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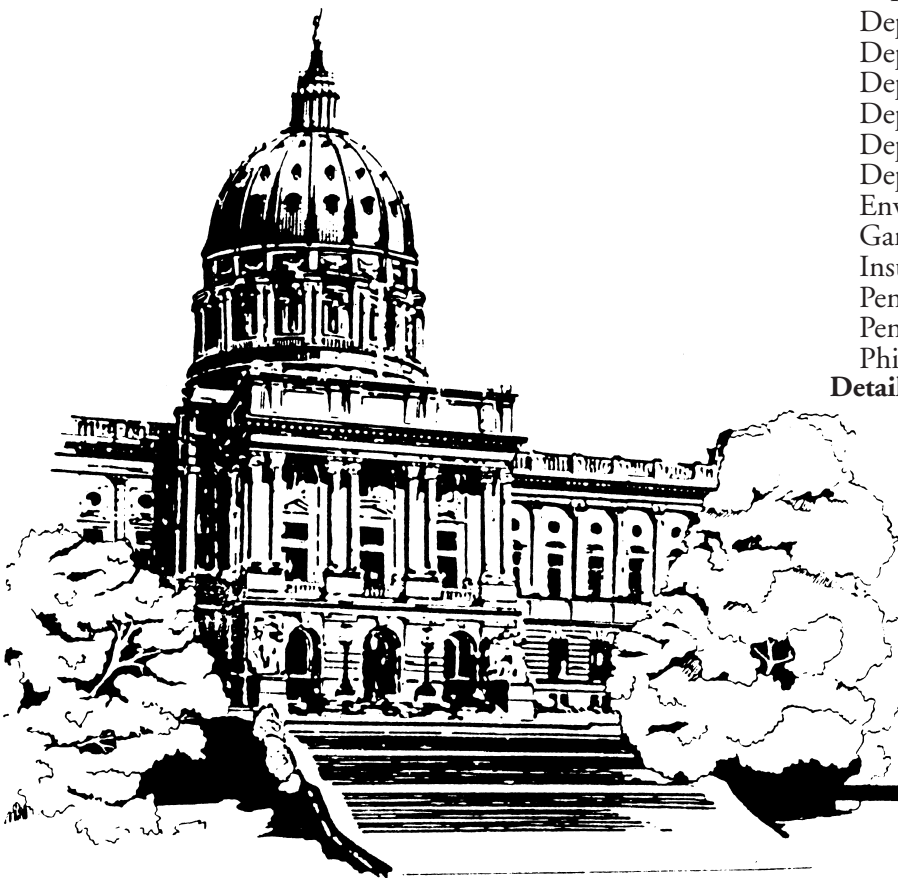
PENNSYLVANIA BULLETIN

Volume 41
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Philadelphia Regional Port Authority

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(Master Transmittal Sheets):**

No. 435, February 2011

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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 2011.

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THE GENERAL ASSEMBLY

Chair Sought for Legislative Reapportionment Commission

The four caucus floor leaders—Senate Majority Leader Dominic Pileggi, House Majority Leader Mike Turzai, Senate Democratic Leader Jay Costa, and House Democratic Leader Frank Dermody—are seeking applications from individuals interested in serving as the chair of the 2011 Legislative Reapportionment Commission (LRC).

The LRC is a five-member panel responsible for re-drawing the boundaries for state Senate and state House districts. Article II, Section 17, of the state constitution names the four caucus floor leaders as members of the Commission. They are to choose a fifth member, who serves as chair of the LRC. The constitution requires that the chair of the LRC be a citizen of Pennsylvania who does not hold a local, state or federal office to which compensation is attached.

Applicants should send a resume or curriculum vitae, along with a letter explaining their qualifications to serve as chair of the Commission and their reasons for being interested in the position, to:

Legislative Reapportionment Commission
c/o Kathy Sullivan, Executive Director
Legislative Data Processing Center
G-27 North Office Building
Harrisburg, PA 17120

Submissions can also be sent via email to redistricting@palegislature.us.

DOMINIC PILEGGI,
Majority Leader
Senate of Pennsylvania

JAY COSTA,
Democratic Leader
Senate of Pennsylvania

MIKE TURZAI,
Majority Leader
House of Representatives

FRANK DERMODY,
Democratic Leader
House of Representatives

[Pa.B. Doc. No. 11-240. Filed for public inspection February 11, 2011, 9:00 a.m.]

HOUSE OF REPRESENTATIVES

Committee Designation under the Regulatory Review Act

Pursuant to the provisions of Act No. 181 of 1982, as amended, the Regulatory Review Act, the Speaker of the House is required to prescribe the jurisdiction of each standing committee of the House over the various State agencies for the purpose of reviewing proposed regulations.

I have, therefore, submitted the designated House committee to which you should submit any regulations which you may propose during the 2011-2012 Legislative Sessions.

* Any department, departmental administrative board or commission, independent board, commission, or authority not contained in this list is assigned to the same designated standing committee as is their parent agency.

SAMUEL H. SMITH,
The Speaker

Committee Referrals

Aging and Older Adult Services Committee

Department of Aging (Except Office of Long Term Living)

Agriculture and Rural Affairs Committee

Department of Agriculture
Milk Marketing Board
Bureau of Farm Show
Agriculture Land Preservation Board
State Conservation Commission

Appropriations Committee

Budget
Auditor General
State Treasurer
Pennsylvania Infrastructure Investment Authority

Children and Youth Committee

Department of Public Welfare—(Only those regulations promulgated by the Office of Children, Youth and Families and the Office of Child Development and Learning, any other regulations issued by the Department of Public Welfare relating to child care.)

