONDON, United Kingdom EC3R 7YE         |
| 18457       | LIBERTY SURPLUS INSURANCE CORPORATION                                     | 175 BERKELEY STREET<br>BOSTON, MA 02117   |
| 22416       | LLOYD'S, LONDON (UNDERWRITERS AT)**                                       | ONE LIME STREET<br>LONDON, United Kingdom EC3M7HA                                       |
| 22417       | LONDON AND EDINBURGH INSURANCE COMPANY LIMITED                            | 8 SURREY STREET<br>NORWICH, United Kingdom NR1 3NG                                      |
| 45736       | MAIDEN SPECIALTY INSURANCE COMPANY  | C/O CT CORPORATION SYSTEM<br>150 FAYETTEVILLE STREET<br>BOX 1011<br>RALEIGH, NC 27601   |
| 92689       | MAPFRE GLOBAL RISKS COMPANIA INTERNACIONAL DE<br>SEGUROS Y REASEGUROS S A | CARRETERA POZUELO 52<br>EDIFICIO M-11 MADRID, Spain                                     |
| 22418       | MARINE INSURANCE COMPANY LIMITED  | ST MARKS COURT. CHART WAY<br>HORSHAM, WEST SUSSEX<br>ENGLAND, Great Britain RH 12 1XL   |
| 22455       | MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED                            | THE MARKEL BUILDING<br>49 LEADENHALL STREET<br>LONDON, United Kingdom EC3A2EA           |
| 10527       | MAXUM INDEMNITY COMPANY   | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 69016       | MEDICAL MUTUAL LIABILITY INSURANCE SOCIETY OF<br>MARYLAND                 | 225 INTERNATIONAL CIRCLE<br>HUNT VALLEY, MD 21030                                       |
| 75542       | MERCHANTS NATIONAL INSURANCE COMPANY                                      | 5 BEDFORD FARMS<br>SUITE 101<br>BEDFORD, NH 03110                                       |
| 96043       | MID-CONTINENT EXCESS AND SURPLUS INSURANCE<br>COMPANY                     | 1209 ORANGE STREET<br>WILMINGTON, DE 19801  |
| 75518       | mitsui SUMITOMO INSURANCE COMPANY (EUROPE)<br>LIMITED                     | 25 FENCHURCH AVENUE<br>LONDON, United Kingdom EC3M 5AD                                  |
| 10553       | MONTPELIER U.S. INSURANCE COMPANY   | 115 SOUTHWEST 89TH STREET<br>OKLAHOMA CITY, OK 73139                                    |
| 10571       | MT. HAWLEY INSURANCE COMPANY  | 9025 N. LINDBERGH DRIVE<br>PEORIA, IL 61615   |
| 10572       | NAMIC INSURANCE COMPANY, INC.   | 3601 VINCENNES ROAD<br>INDIANAPOLIS, IN 46268   |
| 10573       | NATIONAL FIRE & MARINE INSURANCE COMPANY                                  | 3024 HARNEY STREET<br>OMAHA, NE 68131-3580  |
| 10574       | NAUTILUS INSURANCE COMPANY  | 7233 E. BUTHERUS DRIVE<br>SCOTTSDALE, AZ 85260  |
| 10575       | NAVIGATORS SPECIALTY INSURANCE COMPANY                                    | ONE PENN PLAZA<br>32nd FLOOR<br>NEW YORK, NY 10119-0002                                 |

| <i>Key#</i> | <i>Company Name</i>                                      | <i>Statutory Home Address</i>  |
|-------------|--|--|
| 10537       | NOETIC SPECIALTY INSURANCE COMPANY                       | 100 EAST STATE STREET<br>MONTPELIER, VT 05602                                      |
| 10576       | NORTH AMERICAN CAPACITY INSURANCE COMPANY                | 650 ELM STREET<br>MANCHESTER, NH 03101-2524  |
| 79123       | NORTH LIGHT SPECIALTY INSURANCE COMPANY                  | 2775 SANDERS ROAD<br>NORTHBROOK, IL 60062-7127                                     |
| 10577       | NORTHFIELD INSURANCE COMPANY                             | 1270 OFFICE PLAZA DRIVE WEST<br>DES MOINES, IA 50266                               |
| 10578       | NUTMEG INSURANCE COMPANY                                 | ONE HARTFORD PLAZA<br>HARTFORD, CT 06155   |
| 22421       | OCEAN MARINE INSURANCE COMPANY LIMITED                   | ST. HELEN'S<br>1 UNDERSHAFT<br>LONDON, United Kingdom EC3P3DQ                      |
| 10579       | OLD REPUBLIC UNION INSURANCE COMPANY                     | 307 NORTH MICHIGAN AVENUE<br>CHICAGO, IL 60601                                     |
| 75544       | OMEGA US INSURANCE, INC                                  | C/O THE CORPORATION<br>TRUST COMPANY<br>1209 ORANGE STREET<br>WILMINGTON, DE 19801 |
| 10566       | PACIFIC INSURANCE COMPANY, LIMITED                       | ONE HARTFORD PLAZA<br>HARTFORD, CT 06155   |
| 58179       | PENN-PATRIOT INSURANCE COMPANY                           | 526 KING STREET<br>ALEXANDRIA, VA 22314  |
| 74667       | PRIME INSURANCE COMPANY                                  | 303 WEST MADISON #2075<br>CHICAGO, IL 60606  |
| 23150       | PRINCETON EXCESS AND SURPLUS LINES INSURANCE<br>COMPANY  | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808                         |
| 44436       | PROASSURANCE SPECIALTY INSURANCE COMPANY, INC.           | 100 BROOKWOOD PLACE<br>SUITE 500<br>BIRMINGHAM, AL 35209                           |
| 10583       | PROFESSIONAL UNDERWRITERS LIABILITY INSURANCE<br>COMPANY | 2180 SOUTH 1300 EAST<br>SUITE 650<br>SALT LAKE CITY, UT 84106                      |
| 75543       | PROTECTIVE SPECIALTY INSURANCE COMPANY                   | 1099 NORTH MERIDIAN STREET<br>INDIANAPOLIS, IN 46204                               |
| 22449       | QBE INSURANCE (EUROPE) LIMITED                           | PLANTATION PLACE<br>30 FENCHURCH STREET<br>LONDON, United Kingdom EC3M 3BD         |
| 47448       | QBE SPECIALTY INSURANCE COMPANY                          | 314 EAST THAYER AVENUE<br>BISMARCK, ND 58501                                       |
| 53074       | QUANTA SPECIALTY LINES INSURANCE COMPANY                 | 10 WEST MARKET STREET<br>SUITE 450<br>INDIANAPOLIS, IN 46204                       |
| 70898       | REPUBLIC-VANGUARD INSURANCE COMPANY                      | 2394 E. CAMELBACK ROAD<br>PHOENIX, AZ 85016  |
| 10603       | ROCKHILL INSURANCE COMPANY                               | 2999 NORTH 44TH STREET,<br>SUITE 250<br>PHOENIX, AZ 85018                          |
| 10589       | SAFECO SURPLUS LINES INSURANCE COMPANY                   | SAFECO PLAZA<br>1001 FOURTH AVENUE<br>SEATTLE, WA 98154                            |
| 10590       | SAVERS PROPERTY AND CASUALTY INSURANCE COMPANY           | 700 WEST 47TH STREET<br>KANSAS CITY, MO 64112-1802                                 |
| 94496       | SCOR UK COMPANY LIMITED                                  | 10 LIME STREET<br>LONDON, United Kingdom EC3M 7AA                                  |
| 10591       | SCOTTSDALE INSURANCE COMPANY                             | ONE NATIONWIDE PLAZA<br>COLUMBUS, OH 43215   |

| <i>Key#</i> | <i>Company Name</i>                         | <i>Statutory Home Address</i>   |
|-------------|---|---|
| 44276       | SENECA SPECIALTY INSURANCE COMPANY          | 2999 NORTH 44TH STREET<br>SUITE 250<br>PHOENIX, AZ 85018-7256         |
| 33514       | SIRIUS INTERNATIONAL INSURANCE CORPORATION  | BIRGER JARISGATAN 57B<br>STOCKHOLM, Sweden SE 113 96                  |
| 86970       | SPARTA SPECIALTY INSURANCE COMPANY          | CITYPLACE II<br>185 ASYLUM STREET<br>HARTFORD, CT 06103               |
| 10593       | ST. PAUL SURPLUS LINES INSURANCE COMPANY    | 2711 CENTERVILLE ROAD<br>SUITE 400<br>WILMINGTON, DE 19808            |
| 79898       | STARR SURPLUS LINES INSURANCE COMPANY       | 500 WEST MONROE STREET<br>26TH FLOOR<br>CHICAGO, IL 60661             |
| 10594       | STEADFAST INSURANCE COMPANY                 | SUITE 202<br>32 LOOCKERMAN SQUARE<br>DOVER, DE 19904                  |
| 22453       | SWISS RE INTERNATIONAL SE                   | 2A, RUE ALBERT BORSCHETTE<br>KIRCHBERG, Luxembourg L1246              |
| 73071       | TOKIO MARINE EUROPE INSURANCE LIMITED       | 150 LEADENHALL STREET<br>LONDON, United Kingdom EC3V 4TE              |
| 98475       | TORUS INSURANCE (UK) LIMITED                | 5TH FLOOR<br>88 LEADENHALL STREET<br>LONDON, United Kingdom EC3A 3BP  |
| 40659       | TORUS SPECIALTY INSURANCE COMPANY           | 1209 ORANGE STREET<br>WILMINGTON, DE 19801-1120                       |
| 10597       | TRAVELERS EXCESS AND SURPLUS LINES COMPANY  | ONE TOWER SQUARE<br>HARTFORD, CT 06183                                |
| 54486       | TT CLUB MUTUAL INSURANCE LIMITED            | 90 FENCHURCH STREET<br>LONDON, United Kingdom ECM 4ST                 |
| 10598       | TUDOR INSURANCE COMPANY                     | 50 WASHINGTON STREET<br>KEENE, NH 03431                               |
| 10599       | U. S. UNDERWRITERS INSURANCE COMPANY        | 316 NORTH FIFTH STREET<br>SIXTH FLOOR<br>BISMARCK, ND 58501           |
| 10558       | UNITED NATIONAL SPECIALTY INSURANCE COMPANY | 411 EAST WISCONSIN AVENUE<br>SUITE 700<br>MILWAUKEE, WI 53202         |
| 64798       | UNITED SPECIALTY INSURANCE COMPANY          | 160 GREENTREE DRIVE<br>SUITE 101<br>DOVER, DE 19904                   |
| 82097       | UTICA SPECIALTY RISK INSURANCE COMPANY      | 2435 N CENTRAL EXPRESSWAY<br>SUITE 400<br>RICHARDSON, TX 75080        |
| 79945       | VALIANT SPECIALTY INSURANCE COMPANY         | BRANDYINE VILLAGE<br>1807 NORTH MARKET STREET<br>WILMINGTON, DE 19802 |
| 10605       | VOYAGER INDEMNITY INSURANCE COMPANY         | 260 INTERSTATE NORTH CIRCLE<br>NW<br>ATLANTA, GA 30339                |
| 10607       | WESTCHESTER SURPLUS LINES INSURANCE COMPANY | 500 COLONIAL CENTER PARKWAY<br>SUITE 200<br>ROSWELL, GA 30076         |
| 10608       | WESTERN HERITAGE INSURANCE COMPANY          | 9200 E. PIMA CENTER PKWY<br>SUITE 350<br>SCOTTSDALE, AZ 85258         |
| 10610       | WESTERN WORLD INSURANCE COMPANY             | 50 WASHINGTON STREET<br>KEENE, NH 03431                               |

| <i>Key#</i> | <i>Company Name</i>                 | <i>Statutory Home Address</i>  |
|-------------|-------------------------------------|--|
| 49219       | WILSHIRE INSURANCE COMPANY          | 702 OBERLIN ROAD<br>RALEIGH, NC 27605-0800                                   |
| 70201       | WIND RIVER REINSURANCE COMPANY, LTD | PURVIS HOUSE VICTORIA PLACE<br>29 VICTORIA STREET<br>HAMILTON, Bermuda HM 10 |
| 10604       | XL SELECT INSURANCE COMPANY         | 1209 ORANGE STREET<br>WILMINGTON, DE 19801                                   |

\*\* The list does not include Lloyds Syndicates nor does the Department maintain a separate list of Lloyds Syndicates. Any Lloyds Syndicate appearing on the most recent Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the National Association of Insurance Commissioners is approved to transact surplus lines insurance in this Commonwealth.

[Pa.B. Doc. No. 12-160. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Geisinger Quality Options; Conversion; Rate Filing; Correction

The company name in the notice published at 42 Pa.B. 114 (January 7, 2010) is corrected as follows.

On December 15, 2011, Geisinger Quality Options submitted a rate filing to increase the premium rates for the PPO Conversion Product. The plan proposes to increase the rates by an average of 2.6%.

This filing will affect approximately 435 contracts and produce additional premium income of about \$67,000 annually. The requested effective date of the change is April 1, 2012.