Commerce Committee

Department of Community and Economic Development
Securities Commission
Pennsylvania Housing Financing Agency
Pennsylvania Industrial Development Authority
Department of Banking

Consumer Affairs Committee

Public Utility Commission

Education Committee

Department of Education
Public School Employes' Retirement System
Higher Education Facilities Authority
PHEAA

State Board of Education
State Board of Private Academic Schools
State Board of Private Licensed Schools
Professional Standards and Practices Commission
State Public School Building authority
Board of Governors of State System of Higher Education

Environmental Resources and Energy Committee

Department of Environmental Protection
Department of Conservation and Natural Resources
Environmental Quality Board
State Board for Sewage Treatment Plant and Waterworks Operators
Environmental Hearing Board

Finance Committee

Department of Revenue
Board of Claims
State Tax Equalization Board
Board of Finance and Revenue
Commonwealth Financing Authority

Gaming Oversight Committee

Gaming Control Board—(Except for regulations promulgated by the Board relating to the sale and service of liquor and malt or brewed beverages by slot machine licensees.)
Harness Racing Commission
Horse Racing Commission

Health Committee

Department of Health—(Only those regulations promulgated by the Office of Health Planning and Assessment and the Office of Quality Assurance with the exception of community programs.)

Department of Welfare—(Only those regulations promulgated by the Office of Income Maintenance and the Office of Medical Assistance.)

Human Services Committee

Department of Drug and Alcohol Programs

Department of Health—(Only those regulations promulgated by the Office of Health Promotion and Disease Prevention and the Bureau of Community Program Licensure and Certification.)

Department of Public Welfare—(Only those regulations promulgated by the Office of Mental Health and Substance Abuse Services, Office of Developmental Programs, and the Office of Long Term Living.)

Insurance Committee

Department of Insurance

State Workmen's Insurance Board

Underground Storage Indemnification Fund

Judiciary Committee

State Police

Pennsylvania Commission on Crime and Delinquency

Department of Corrections

Office of General Counsel

Attorney General

Board of Pardons

Board of Probation and Parole

State Ethics Commission

Pennsylvania Commission on Sentencing

Municipal Police Officers Education and Training Commission

Labor and Industry Committee

Civil Service Commission

Department of Labor and Industry

Unemployment Compensation Appeals Board of Review

Labor Relations Board

Workmen's Compensation Appeal Board

Office for the Deaf and Hearing Impaired

Industrial Board

Liquor Control Committee

Liquor Control Board

Gaming Control Board—(Only those regulations relating to the sale and service of liquor and malt or brewed beverages by slot machine licensees.)

Local Government Committee

Pennsylvania Municipal Retirement System

Professional Licensure Committee

Navigation Commission for the Delaware River
Accountancy Board

Architect Licensure Board

Auctioneer Examiners Board

Barber Examiners Board

Certified Real Estate Appraisers Board

Cosmetology Board

Funeral Directors Board

Landscape Architects Board

Professional Engineers Board

Real Estate Commission

Vehicle Board

Chiropractic Examiners Board

Dentistry Board

Medicine Board

Nursing Home Administrators Board

Occupational Therapy Education and Licensure Board

Optometrical Examiners Board

Osteopathic Medicine Board

Pharmacy Board

Physical Therapy Board

Podiatry Board

Psychology Board

State Board of Social Workers, Marriage and Family

Therapists and Professional Counselors

Speech-Language and Hearing Examiners Board

Veterinary Medical Examiners Board

Nurse Board

Crane Operators Board

Massage Therapists Board

State Government Committee

Department of General Services

Department of State

Human Relations Commission

PPTN

State Employees' Retirement Commission

Governor's Office

Public Employee Retirement Commission

State Athletic Commission

Independent Regulatory Review Commission

Joint Committee on Documents

Tourism and Recreational Development Committee

Historical and Museum Commission

Transportation Committee

Department of Transportation

Turnpike Commission

State Transportation Commission

Urban Affairs Committee

Philadelphia Parking Authority

Veterans Affairs and Emergency Preparedness Committee

Department of Military and Veterans Affairs

Pennsylvania Emergency Management Agency

Department of Health—(Only those regulations promulgated by the Bureau of Emergency Medical Services.)

[Pa.B. Doc. No. 11-241. Filed for public inspection February 11, 2011, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 5 AND 10]

Order Amending Rules 542, 543, 1001, and 1003 of the Rules of Criminal Procedure; No. 398 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 27th day of January, 2011, the proposal having been made without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Criminal Procedure 542, 543, 1001, and 1003 are amended, all in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

Annex A

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

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 542. Preliminary Hearing; Continuances.

* * * * *

(D) At the preliminary hearing, the issuing authority shall determine from the evidence presented whether there is a *prima facie* case that (1) an offense has been committed and (2) the defendant has committed it.

(E) Hearsay as provided by law shall be considered by the issuing authority in determining whether a *prima facie* case has been established. Hearsay evidence shall be sufficient to establish any element of an offense requiring proof of the ownership of, non-permitted use of, damage to, or value of property.

[(D)] (F) In any case in which a summary offense is joined with a misdemeanor, felony, or murder charge, the issuing authority shall not proceed on the summary offense except as provided in Rule 543(F).

[(E)] (G) CONTINUANCES

* * * * *

Comment

* * * * *

[Former paragraph (D) concerning the procedures when a *prima facie* case is found was deleted in 2004 as unnecessary because the same procedures are set forth in Rule 543 (Disposition of Case at Preliminary Hearing).]