Unless formal administrative action is taken prior to March 16, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [csandersjo@pa.gov](mailto:csandersjo@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-161. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Keystone Health Plan East; Medically Underwritten Individual HMO Options Rate Filing

Keystone Health Plan East requests approval to increase the rate for the Medically Underwritten Individual HMO Options. The requested average rate increase is 9.8%. The proposed rate increase would affect approximately 30,000 existing members and would produce additional income of about \$7.1 million annually. The requested effective date of the change is July 1, 2012.

Unless formal administrative action is taken prior to April 5, 2012, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@state.pa.us](mailto:rmathur@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-162. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurer has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Donegal Mutual Insurance Company; file no. 11-130-111375; Peter and Mary Goulet; Doc. No. P12-01-002; February 22, 2012, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the

party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-163. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of John and Linda Page; file no. 11-183-110516; 21st Century Indemnity Insurance Company; Doc. No. P12-01-003; February 28, 2012, 1 p.m.

Appeal of Sheryl R. and Richard N. Shapiro; file no. 11-216-109253; GEICO General Insurance Company; Doc. No. P11-11-018; February 28, 2012, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-164. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Wanda Ford; file no. 11-183-111880; Homesite Insurance Company; Doc. No. P12-01-007; February 28, 2012, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial



action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-165. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Nicholas J. Pileggi, IV; file no. 11-188-110518; State Farm Fire and Casualty Insurance Company; Doc. No. P11-12-001; February 28, 2012, 11 a.m.

Appeal of Hazel Winborn; file no. 11-183-107961; State Farm Fire and Casualty Insurance Company; Doc. No. P11-10-012; February 28, 2012, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to

participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 12-166. Filed for public inspection January 27, 2012, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Additional Numbering Resources to Local Exchange Carriers: Safety Valve Process; Tentative Order

Public Meeting held  
January 12, 2012

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Additional Numbering Resources to Local Exchange Carriers: Safety Valve Process; Doc. No. M-2008-2032767*

#### Tentative Order

*By the Commission:*

The Commission, on its own initiative, is re-examining its current "safety valve" numbering request process in order to further streamline and expedite the process. The safety valve process involves the Commission's delegated authority to award numbering resources to telecommunications carriers in certain situations where Neustar,<sup>1</sup> the national numbering resource administrator, has declined a carrier's request. By this Tentative Order, the Commission hereby adopts a further streamlined safety valve numbering request process.

#### Background

In order to address the rapid growth and use of numbering resources, the Federal Communications Commission (FCC) issued several orders implementing various methods to reduce the depletion of numbering resources.<sup>2</sup> In these orders, the FCC delegated to state commissions the ability to monitor and enforce a carrier's compliance with the federal utilization requirements.<sup>3</sup>

Specifically, as part of its initiative to address the depletion of numbering resources, the FCC established procedures that address growth numbering resources in its Third Report and Order.<sup>4</sup> The FCC, in that order, reaffirmed that carriers must meet a months-to-exhaust requirement before receiving growth numbering resources

<sup>1</sup> Neustar serves as the administrator for both the North American Numbering Plan and the Pooling Administration, under separate contracts.

<sup>2</sup> See Petition for Declaratory Order Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, Memorandum Opinion and Order and Order on Reconsideration, CC Docket 96-98 (rel. September 28, 1998); In the Matter of Numbering Resources Optimization, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200, (rel. March 31, 2000); In the matter of Numbering Optimization, Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Dockets 99-200 and 96-98, (rel. December 29, 2000); In the Matter of Numbering Resources Optimization, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, CC Docket Nos. 99-200, 96-98, and 95-116, (rel. December 28, 2001).

<sup>3</sup> See 47 C.F.R. § 52.15(i), (j)(5).

<sup>4</sup> In the Matter of Numbering Resource Optimization, Third Report and Order and Second Order on Reconsideration, CC Docket No. 99-200 (Order adopted December 12, 2001). The order addresses the issue of national thousand-block pooling, including pooling for non-Local Number Portability capable and wireless carriers as well as a

so as to ensure that telephone numbers are used efficiently and that carriers are prevented from maintaining excessive inventories of numbers.<sup>5</sup> In addition, the utility must meet the national utilization threshold requirement of 75%.<sup>6</sup> According to the FCC's regulations, the North American Numbering Plan Administrator (NANPA), Neustar, shall withhold numbering resources from any carrier based on its determination that the utility has not demonstrated a verifiable need for numbering resources and has not exhausted all other available remedies.<sup>7</sup>

However, in that same order, the FCC also established a "safety valve" process<sup>8</sup> that allows a carrier to obtain additional NXX numbers, in limited circumstances, even if a carrier is not able to meet the utilization level and months-to-exhaust thresholds discussed above that are normally required to obtain additional numbering resources.<sup>9</sup> The safety valve process is to be used as a last resort and, to the extent possible, as a stop-gap measure to enable carriers in need of additional numbering to continue to serve their customers. The FCC delegated this authority to state commissions. As such, the Commission can provide a telecommunications carrier with additional numbering resources in a given rate center if the carrier cannot meet the demand for resources through its current inventory.

Initially, the Commission's safety valve process involved a carrier filing a formal petition with the Commission requesting safety valve numbering relief. In that petition, the carrier needed to provide a cover letter requesting a waiver to obtain additional numbering resources; details for the request are generally set forth in an attachment. The information contained in the attachment also included a statement of the purpose of the petition, background of the customer's numbering request, an explanation as to why the carrier is unable to fulfill the customer's request with current numbering resources, and an indication that the carrier applied to Neustar (the numbering administrator) for the requested numbers and evidence that the application was denied.

In addition, it was mandatory that the petition include a "Thousands-Block Application Form, Part 1A," a months-to-exhaust and utilization certification worksheet, a copy of the written rejection from Neustar, and documentation from the end-user customer that supports the request.

Upon receipt of the petition, the Secretary's Bureau would docket the petition and allow 20 days for an answer or response to the petition in accordance with the Commission's regulations.<sup>10</sup> In the interim, Commission staff would draft an order for consideration by the full Commission at the Public Meeting immediately following the expiration of the 20-day answer period. After approval at Public Meeting, the order was entered and served upon the carrier and the appropriate numbering administrator.<sup>11</sup>

At its March 27, 2008 Public Meeting, the Commission unanimously approved the motion of former Commis-

sioner Pizzingrilli to convene a working group of interested stakeholders to examine the Commission's procedures for processing safety valve petitions. In her motion, Commissioner Pizzingrilli stated:

I believe that the Commission's current process for evaluating safety valve requests can be streamlined to improve the timeliness and efficiency with which these requests are reviewed. . . . I am confident that Pennsylvania can . . . develop a streamlined approach that will improve our current process while maintaining an appropriate level of oversight and continuing to ensure that any action taken is in the public interest.