Paragraph (E) was added to the rule in 2011 to clarify that traditionally our courts have not ap-

plied the law of evidence in its full rigor in proceedings such as preliminary hearings, especially with regard to the use of hearsay to establish the elements of a *prima facie* case. See the Pennsylvania Rules of Evidence generally, but in particular, Article VIII. Accordingly, hearsay, whether written or oral, may establish the elements enumerated in paragraph (E). That enumeration is not comprehensive, and hearsay is admissible to establish other matters as well. The presence of witnesses to establish these elements is not required at the preliminary hearing. See also Rule 1003 concerning preliminary hearings in Philadelphia Municipal Court.

If the case is held for court, the normal rules of evidence will apply at trial.

For the procedures when a defendant fails to appear for the preliminary hearing, see Rule 543(D).

In cases in which summary offenses are joined with misdemeanor, felony, or murder charges, pursuant to paragraph [(D)] (F), during the preliminary hearing, the issuing authority is prohibited from proceeding on the summary offenses, including the taking of evidence on the summary offenses, or adjudicating or disposing of the summary offenses except as provided in Rule 543(F).

For the contents of the transcript, see Rule 135.

Official Note: Former Rule 141, previously Rule 120, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered Rule 141 and amended September 18, 1973, effective January 1, 1974; amended June 30, 1975, effective July 30, 1975; amended October 21, 1977, effective January 1, 1978; paragraph (D) amended April 26, 1979, effective July 1, 1979; amended February 13, 1998, effective July 1, 1998; rescinded October 8, 1999, effective January 1, 2000. Former Rule 142, previously Rule 124, adopted June 30, 1964, effective January 1, 1965, suspended effective May 1, 1970; present rule adopted January 31, 1970, effective May 1, 1970; renumbered Rule 142 September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; effective date extended to July 1, 1982; amended July 12, 1985, effective January 1, 1986, effective date extended to July 1, 1986; rescinded October 8, 1999, effective January 1, 2000. New Rule 141, combining former Rules 141 and 142, adopted October 8, 1999, effective January 1, 2000; renumbered Rule 542 and Comment revised March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended March 9, 2006, effective September 1, 2006; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; **amended January 27, 2011, effective in 30 days.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the May 1, 2007 amendments deleting the certified mail service requirement from paragraph [(D)(2)(b)] (E)(2)(b) published with the Court's Order at 37 Pa.B. 2503 (June 2, 2007).

Rule 543. Disposition of Case at Preliminary Hearing.

* * * * *

(B) If the issuing authority finds that the Commonwealth [establishes] has established a *prima facie* case [of the defendant's guilt] that an offense has been committed and the defendant has committed it, the issuing authority shall hold the defendant for court on the offense(s) on which the Commonwealth established a *prima facie* case. [Otherwise,] If there is no offense for which a *prima facie* case has been established, the issuing authority shall discharge the defendant [shall be discharged].

* * * * *

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

* * * * *

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

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

* * * * *

(d) If a continuance is granted, the issuing authority shall give the parties notice of the new date and time as provided in Rule 542[(E)(2)](G)(2), and may issue a bench warrant. If a bench warrant is issued and the warrant remains unserved for the continuation of the preliminary hearing, the issuing authority shall vacate the bench warrant. The case shall proceed as provided in paragraphs (D)(3)(b) or (c).

* * * * *

Comment

Paragraph (B) was amended in 2011 to clarify what is the current law in Pennsylvania that, based on the evidence presented by the Commonwealth at the preliminary hearing, the issuing authority may find that the Commonwealth has not made out a *prima facie* case as to the offense charged in the complaint but has made out a *prima facie* case as to a lesser offense of the offense charged. In this case, the issuing authority may hold the defendant for court on that lesser offense only. The issuing authority, however, may not *sua sponte* reduce the grading of any charge.

See Rule 1003 (Procedure In Non-Summary Municipal Court Cases) for the preliminary hearing procedures in Municipal Court, including reducing felony charges at the preliminary hearing in Philadelphia.

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

* * * * *

If the issuing authority determines that there is good cause explaining why the defendant failed to appear, the preliminary hearing must be continued and rescheduled

for a date certain. See paragraph (D)(2). For the procedures when a preliminary hearing is continued, see Rule 542[(E)](G).

* * * * *

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

* * * * *

Rule 542[(D)](F) specifically prohibits an issuing authority at a preliminary hearing from proceeding on any summary offenses that are joined with misdemeanor, felony, or murder charges, except as provided in paragraph (F) of this rule. Paragraph (F) sets forth the procedures for the issuing authority to handle these summary offenses at the preliminary hearing. These procedures include the issuing authority (1) forwarding the summary offenses together with the misdemeanor, felony, or murder charges held for court to the court of common pleas, or (2) disposing of the summary offenses as provided in Rule 454 by accepting a guilty plea or conducting a trial whenever (a) the misdemeanor, felony, and murder charges are withdrawn, or (b) a *prima facie* case is not established at the preliminary hearing and the Commonwealth requests that the issuing authority proceed on the summary offenses.

* * * * *

Paragraph (G) emphasizes the general rule that once a case has been bound over to the court of common pleas, [it shall not] the case is not permitted to be remanded to the issuing authority. There is a limited exception to the general rule in the situation in which the right to a previously waived preliminary hearing is reinstated and the parties agree, with the consent of the common pleas judge, that the preliminary hearing be held before the issuing authority. See Rule 541(D).

Nothing in this rule would preclude the refile of one or more of the charges, as provided in these rules.

See Rule 313 for the disposition of any summary offenses joined with misdemeanor or felony charges when the defendant is accepted into an ARD program on the misdemeanor or felony charges.

[See Rule 1003 (Procedure in Non-Summary Municipal Court Cases) for the preliminary hearing procedures in Municipal Court.]

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

amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 142 October 8, 1999, effective January 1, 2000; renumbered Rule 543 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended December 30, 2005, effective August 1, 2006; amended March 9, 2006, effective September 1, 2006; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; amended February 12, 2010, effective April 1, 2010; **amended January 27, 2011, effective in 30 days.**

Committee Explanatory Reports:

Report explaining the August 9, 1994 amendments published at 22 Pa.B. [6] 18 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. [4325] 4342 (August 27, 1994).

Final Report explaining the September 13, 1995 amendments published with the Court's Order at 25 Pa.B. [4100] 4116 (September 30, 1995).

Final Report explaining the October 8, 1999 renumbering of Rule 143 published with the Court's Order at 29 Pa.B. [5505] 5509 (October 23, 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 August 24, 2004 changes concerning the procedures when a defendant fails to appear published with the Court's Order at 34 Pa.B. [5016] 5025 (September 11, 2004).

Final Report explaining the December 30, 2005 changes adding references to bench warrants published with the Court's Order at 36 Pa.B. [181] 184 (January 14, 2006).

Final Report explaining the March 9, 2006 amendments adding new paragraphs (E) and (F) published with the Court's Order at 36 Pa.B. [1385] 1392 (March 25, 2006).

Final Report explaining the May 19, 2006 amendments correcting cross-references to Rule 529 published with the Court's Order at 36 Pa.B. [2631] 2633 (June 3, 2006).

* * * * *

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

Rule 1001. Disposition of Criminal Cases—Philadelphia Municipal Court.

* * * * *

(D) The attorney for the Commonwealth may file with the Municipal Court Clerk of [**Quarter Sessions**] **Courts** a written certification to exercise the Commonwealth's right to a jury trial in a Municipal Court case. The attorney for the Commonwealth shall serve a copy of the certification on counsel for the defendant, or the defendant if unrepresented, and on the President Judge of Municipal Court. Upon receipt of the certification, the President Judge [**shall**] promptly **shall** schedule a preliminary hearing, and the case shall be conducted as provided in Rules 541, 542, [**and**] 543, and **1003(E)**. When a case is held for court, the case shall remain in the Common Pleas Court through final disposition.

Comment

This rule, which defines "Municipal Court [**Case**] **case**," is intended to ensure that the Municipal Court will take dispositive action, including trial and verdict when appropriate, in any criminal case that does not involve a felony, excluding summary cases under the Vehicle Code. The latter are under the jurisdiction of the Philadelphia Traffic Court, see 42 Pa.C.S. §§ 1301—1303, 1321.

Paragraph (D) was added in 2007 in accord with the 1998 amendment to article I, § 6 of the Pennsylvania Constitution that provides that "the Commonwealth shall have the same right to trial by jury as does the accused." See *Commonwealth v. Hargraves*, 883 A.2d 616 (Pa. Super. 2005), *allocatur denied*, 587 Pa. 711, 898 A.2d 1069 ([**Pa.**] 2006). The filing and service requirement in paragraph (D) must be accomplished as provided in Rule 576. Once a case is bound over to Common Pleas Court, the trial judge may not remand the case to the Municipal Court for any reason, even if the right to jury trial is waived.

Official Note: Present Rule 6001 adopted March 28, 1973, effective March 28, 1973, replacing prior Rule 6001; amended June 28, 1974, effective July 1, 1974; paragraph (C) added February 10, 1975, effective immediately; title amended July 1, 1980, effective August 1, 1980; Comment revised January 28, 1983, effective July 1, 1983; amended June 19, 1996, effective July 1, 1996; amended August 28, 1998, effective immediately; renumbered Rule 1001 and Comment revised March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended January 5, 2007, effective March 6, 2007; **amended January 27, 2011, effective in 30 days.**

* * * * *

PART A. Philadelphia Municipal Court Procedures
Rule 1003. Procedure in Non-Summary Municipal Court Cases.

* * * * *

(E) PRELIMINARY HEARING IN CASES CHARGING A FELONY

[**In**] (1) **Except as provided in paragraphs (E)(2) and (E)(3), in cases charging a felony, the preliminary hearing in Municipal Court shall be conducted as provided in Rule 542 (Preliminary Hearing; Continuances) and Rule 543 (Disposition of Case at Preliminary Hearing).**

(2) **At the preliminary hearing, the issuing authority shall determine whether there is a prima facie case that an offense has been committed and that the defendant has committed it.**

(a) **Hearsay as provided by law shall be considered by the issuing authority in determining whether a prima facie case has been established.**

(b) **Hearsay evidence shall be sufficient to establish any element of an offense requiring proof of the ownership of, non-permitted use of, damage to, or value of property.**

(3) **If a prima facie case is not established on any felony charges, but is established on any misdemeanor or summary charges, the judge shall remand the case to Municipal Court for trial.**

(F) ACCEPTANCE OF BAIL PRIOR TO TRIAL

The Clerk of [**Quarter Sessions**] **Courts** shall accept bail at any time prior to the Municipal Court trial.

Comment

* * * * *

If the attorney for the Commonwealth exercises the options provided by Rule 202, Rule 507, or both, the attorney must file the certifications required by paragraphs (B) of Rules [507 and 202] 202 and 507 with the Court of Common Pleas of Philadelphia County and with the Philadelphia Municipal Court. For the contents of the complaint, see Rule 504.

* * * * *

Under paragraphs (A) and (D), if a defendant has been arrested without a warrant, the issuing authority must make a prompt determination of probable cause before the defendant may be detained. *See Riverside v. McLaughlin*, 500 U.S. 44 [, 111 S.Ct. 1661, 114 L.Ed.2d 49] (1991). The determination may be based on written affidavits, an oral statement under oath, or both.