By its Secretarial letter issued April 2, 2008, the Commission requested that interested parties submit comments on the safety valve process.<sup>12</sup> A working group meeting was subsequently held on May 15, 2008. Participants included AT&T, Verizon, PTA, Embarq, BCAP and Sprint.

After reviewing the comments and meeting with the interested parties, the Commission, by Order entered November 13, 2008, at M-2008-2032767, determined that the following changes would be made to the current safety valve process: (1) requests for numbering relief shall no longer be filed in the nature of a formal petition; (2) the Commission will create a template form that companies can file when requesting numbering relief from the Commission; and (3) safety valve requests will be disposed of via Secretarial letters approved at Public Meeting.

The Commission is now re-examining the current safety valve process to determine whether it should again revise the method of processing safety valve requests in order to further streamline the process.

#### *Discussion*

In accordance with our authority under Section 501(a) of Title 66 of the Public Utility Code, we hereby modify our November 13, 2008 to no longer require that carriers' safety valve requests be disposed of at the Commission's regularly scheduled public meetings. We believe that our initial safety valve process streamlined in November 2008 should be further modified so that Commission resources can be used more efficiently and numbering requests can be addressed within a shorter time period. We take this action because Commission staff has identified compelling reasons for doing so.

First, safety valve requests are filed based on the specific carrier and customer needs and do not necessarily coordinate with adequate review time and subsequent disposition at a regularly scheduled public meeting. Because of customer concerns, the carriers expect a very quick turn around on their requests and often their requests are rarely filed or received by the Commission in a fashion so as to submit the request on the regular agenda for public meetings. Thus, safety valve requests may be delayed simply because of the timing of the Commission's public meetings.

Second, for the most part, the safety valve process is both uncontested and non-adversarial. Since streamlining the procedures of the safety valve process, there have been forty-one (41) safety valve requests granted by this Commission to which there was no objection by any entity. However, at the same time, Technical Utility

federal cost recovery mechanism for thousand-block pooling. The order further addresses other numbering optimization measures including service-specific and technology-specific area code overlays.

<sup>5</sup> Id. at ¶8.

<sup>6</sup> 47 C.F.R. § 52.15(g)-(h).

<sup>7</sup> Id.

<sup>8</sup> Id. at ¶64.

<sup>9</sup> All applicants for growth numbering resources shall achieve a 75% utilization threshold, calculated in accordance with the federal regulations for the rate center in which they are requesting growth numbering resources. In addition, the carrier shall provide a months-to-exhaust worksheet that provides utilization by rate center for the preceding six months and projected utilization for the next twelve months.

<sup>10</sup> See 52 Pa. Code §§ 5.61 and 5.101.

<sup>11</sup> National Pooling has numbering administrators for each geographic region.

<sup>12</sup> Comments were received from AT&T, Verizon, the Pennsylvania Telephone Association (PTA), the United Telephone Company of Pennsylvania, LLC d/b/a Embarq Pennsylvania (Embarq); the Broadband Cable Association of Pennsylvania (BCAP); D&E Systems, Inc. (D&E); and Sprint.

Services (TUS) staff works closely with each requesting carrier to ensure that its request is proper and that the carrier has efficiently utilized its current inventory of numbering resources before the Commission acts on its requests. TUS staff communications with the carrier immediately after receipt of the filing if there is any issue with their specific request and provides information to assist the carrier in resolving the issue or any discrepancies. Therefore, staff's assessment of the safety valve requests submitted by carriers is invaluable to the Commission to protect the public resource of numbering while providing numbering resources on a timely basis to carriers in need.

Also, the Commission notes that, when it previously initiated the proceeding to streamline the safety valve process, all of the commenting parties adamantly suggested that the Commission grant Commission staff full delegated authority to dispose of safety valve requests. The parties had stated that numerous other states including New Jersey, New York and Delaware disposed of safety valve requests via administrative action. The parties believed that such delegation would expedite the safety valve process here.

While we acknowledge that adopting such an approach would result in the streamlining of our current process, we continue to believe that safety valve requests involve scarce public resources—NXX codes or telephone numbers. Accordingly, we believe that future safety valve requests should be handled similar to the manner that the Commission currently processes pro forma transactions subject to 66 Pa.C.S. §§ 1102(a) and 1103(a). See 52 Pa. Code § 63.325(k). In particular, staff will review the safety valve request and draft the appropriate Secretarial letter. However, in this instance, the Commission will issue a Secretarial letter no later than ten days after the filing of the safety valve form by the carrier.

We believe that a ten-day timeframe will still provide a requesting carrier with numbering resources in a reasonable amount of time while not hampering the Commission's ability to fully review each request. However, the Commission reserves the right to review safety valve requests beyond the ten-day time frame prescribed above if the carrier's information is incomplete or warrants additional review.

#### Conclusion

Based on the foregoing, we tentatively modify the current safety valve process in the following manner: TUS Staff is solely responsible for reviewing safety valve requests and preparing the requisite Secretarial Letter addressing the request. Additionally, we suggest that the carriers submit an electronic copy of the safety valve request to TUS so that they can process the request immediately in order to ensure that the above-mentioned ten-day frame is met. Those who may oppose this process may file comments addressing their concerns; *Therefore,*

#### *It Is Ordered That:*

1. The Commission will streamline the "safety valve" process as set forth in the body of this Tentative Order.
2. A copy of this Tentative Order shall be published in the *Pennsylvania Bulletin* and published on our web site.
3. If no comments are received within twenty days of the entry date of this Tentative Order, the Tentative Order shall become final without further Commission action.
4. If the Tentative Order becomes a Final Order in accordance with Ordering Paragraph No. 3, all safety

valve requests submitted to the Commission thereafter shall be processed via Secretarial Letter in the manner set forth in the body of the Tentative Order.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-167. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Default Service Program

**P-2012-2283641. PECO Energy Company.** Petition of PECO Energy Company for approval of its Default Service Program.

Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the petitioner and a copy provided to the Administrative Law Judge, on or before February 13, 2012. The documents filed in support of the petition 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 petitioner's business address.

*Applicant:* PECO Energy Company, 2301 Market Street, P. O. Box 8699, Philadelphia, PA 19101-8699

*Through and By Counsel:* Anthony E. Gay, Esquire, Jeanne J. Dworetzky, Esquire, PECO Energy Company, 2301 Market Street, P. O. Box 8699, Philadelphia, PA 19101-8699, (215) 841-4635, fax (215) 568-3389, Jeanne.Dworetzky@Exeloncorp.com

Thomas P. Gadsden, Esquire, Kenneth M. Kulak, Esquire, Brooke E. Leach, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921, (215) 963-5234, fax (215) 963-5001, tgadsden@morganlewis.com

#### Notice

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Tuesday, March 13, 2012

*Time:* 10 a.m.