* * * * *

Paragraphs (D)(3)(d)(iii) and (E) make it clear that, [except for the time for the preliminary hearing] with some exceptions, the procedures in Municipal Court for both preliminary hearings and cases in which the defendant fails to appear for the preliminary hearing are the same as the procedures in the other judicial districts.

Paragraph (E)(2)(a) permits the use of hearsay at the preliminary hearing to establish certain elements of specific crimes. *But compare Commonwealth ex rel. Buchanan v. Verbonitz*, 525 Pa. 413, 581 A.2d 172 (1990) (plurality) (disapproving reliance on hearsay testimony as the sole basis for establishing a *prima facie* case). Nothing in this rule is intended to prohibit the use of hearsay at the preliminary hearing as otherwise permitted by case law or other authority. *See, e.g.*, the Pennsylvania Rules of Evidence generally, but in particular, Article VIII.

Paragraph (E)(2)(b) provides that hearsay, whether written or oral, may establish the elements enumerated in paragraph (E)(2). That enumeration is not comprehensive, and hearsay is admissible to establish other matters as well. The presence of witnesses to establish these elements is not required at the preliminary hearing.

For purposes of modifying bail once bail has been set by a common pleas judge, see Rules 529 and 536.

Official Note: Original Rule 6003 adopted June 28, 1974, effective July 1, 1974; amended January 26, 1977, effective April 1, 1977; amended December 14, 1979, effective April 1, 1980; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective January 1, 1982; Comment revised December 11, 1981, effective July 1, 1982; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; rescinded August 9, 1994, effective January 1, 1995. New Rule 6003 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; amended March 22, 1996, effective July 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; amended August 28, 1998, effective immediately; renumbered Rule 1003 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended August 24, 2004, effective August 1, 2005; amended

August 15, 2005, effective February 1, 2006; amended April 5, 2010, effective April 7, 2010; **amended January 27, 2011, effective in 30 days.**

Committee Explanatory Reports:

Report explaining the provisions of the new rule published at 22 Pa.B. [6,] 18 (January 4, 1992). Final Report published with the Court's Order at 24 Pa.B. [4325,] 4342 (August 27, 1994).

Final Report explaining the September 13, 1995 amendments published with Court's Order at 25 Pa.B. [4100,] 4116 (September 30, 1995).

Final Report explaining the March 22, 1996 amendments published with the Court's Order at 26 Pa.B. [1684,] 1690 (April 13, 1996).

Final Report explaining the August 28, 1998 amendments published with the Court's Order at 28 Pa.B. [4624,] 4627 (September 12, 1998).

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 May 10, 2002 amendments concerning advanced communication technology published with the Court's Order at 32 Pa.B. [2582,] 2591 (May 25, 2002).

Final Report explaining the August 24, 2004 changes clarifying preliminary arraignment and preliminary hearing procedures in Municipal Court cases published with the Court's Order at 34 Pa.B. [5016,] 5025 (September 11, 2004).

Final Report explaining the August 15, 2005 amendments to paragraphs (A)(2)(b)(ii) and (D)(3)(d)(ii) published with the Court's Order at 35 Pa.B. [4914,] 4918 (September 3, 2005).

[Pa.B. Doc. No. 11-242. Filed for public inspection February 11, 2011, 9:00 a.m.]

Title 25—LOCAL COURT RULES

CENTRE COUNTY

Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Magisterial District Court; No. 11-103

And Now, this 17th of January, 2011, in accordance with the Judicial 4301(b), and pursuant to the code, 42 Pa.C.S. Public Access Policy of the Unified Judicial system of Pennsylvania: Official Case Records of the Magisterial District Courts adopted by the Pennsylvania Supreme Court effective July 1, 2010, *It is Hereby Ordered* that the following procedures shall be utilized to ensure a policy is in place to govern public access to the records of the Magisterial District Courts within the 49th Judicial District.

It Is Further Ordered that one (1) certified copy of this Order shall be filed with the Administrative Office of the Pennsylvania Courts; that two (2) certified paper copies and one (1) diskette or CD-ROM containing this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

Keep continuously available for public inspection copies of the Order and Rule in the Prothonotary and Clerk of Courts Office.

This Order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

1. Public Request Access

Verbal requests for records are to be filled within 48 hours. (a)

Information subject to a sealing order, restricted by law or court rule, (b) and the court's notes, drafts and work product are not accessible to the public.

Magisterial district courts have the discretion to require that a (c) "complex or voluminous" request be submitted in writing on a form supplied by the AOPC. Exactly what is "complex or voluminous" may vary from court to court depending on factors such as court resources and case load.

All denials for record requests must be issued in writing and the requestor, (d) within 15 business days of notification of the decision, can appeal such a denial to the Administrator of the Administrative Office for Magisterial District Judges, 102 South Allegheny Street, Room 208, Centre County Courthouse, Bellefonte, PA 16823.

2. Fee Schedule

Copying is \$.25 per page. (a)

Preparing, copying and refilling requested court documents is \$16.00 per half hour of staff time. (b)

For mailing of cases, the actual cost of the certified, return receipt mail plus staff time for collecting and preparing the information. (c)

Fees paid for services rendered are nonrefundable. (d)

3. The effective date of this Order shall be April 1, 2011.

By the Court

DAVID E. GRINE,
President Judge

[Pa.B. Doc. No. 11-243. Filed for public inspection February 11, 2011, 9:00 a.m.]