*Location:* Hearing Room 3  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judge Dennis J. Buckley  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-168. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Eligible Telecommunications Carriers; Universal Low Income Support

The Pennsylvania Public Utility Commission (Commission) invites comment on the following pending wireless carrier's petition for designation as eligible telecommunications carriers (ETC) for purposes of Federal universal service low income support:

T-Mobile Northeast, LLC, T-Mobile Central, LLC and VoiceStream Pittsburgh, LP Telecommunications Carrier—Doc. No. P-2011-2275748

The Commission, at its July 29, 2010, public meeting adopted a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers. This notice informs telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petition pending before the Commission.

Interested parties are invited to file comments at the relevant docket numbers within 20 days of publication of this notice. Reply comments of the carrier are due within 10 days thereafter. Interested parties may review the pending petitions at the Commission web site <http://www.puc.state.pa.us/> or hard copies are available for a fee by means of written request to the Secretary of the Commission, Pennsylvania Public Utility Commission, Rosemary Chiavetta, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

The contact for questions regarding this notice is Rhonda L. Daviston, Assistant Counsel, Law Bureau (717) 787-6166.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-169. Filed for public inspection January 27, 2012, 9:00 a.m.]

### Fleeher Sewage Treatment Plant; Tentative Order

Public Meeting held  
January 12, 2012

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Fleeher Sewage Treatment Plant;  
A-2012-2281410; A-98057-73*

#### Tentative Order

*By the Commission:*

Fleeher Sewage Treatment Plant (Fleeher) was a wastewater treatment provider located in Cecil Township, Washington County, Pennsylvania with a mailing address of 21 Timber Crest Circle, Cecil, PA 15321, certificated at

A-98057-73. Fleeher and Cecil Township Municipal Authority (CTMA) entered into a Settlement Agreement and General Release on May 26, 2011, wherein Fleeher agreed to abandon its sewage treatment plant and convey its sewage system to CTMA with certain materials, rights and easements necessary for conveyance of flows to CTMA's Millers Run Sewage Treatment Plant (Millers Run).

#### Background

George and Marian Fleeher, as husband and wife, owned and operated Fleeher. On May 15, 2009, George Fleeher passed away. Marian Fleeher individually was then the sole owner and operator of Fleeher. In August of 2009, DEP issued an Administrative Order reporting that Fleeher had numerous violations of DEP Permits and Clean Streams Law dating as far back in its operations to February of 1993.

With regard to Commission complaints and violations, on August 3, 2008, Steve Drazick, a customer of Fleeher, filed a Formal Complaint with the Commission against Fleeher requesting that a collapsed Fleeher service line under the road in front of his home be repaired by Fleeher. This matter was scheduled for hearing on January 13, 2009, with the Office of Administrative Law Judge of the Commission. However, on this same date, the parties met and amicably resolved the issues, resulting in a settlement. Additionally, Fleeher failed to file its 2008, 2009, and 2010 Annual Reports with the Commission. The 2007 Annual Report was the last Annual Report Fleeher filed with the Commission. Fleeher violated 66 Pa.C.S. § 504 by failing to file annual reports for 2008, 2009, and 2010.

By Administrative Order of August 9, 2009, the Department of Environmental Protection (DEP), pursuant to Clean Streams Law and Pennsylvania Sewage Facilities Act, ordered CTMA to take over the existing sewage facilities of Fleeher. CTMA and Fleeher appealed the DEP determination to the Environmental Hearing Board. However, CTMA and Fleeher decided to discontinue the appeal and amicably resolve the matter. On February 15, 2011, CTMA entered into a resolution accepting the terms of DEP's proposed Consent Order. On May 26, 2011, Fleeher entered into a Settlement Agreement and General Release (May 26 Agreement) with CTMA in which it agreed to abandon its sewage treatment plant and convey its sewage system to CTMA with certain materials, rights and easements necessary for conveyance of flows to CTMA's Millers Run.

On June 6, 2011, DEP then issued a Consent Order Agreement whereby CTMA and Fleeher agreed to resolve the matter and discontinue the appeal before DEP. The Chairman and Chief Judge of the Environmental Hearing Board of DEP issued an order dated June 15, 2011, marking the Appeal by Fleeher and CTMA closed and discontinued.

Paragraph nine of the May 26 Agreement stated that, "Fleeher shall immediately notify the PUC of the impending cessation of its sewage treatment operations and take all actions necessary to comply with and satisfy PUC regulations in a timely manner so as to avoid any delays or violations of the parties' Consent Order and Agreement with the PaDEP." At no time did Fleeher contact the Commission regarding the cessation of its sewage treatment operations.

#### Discussion

As part of Prosecutory Staff investigation into this matter, Staff contacted Bruce M. Herschlag, Counsel for

the Department of Environmental Protection (DEP). On April 7, 2011, Mr. Herschlag advised Prosecutory Staff that Fleeher and CTMA had agreed in principle to resolve the matter. All parties were ready to sign the agreement, when a landslide occurred in the subdivision damaging a pump station and force main in the sewer system. To keep the agreement intact, Fleeher agreed to repair the sewer system. After further consideration, Fleeher and CTMA decided it would be better to eliminate the damaged pump station instead of repairing it. Fleeher then conveyed an easement to CTMA to allow it to build the necessary gravity sewer and this easement was also reflected in the final agreement. Mr. Herschlag advised Prosecutory Staff that Fleeher and CTMA then entered into a Consent Order and Agreement, and that DEP had closed the appeals of the August 5, 2009 Order issued by DEP. He also advised that DEP had issued a January 11, 2010 Cause and Effect Survey documenting that Fleeher had “an adverse effect” on the receiving stream.

On July 27, 2011, Jeff Hollowood, counsel for CTMA, advised the Commission that Fleeher is now offline and its sewage system has been bypassed. He further advised that CTMA has taken over the Fleeher customers; and that CTMA had been directly billing the former Fleeher customers as of July 5, 2011.

On June 23, 2011, and again on July 28, 2011, Prosecutory Staff contacted counsel for Fleeher advising Fleeher to file an Application to Abandon and Transfer its Certificate of Authority with the Commission and stating that Fleeher's actions of allowing another entity to serve the public without first receiving Commission review and approval of an application to abandon its certificate, is illegal, a violation of the Public Utility Code, and subject to fines and such other actions that the Commission may deem necessary. 66 Pa.C.S. §§ 1102(a)(2), and 3301. Prosecutory Staff did not hear back from Fleeher or its counsel regarding filing an application to abandon.