CUMBERLAND COUNTY

Local Rule 1028(c)(5); Civil Term; 96-1335 Civil

Order

And Now, this 26th day of January, 2011, the following Rules of the Court of Common Pleas of Cumberland County, Pennsylvania, are hereby promulgated and adopted for use, effective upon publication on the Administrative Office of Pennsylvania Courts website, Rule 1028(c)(5) of the Cumberland County Rules of Procedure is amended to read as follows:

(5) A brief with two copies containing a statement of facts, discussion of the issues and reference to all authorities relied upon, shall be filed with the Court Administrator before argument. A brief may not be filed with the Court Administrator until the matter has been listed for argument. The party seeking the order shall furnish these briefs and serve a copy of the brief upon opposing counsel or any unrepresented party twelve (12) days before the date set for argument. A responding party shall furnish briefs in a similar manner five (5) days before the date set for argument. Argument may be denied to any party who fails to comply with the filing requirements of this paragraph.

Pursuant to Pa. R.C.P. 239.8, the Court Administrator is directed to forward one (1) copy to the Supreme Court Civil Procedural Rules Committee.

By the Court

KEVIN A. HESS,
President Judge

[Pa.B. Doc. No. 11-244. Filed for public inspection February 11, 2011, 9:00 a.m.]

CUMBERLAND COUNTY

Local Rule 1302-5; Civil Term; 96-1335 Civil

Order

And Now, this 3rd day of January, 2011, effective this date or thirty (30) days after publication in the *Pennsylvania Bulletin*, Rule 1302-5 of the Cumberland County Rules is amended to read as follows:

Rule 1302-5. Unless otherwise ordered by the court, following the filing of the award, the Chairman of the Board of Arbitrators shall be paid the sum of \$130.00. Other members of the Board shall be paid the sum of \$110.00. In the event that the appointment of the Board is vacated, the Chairman shall be entitled to an administrative fee as ordered by the Court.

Note: Formerly Local Rule 407.

Adopted May 15, 1981, effective May 15, 1981, amended April 17, 1984, effective June 4, 1984.

Amended May 13, 1988, effective June 1, 1988,

Amended January 2, 1991, effective February 1, 1991.

Amended January 3, 2011, effective January 3, 2011.

Pursuant to Pa.R.C.P. 239, the Court Administrator is directed to forward seven (7) certified copies of this order to the Administrative Office of Pennsylvania Courts, two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, together with a diskette, formatted in Microsoft Word for Windows reflecting the text in hard copy version, one (1) copy to the Supreme Court Civil Procedural Rules Committee and/or the Supreme Court Domestic Relations Committee, and one (1) copy to the *Cumberland Law Journal*.

By the Court

KEVIN A. HESS,
President Judge

[Pa.B. Doc. No. 11-245. Filed for public inspection February 11, 2011, 9:00 a.m.]

LUZERNE COUNTY

Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Court; No. 882-2011**Administrative Order No. 2011-1**

And Now, this 25th day of January, 2011, pursuant to the Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts adopted by the Pennsylvania Supreme Court effective July 1, 2010 and in accordance with Rule of Judicial Administration 103(c), it is hereby *Ordered* and *Decreed* that the Luzerne County Court of Common Pleas *Adopts* the following fee schedule to govern public access to the records of the Magisterial District Courts within the 11th Judicial District.

1. The price per page of photocopying/printing shall be \$.25.

2. There shall be a charge of \$8.00 for each quarter hour associated with the preparation/copying and re-filing of court documents involving "complex or voluminous" requests.

3. Pre-payment of estimated costs for services may be required at the discretion of the Magisterial District Judge.

4. A Magisterial District Court may, in that Court's discretion, require that a request for "complex or voluminous" records be made in writing on a form provided by the Administrative Office of Pennsylvania Courts.

5. Magisterial District Courts shall have discretion to determine what is a "complex or voluminous" request as "complex or voluminous" may vary from Court to Court depending on factors including, but not limited to, the available Court resources at the time of the request.

6. Fees paid for services are non-refundable, except any overpayments made as a result of estimated pre-payment required.

7. Fees may be waived if the Magisterial District Judge determines that the requester is indigent.

8. All fees received pursuant to this rule shall be remitted monthly to the Luzerne County General Fund.

9. This rule shall take effect thirty (30) days after it is published in the *Pennsylvania Bulletin*.

The Luzerne County District Court Administrator is *Ordered* and *Directed* to do the following:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Forward one (1) copy for publication in the *Luzerne Legal Register*.

5. Forward one (1) copy to the Wilkes-Barre Law and Library Association.

6. Keep continuously available for public inspection copies of this Administrative Order in the Office of Court Administration, Clerk of Court's Office and each Luzerne County Magisterial District Court.

This Order shall also be published on the website of the Administrative Office of Pennsylvania Courts (www.aopc.org) as well as Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

By the Court

THOMAS F. BURKE, Jr.,
President Judge

[Pa.B. Doc. No. 11-246. Filed for public inspection February 11, 2011, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that G. Jeffrey Moeller having been suspended from the practice of law in the State of New Jersey for a period of three months by Order of the Supreme Court of New Jersey dated December 9, 2009, the Supreme Court of Pennsylvania issued an Order dated January 19, 2011 suspending G. Jeffrey Moeller from the practice of law in this Commonwealth for a period of three months, effective February 18, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 11-247. Filed for public inspection February 11, 2011, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 250]

Corrective Amendment to 25 Pa. Code Chapter 250, Appendix A, Tables 1, 2, 3b and 4b

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code Chapter 250 Appendix A, Tables 1, 2, 3b and 4b, as deposited with the Legislative Reference Bureau, and the official text published at 41 Pa.B. 230 (January 8, 2011) and text which will be codified in the March 2011 *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 436). Amendments to the tables made by the agency were not included in the final-form rulemaking published at 41 Pa.B. 230.