A certificate of public convenience is a privilege and not a contract or property right under which the holder acquires vested rights. *Western Pennsylvania Water Company v. PA Public Utility Commission*, 311 A.2d 370 (Pa. Cmwlth. 1973). As such, a certificate of public convenience may be revoked where the utility fails to perform its essential service functions to the public. In the instant case, it appears that Fleeher is no longer performing any services for the public. The services it was permitted to perform by its certificate are now being provided by CTMA. Thus, Fleeher no longer has any facilities that provide service to the public. Nor has Fleeher filed its annual reports as required by Commission regulations. Based upon the foregoing, we find that Mrs. Fleeher is no longer capable of operating Fleeher in a lawful manner and has failed to provide “adequate, efficient, safe and reasonable service and facilities” in accordance with its statutory duty under Section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 501, 504, 1501, and 3301. Based on these circumstances, we tentatively conclude that it is appropriate to revoke Fleeher's certificate of public convenience. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Fleeher seeks to maintain its certificate of public convenience; *Therefore*,

*It Is Ordered That:*

1. Revocation of Fleeher Sewage Treatment Plant's certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, and the Bureau of Investigation and Enforcement, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificate of public convenience held by Fleeher Sewage Treatment Plant at A-98057-73 shall be canceled, and Fleeher Sewage Treatment Plant's name stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administrative Services.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-170. Filed for public inspection January 27, 2012, 9:00 a.m.]

**Gas and Hazardous Liquids Pipeline Act; Implementation Order**

*Gas and Hazardous Liquids Pipeline Act—  
Implementation Order; Dkt. No. M-2012-2282031*

On December 22, 2011, Governor Corbett signed the Gas and Hazardous Liquids Pipelines Act (Pipeline Act), Act 127 of 2011. The Pipeline Act provides authority to the Pennsylvania Public Utility Commission (Commission) to enforce Federal pipeline safety laws as they relate to non-public utility gas and hazardous liquids pipeline equipment and facilities within the Commonwealth of Pennsylvania.

The Commission issued a tentative Implementation Order to allow interested parties to file formal comments for consideration before finalizing the Implementation Order. Comments are due February 1, 2012. See [http://www.puc.state.pa.us/naturalgas/Act\\_127\\_Info.aspx](http://www.puc.state.pa.us/naturalgas/Act_127_Info.aspx) for further information.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-171. Filed for public inspection January 27, 2012, 9:00 a.m.]

**Service of Notice of Motor Carrier Applications**

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the perma-

ment 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 February 13, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.**

**A-2011-2272889. M & L Transportation, Inc.,** (241 Kurtz Road, Ephrata, Lancaster County, PA 17522)—a corporation of the Commonwealth of Pennsylvania—in paratransit service, from points in Lancaster and Lebanon Counties, to points in Pennsylvania, and return. *Attorney:* E. Richard Young, Jr., 1248 West Main Street, Ephrata, PA 17522.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-172. Filed for public inspection January 27, 2012, 9:00 a.m.]

**Water Service**

**A-2012-2282704. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc. for approval of: 1) the acquisition by Aqua Pennsylvania, Inc. of the water system assets of Bristol Township situated in a portion of Bristol Township, Bucks County; and 2) the right of Aqua Pennsylvania, Inc. to begin to offer, render, furnish or supply water service to the public in an additional portion of Bristol Township, Bucks County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 13, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-173. Filed for public inspection January 27, 2012, 9:00 a.m.]

**Water Service**

**A-2012-2282219 and A-2012-2282221. Columbia Water Company and Marietta Gravity Water Company.** Joint application of Columbia Water Company and Marietta Gravity Water Company for approval of: 1) the transfer of the rights, service obligations, water system and assets used and useful in the operation of the water system of Marietta Gravity Water Company to Columbia

Water Company; 2) the abandonment of service by Marietta Gravity Water Company; and 3) all other approvals or certificates appropriate, customary or necessary under 66 Pa.C.S. Part I (relating to Public Utility Code) to carry out the transactions described in the application.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 7, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Columbia Water Company and Marietta Gravity Water Company

*Through and By Counsel:* Thomas J. Sniscak, Esquire and William E. Lehman, Esquire, Hawke McKeon and Sniscak, LLP, P. O. Box 1778, 100 North Tenth Street, Harrisburg, PA 17101

Jan P. Paden, Esquire, Rhoads and Sinon, LLP, One South Market Square, 12th Floor, P. O. Box 1146, Harrisburg, PA 17108-1146

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-174. Filed for public inspection January 27, 2012, 9:00 a.m.]

**Water Service Assets**

**A-2012-2282709. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc. for approval of the acquisition of certain water service assets in the Concord Park section of Bensalem Township from the Bucks County Water and Sewer Authority and the related transfer to Aqua Pennsylvania, Inc. of 168 customers presently served by the Bucks County Water and Sewer Authority from the acquired assets.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 13, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-175. Filed for public inspection January 27, 2012, 9:00 a.m.]

# PHILADELPHIA REGIONAL PORT AUTHORITY

## Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 12-005.1, Perimeter Fencing at Tioga Marine Terminal, until 2 p.m. on Thursday, February 23, 2012. Information concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement, or call the Engineering Department at (215) 426-2600.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-176. Filed for public inspection January 27, 2012, 9:00 a.m.]

# SUSQUEHANNA RIVER BASIN COMMISSION

## Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a public hearing on February 16, 2012, at 2:30 p.m. at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, PA. At this public hearing the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for March 15, 2012, which will be noticed separately. Included in the list of projects scheduled for comment at the public hearing are both new projects and certain projects that were acted upon at the Commission's December 15, 2011, public hearing held in Wilkes-Barre, PA. The Commission is affording this opportunity for additional comment due to the disruptive behavior of certain individuals that prevented many interested persons from being able to offer testimony at the December 15, 2011, public hearing. To give due consideration of any new oral or written comment received on the projects, the Commission will reconsider, at its March 2012, meeting, the actions taken on December 15, 2011. Details concerning the list of all projects that are the subject of the public hearing are contained in the Supplementary Information section of this notice. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. There will be no opportunity for further comment on these projects at the Commission's business meeting in March 2012, where the Commission is expected to take action thereon. The deadline for written comments on all the projects is February 27, 2012.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, [rcairo@srbc.net](mailto:rcairo@srbc.net); or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, [srichardson@srbc.net](mailto:srichardson@srbc.net). Information concerning the applications for these projects is available at the Commission Water Resource Portal at [www.srbc.net/wrp](http://www.srbc.net/wrp). Materials and supporting documents are available to inspect and copy in accordance with the Commission's

Access to Records Policy at [www.srbc.net/pubinfo/docs/2009-02%20Access%20to%20Records%20Policy%209-10-09.PDF](http://www.srbc.net/pubinfo/docs/2009-02%20Access%20to%20Records%20Policy%209-10-09.PDF).