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code Chapter 250 Appendix A, Tables 1, 2, 3b and 4b. The corrective amendment to 25 Pa. Code Chapter 250 Appendix A, Tables 1, 2, 3b and 4b is effective as of January 8, 2011, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct versions of 25 Pa. Code Chapter 250 Appendix A, Tables 1, 2, 3b and 4b appear in Annex A, with ellipses referring to the existing text of the tables.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

SUBPART D. ENVIRONMENTAL HEALTH AND SAFETY

CHAPTER 245. ADMINISTRATION OF THE LAND RECYCLING PROGRAM

APPENDIX A

APPENDIX A

**TABLE 1—MEDIUM-SPECIFIC CONCENTRATIONS (MSCs)
FOR ORGANIC REGULATED SUBSTANCES IN GROUNDWATER**

REGULATED SUBSTANCE	CASRN	USED AQUIFERS				NON-USE AQUIFERS	
		TDS ≤ 2500		TDS > 2500			
		R	NR	R	NR	R	NR
		*	*	*	*	*	*
MALATHION	121-75-5	500 H	500 H	50,000 H	50,000 H	140,000 S	140,000 S
		*	*	*	*	*	*
PROMETON	1610-18-0	400 H	400 H	40,000 H	40,000 H	400 H	400 H
		*	*	*	*	*	*
TETRACHLOROETHANE, 1,1,1,2-	79-34-5	0.84 N	04.3 N	84 N	430 N	84 N	430 N
		*	*	*	*	*	*
TRIFLURALIN	1582-09-8	10 H	10 H	1,000 H	1,000 H	10 H	10 H
		*	*	*	*	*	*

All concentrations in µg/L

R = Residential

NR = Non-Residential

M = Maximum Contaminant Level

H = Lifetime health advisory level

G = Ingestion

N = Inhalation

S = Aqueous solubility cap

**TABLE 2—MEDIUM-SPECIFIC CONCENTRATIONS (MSCs)
FOR INORGANIC REGULATED SUBSTANCES IN GROUNDWATER**

REGULATED SUBSTANCE	CASRN	USED AQUIFERS				NON-USE AQUIFERS	
		TDS ≤ 2500		TDS > 2500			
		R	NR	R	NR	R	NR
		*	*	*	*	*	
BORON AND COMPOUNDS	7440-42-8	6,000 H	6,000 H	600,000 H	600,000 H	6,000,000 H	6,000,000 H
		*	*	*	*	*	
PERCHLORATE	7790-98-9	15 H	15 H	1,500 H	1,500 H	15,000 H	15,000 H
		*	*	*	*	*	

SECONDARY CONTAMINANTS			
REGULATED SUBSTANCE	CASRN	SMCL	UNITS
ALUMINUM	7429-90-5	200	µg/L
CHLORIDE	7647-14-5	250,000	µg/L
FLUORIDE	7681-49-4	2,000	µg/L
IRON	7439-89-6	300	µg/L
MANGANESE	7439-96-5	50	µg/L
SULFATE	7757-82-6	250,000	µg/L

All concentrations in ug/L (except asbestos)

M = Maximum Contaminant Level

H = Lifetime Health Advisory Level

SMCL = Secondary Maximum Contaminant Level

G = Ingestion

N = Inhalation

R = Residential

NR = Nonresidential

**TABLE 3—MEDIUM-SPECIFIC CONCENTRATIONS (MSCs)
FOR ORGANIC REGULATED SUBSTANCES IN SOIL
B. Soil to Groundwater Numeric Values¹**

REGULATED SUBSTANCE	CASRN	Used Aquifers												Soil Buffer Distance (feet)
		TDS ≤ 2500						TDS > 2500						
		Residential		Non-Residential		Residential		Non-Residential		Residential		Non-Residential		
100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	
ACETOPHENONE	98-86-2	370	200 E	1,000	540 E	10,000	10,000 C	10,000	10,000 C	370	200 E	1,000	540 E	NA
						*	*	*	*	*	*	*	*	
						*	*	*	*	*	*	*	*	
MALATHION	121-75-5	50	170 E	50	170 E	5,000	10,000 C	5,000	10,000 C	10,000	10,000 C	10,000	10,000 C	20
						*	*	*	*	*	*	*	*	
PHTHALIC ANHYDRIDE	85-44-9	7,300	2,300 E	20,000	6,200 E	190,000	190,000 C	190,000	190,000 C	190,000	190,000 C	190,000	190,000 C	NA
						*	*	*	*	*	*	*	*	
PROMETON	1610-18-0	40	39 E	40	39 E	4,000	3,900 E	4,000	3,900 E	40	39 E	40	39 E	NA
						*	*	*	*	*	*	*	*	
TETRACHLOROETHANE, 1,1,2,2-	79-34-5	0.08	0.026 E	0.43	0.13 E	8	2.6 E	43	13 E	8	2.6 E	43	13 E	NA
						*	*	*	*	*	*	*	*	
TRICHLORO-PHENOL, 2,4,5-	95-95-4	370	2,300 E	1,000	6,100 E	37,000	190,000 C	100,000	190,000 C	100,000	190,000 C	100,000	190,000 C	15
						*	*	*	*	*	*	*	*	
TRIFLURALIN	1582-09-8	1	1.9 E	1	1.9 E	100	190 E	100	190 E	1	1.9 E	1	1.9 E	30
						*	*	*	*	*	*	*	*	