### Supplementary Information

The public hearing will cover the following projects:

#### *Projects originally considered at the December 15, 2011, Public Hearing*

1. Project Sponsor: Anadarko E&P Company, LP. Project Facility: Sproul State Forest—Council Run, Snow Shoe Township, Centre County, PA. Application for groundwater withdrawal of up to 0.715 mgd (30-day average) from Well PW-11.

2. Project Sponsor: Bioenergy International, LLC. Project Facility: Bionol Clearfield, LLC, Clearfield Borough, Clearfield County, PA. Modification to conditions of the surface water withdrawal approval (Docket No. 20070904).

3. Project Sponsor: Borough of Ephrata. Project Facility: Ephrata Area Joint Authority, Ephrata Borough, Lancaster County, PA. Modification to conditions of the groundwater withdrawal approval (Docket No. 20110902).

4. Project Sponsor and Facility: Carrizo (Marcellus), LLC (Mosquito Creek-2), Karthaus Township, Clearfield County, PA. Application for surface water withdrawal of up to 2.160 mgd.

5. Project Sponsor and Facility: Central New York Oil and Gas Company, LLC (Susquehanna River), Wilmot Township, Bradford County, PA. Application for surface water withdrawal of up to 0.540 mgd.

6. Project Sponsor and Facility: Central New York Oil and Gas Company, LLC, Wilmot Township, Bradford County, PA. Application for consumptive water use of up to 0.105 mgd.

7. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River—Babcock), Ulster Township, Bradford County, PA. Application for surface water withdrawal of up to 3.000 mgd.

8. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River—Elmglade), Wilmot Township, Bradford County, PA. Application for surface water withdrawal of up to 2.016 mgd.

9. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Towanda Creek—Sechrist), Canton Township, Bradford County, PA. Application for surface water withdrawal of up to 0.504 mgd.

10. Project Sponsor: Clark Trucking, LLC. Project Facility: Northeast Division (Lycoming Creek), Lewis Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.500 mgd.

11. Project Sponsor: Clark Trucking, LLC. Project Facility: Northeast Division (Muncy Creek), Muncy Creek Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.700 mgd.

12. Project Sponsor and Facility: Dunn Lake, LLC (Dunn Pond), Ararat Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.999 mgd.

13. Project Sponsor and Facility: EXCO Resources (PA), LLC (Muncy Creek—McClintock), Penn Township, Lycoming County, PA. Application for surface water withdrawal of up to 1.500 mgd.

14. Project Sponsor: Glenn O. Hawbaker, Inc. Project Facility: Greens Landing Aggregate Plant, Athens Town-

ship, Bradford County, PA. Application for surface water withdrawal of up to 0.249 mgd.

15. Project Sponsor: Glenn O. Hawbaker, Inc. Project Facility: Greens Landing Aggregate Plant, Athens Township, Bradford County, PA. Application for consumptive water use of up to 0.249 mgd.

16. Project Sponsor: Hazleton Creek Properties, LLC. Project Facility: Hazleton Mine Reclamation, Hazleton City, Luzerne County, PA. Modification to increase groundwater withdrawal by an additional 0.145 mgd, for a total of 0.200 mgd (30-day average) (Docket No. 20110307).

17. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Babb Creek), Morris Township, Tioga County, PA. Application for surface water withdrawal of up to 0.950 mgd.

18. Project Sponsor and Facility: Stanley S. Karp, Sr. (Tunkhannock Creek), Nicholson Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.510 mgd.

19. Project Sponsor and Facility: Sugar Hollow Trout Park and Hatchery, Eaton Township, Wyoming County, PA. Modification to project features and conditions of the groundwater withdrawal approval (Docket No. 20100913).

20. Project Sponsor and Facility: Sugar Hollow Water Services, LLC (Susquehanna River—Chellis), Eaton Township, Wyoming County, PA. Application for surface water withdrawal of up to 1.500 mgd.

21. Project Sponsor: The Municipal Authority of the Borough of Berlin. Project Facility: Berlin Borough Municipal Authority, Allegheny Township, Somerset County, PA. Modification to conditions of the groundwater withdrawal approval (Docket No. 19980702).

22. Project Sponsor and Facility: Walker Township Water Association, Walker Township, Centre County, PA. Modification to increase the total groundwater system withdrawal limit from 0.523 mgd to 0.753 mgd (30-day average) (Docket No. 20070905).

23. Project Sponsor and Facility: Williams Production Appalachia, LLC (Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.750 mgd.

24. Project Sponsor and Facility: Williams Production Appalachia, LLC (Snake Creek—2), Franklin Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.999 mgd.

25. Project Sponsor and Facility: Williams Production Appalachia, LLC (Susquehanna River), Great Bend Township, Susquehanna County, PA. Commission-initiated modification to project features and conditions of the surface water withdrawal approval (Docket No. 20090303), making a correction and reducing the approved surface water withdrawal amount from 3.00 mgd to 1.00 mgd.

26. Project Sponsor and Facility: Williams Production Appalachia, LLC (Susquehanna River—2), Great Bend Township, Susquehanna County, PA. Application for surface water withdrawal of up to 2.000 mgd.

*Additional Project for Rescission Action*

1. Project Sponsor and Facility: Texas Eastern Transmission, LP (Susquehanna River) (Docket No. 20110314), East Donegal Township, Lancaster County, PA.

*Additional Projects*

1. Project Sponsor and Facility: Anadarko E&P Company, LP (Lycoming Creek), Lewis Township, Lycoming County, PA. Application for surface water withdrawal of up to 1.340 mgd (peak day).

2. Project Sponsor and Facility: Aqua Infrastructure, LLC (West Branch Susquehanna River), Piatt Township, Lycoming County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

3. Project Sponsor and Facility: Aqua Resources, Inc. (Susquehanna River), Athens Township, Bradford County, PA. Application for surface water withdrawal of up to 0.900 mgd (peak day).

4. Project Sponsor and Facility: Black Bear Waters, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.400 mgd (peak day).

5. Project Sponsor and Facility: Blossburg Municipal Authority, Bloss Township, Tioga County, PA. Application for groundwater withdrawal of up to 0.396 mgd (30-day average) from Route 15 Well.

6. Project Sponsor and Facility: Buck Ridge Stone, LLC (Salt Lick Creek), New Milford Township, Susquehanna County, PA. Modification to increase surface water withdrawal by an additional 0.637 mgd, for a total of 0.720 mgd (peak day) (Docket No. 20100905).

7. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Susquehanna Depot Borough, Susquehanna County, PA. Modification to increase surface water withdrawal by an additional 0.780 mgd, for a total of 1.500 mgd (peak day) (Docket No. 20080908).

8. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Great Bend Borough, Susquehanna County, PA. Modification to increase surface water withdrawal by an additional 1.280 mgd, for a total of 2.000 mgd (peak day) (Docket No. 20080905).

9. Project Sponsor and Facility: Carrizo (Marcellus), LLC (Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, PA. Modification to conditions of the surface water withdrawal approval (Docket No. 20110604).

10. Project Sponsor and Facility: Carrizo (Marcellus), LLC (Moshannon Creek), Decatur Township, Clearfield County, PA. Application for surface water withdrawal of up to 2.590 mgd (peak day).

11. Project Sponsor and Facility: Carrizo (Marcellus), LLC (Unnamed Tributary of Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, PA. Modification to conditions of the surface water withdrawal approval (Docket No. 20110605).

12. Project Sponsor and Facility: Empire Kosher Poultry, Inc., Walker Township, Juniata County, PA. Modification to increase total groundwater system withdrawal by an additional 0.499 mgd, for a total of 1.269 mgd (30-day average) (Docket No. 20030809).

13. Project Sponsor and Facility: EQT Production Company (Bennett Branch Power), Jay Township, Elk County, PA. Application for surface water withdrawal of up to 2.500 mgd (peak day).

14. Project Sponsor and Facility: EQT Production Company (Wilson Creek), Duncan Township, Tioga County, PA. Application for surface water withdrawal of up to 0.740 mgd (peak day).



15. Project Sponsor: IBM Corporation. Project Facility: Endicott Facility, Village of Endicott, Broome County, NY. Modification to increase total groundwater system withdrawal by an additional 0.499 mgd, for a total of 1.509 mgd (30-day average) (Docket No. 20090329).

16. Project Sponsor and Facility: Jo Jo Oil Company, Inc. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.999 mgd (peak day).

17. Project Sponsor and Facility: Keystone Landfill, Inc., Dunmore Borough, Lackawanna County, PA. Modification to increase groundwater withdrawal by an additional 0.150 mgd, for a total of 0.160 mgd (30-day average) (Docket No. 20080611).

18. Project Sponsor and Facility: Keystone Landfill, Inc., Dunmore Borough, Lackawanna County, PA. Modification to increase consumptive water use by an additional 0.260 mgd, for a total of up to 0.360 mgd (30-day average) (Docket No. 20080611).

19. Project Sponsor and Facility: Northwestern Lancaster County Authority, Penn Township, Lancaster County, PA. Application for groundwater withdrawal of up to 0.324 mgd (30-day average) from Well 2.

20. Project Sponsor and Facility: Northwestern Lancaster County Authority, Penn Township, Lancaster County, PA. Application for groundwater withdrawal of up to 1.000 mgd (30-day average) from Well 3.

21. Project Sponsor: Pine Creek Municipal Authority. Project Facility: Wastewater Treatment Plant, Pine Creek Township, Clinton County, PA. Application for withdrawal of treated wastewater effluent of up to 0.999 mgd.

22. Project Sponsor and Facility: Roaring Spring Water-Division of Roaring Spring Blank Book (Roaring Spring), Roaring Spring Borough, Blair County, PA. Application for surface water withdrawal of up to 0.302 mgd (peak day).

23. Project Sponsor and Facility: Roaring Spring Water—Division of Roaring Spring Blank Book, Roaring Spring Borough, Blair County, PA. Application for consumptive water use of up to 0.255 mgd (30-day average).

24. Project Sponsor and Facility: Southwestern Energy Production Company (Blockhouse Creek), Jackson Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.999 mgd (peak day).

25. Project Sponsor and Facility: Southwestern Energy Production Company (East Branch Tunkhannock Creek), Lenox Township, Susquehanna County, PA. Application for surface water withdrawal of up to 1.500 mgd (peak day).

26. Project Sponsor and Facility: Southwestern Energy Production Company (Susquehanna River), Oakland Township, Susquehanna County, PA. Application for surface water withdrawal of up to 3.000 mgd (peak day).

27. Project Sponsor and Facility: Southwestern Energy Production Company (Tunkhannock Creek), Lenox Township, Susquehanna County, PA. Application for surface water withdrawal of up to 1.500 mgd (peak day).

28. Project Sponsor and Facility: Stanley S. Karp, Sr. (Tunkhannock Creek), Nicholson Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.510 mgd (peak day).

29. Project Sponsor and Facility: SWEPI, LP (Cowanessque River—Egleston), Nelson Township, Tioga County, PA. Modification to increase surface water withdrawal by an additional 0.267 mgd, for a total of 0.534 mgd (peak day) (Docket No. 20100604).

30. Project Sponsor: Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, PA. Application for consumptive water use of up to 0.387 mgd (30-day average).

31. Project Sponsor: Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, PA. Application for groundwater withdrawal of up to 0.172 mgd from Well 1, and a total system withdrawal limit of up to 0.391 mgd (30-day average).

32. Project Sponsor: Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, PA. Application for groundwater withdrawal of up to 0.172 mgd from Well 2, and a total system withdrawal limit of up to 0.391 mgd (30-day average).

33. Project Sponsor: Viking Energy of Northumberland, LLC. Project Facility: Power Plant, Point Township, Northumberland County, PA. Application for groundwater withdrawal of up to 0.172 mgd from Well 4, and a total system withdrawal limit of up to 0.391 mgd (30-day average).

34. Project Sponsor and Facility: Water Treatment Solutions, LLC (South Mountain Lake), Wood Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.499 mgd (peak day).

#### *Opportunity to Appear and Comment*

Interested parties may appear at the hearing to offer comments to the Commission on any project listed previously. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Ground rules for the hearing will be clearly stated prior to the hearing and disruptive behavior will not be tolerated. Ground rules will be posted on the Commission's web site, [www.srbc.net](http://www.srbc.net), prior to the hearing for review. The presiding officer reserves the right to modify or supplement such rules at the hearing. Written comments on any project listed previously may also be mailed to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391, or submitted electronically to Richard A. Cairo, General Counsel, [rcairo@srbc.net](mailto:rcairo@srbc.net) or Stephanie L. Richardson, Secretary to the Commission, [srichardson@srbc.net](mailto:srichardson@srbc.net). Comments mailed or electronically submitted must be received by the Commission on or before February 27, 2012, to be considered.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: January 12, 2012.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 12-177. Filed for public inspection January 27, 2012, 9:00 a.m.]