¹ For other options see Section 250.308

All concentrations in mg/kg

E - Number calculated by the soil to groundwater equation in Section 250.308

C - Cap

NA - The soil buffer distance option is not available for this substance

**TABLE 4—MEDIUM-SPECIFIC CONCENTRATIONS (MSCs)
FOR INORGANIC REGULATED SUBSTANCES IN SOIL
B. Soil to Groundwater Numeric Values¹**

REGULATED SUBSTANCE	CASRN	Used Aquifers												Soil Buffer Distance (feet)				
		TDS ≤ 2500						TDS > 2500										
		R		NR		R		NR		R		NR						
100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value	100 X GW MSC	Generic Value			
BORON AND COMPOUNDS	7440-42-8	600	1,900	600	1,900	60,000	190,000	60,000	190,000	190,000	190,000	190,000	190,000	190,000	190,000	190,000	30	
		1.5	0.17	1.5	0.2	150	17	150	17	1,500	170	1,500	170	1,500	170	1,500	170	NA
PERCHLORATE	7790-98-9	1.5	0.17	1.5	0.2	150	17	150	17	1,500	170	1,500	170	1,500	170	1,500	170	NA

¹ For other options see Section 250.308
 All concentrations in mg/kg
 R - Residential
 NR - Non-Residential
 NA - Not Applicable

[Pa.B. Doc. No. 11-248. Filed for public inspection February 11, 2011, 9:00 a.m.]

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY [34 PA. CODE CH. 61]

Unemployment Compensation; Administration

The Department of Labor and Industry (Department), Office of Unemployment Compensation Benefits and Office of Unemployment Compensation Tax Services, amends Chapter 61 (relating to administration).

A. Statutory Authority

This final-form rulemaking is promulgated under section 201(a) of the Unemployment Compensation Law (law) (43 P.S. § 761(a)), which authorizes the Department to promulgate and amend rules and regulations necessary to administer the law.

B. Background and Description of this Final-Form Rulemaking

This final-form rulemaking, which covers ten sections of Chapter 61, updates the Department's regulations to conform to current law and practice. The particular changes are as follows.

Section 61.1 (relating to definitions) contains definitions for Part II, Subpart A (relating to unemployment compensation). Definitions regarding the organization of the Department are amended or added to reflect the current structure of the Department. Also, obsolete definitions are deleted.

Section 61.3 (relating to wages) is amended to distinguish the tax treatment of delayed wage payments from the existing approach that will continue to be used for benefit purposes. For purposes of taxation, this section will treat wages as paid on the date the employer actually pays them. This treatment reflects the decision of the United States Supreme Court in *United States v. Cleveland Indians Baseball Company*, 532 U.S. 200 (2001). In that case, the Court held that, for Federal employment tax purposes, back wages should be attributed to the date on which they actually are paid. The Department is required to follow this decision when allocating wages for tax purposes because section 4(x)(6) of the law (43 P.S. § 753(x)(6)) requires that payments subject to taxation under the Federal Unemployment Tax Act (26 U.S.C.A. §§ 3301–3311) also are taxed as wages under the law. For benefits purposes, however, the existing treatment of wages remains in effect. That is, when a payment of wages is delayed, the wages are considered paid on the day on which the employer generally pays amounts definitely assignable to a payroll period.

This section also is amended regarding the valuation of remuneration made in mediums other than cash. In addition to prescribing the general rule that the value of noncash compensation is its fair market value, the regulation specifies minimum values to be placed on meals and lodging by reference to recognized Federal standards, subject to rebuttal by the employer.

When sick pay is paid to a worker by a third party, § 61.3a (relating to third party sick pay) provides that the third party is responsible to report and pay unemployment compensation (UC) taxes on the sick pay. An exception provides that the third party may meet certain requirements in order to shift that responsibility to the employer.

Section 61.11 (relating to persons eligible for compensation and expenses) provides that an agent of an employer, like the employer he represents, is ineligible for witness fees for participating in an administrative proceeding if the employer is an interested party in the proceeding.

The final-form amendments to § 61.12 (relating to reimbursable items) delete specific amounts for the mileage allowance and the per diem fee for witnesses. As amended, this section provides that witnesses may be paid compensation and expenses in accordance with 42 Pa.C.S. (relating to Judicial Code).

Sections 61.21–61.25 are rescinded and replaced by § 61.25 (relating to confidentiality of information and fees), which implements new Federal confidentiality requirements that were recently promulgated by the United States Department of Labor.

C. Comments

Notice of proposed rulemaking was published at 40 Pa.B. 2639 (May 22, 2010). The Department received comments from Interstate Tax Services, Inc. (ITS), Community Legal Services (CLS) and the Independent Regulatory Review Commission (IRRC). The Senate Labor and Industry Committee and the House Labor Relations Committee did not comment.

§ 61.1. Definitions

Comment: This rulemaking changes the definition of “Bureau” from “Bureau of Employment Security of the Commonwealth” to “the Department.” Because “Department” is already defined in § 61.1, IRRC questioned the need for the revised definition of “Bureau” and suggested that it be eliminated.

Response: There is no longer a Bureau of Employment Security within the Department. However, this final-form rulemaking and the companion rulemaking concerning Chapter 65 (relating to employee provisions) do not amend all of the existing regulations in these chapters. See 41 Pa.B. 848 (February 12, 2011). (To accommodate existing references to the “Bureau” in the unaffected regulations, the definition of “Bureau” is being amended.

§ 61.12. Reimbursable items

Comment: The proposed amendment to this section states, in part, that an individual “entitled to reimbursement under § 61.11 . . . may be paid compensation and expenses.” IRRC commented that individuals may be eligible for compensation and expenses but are not necessarily “entitled” to them. IRRC suggested that the Department change the language of this section to reflect that compensation and expenses are authorized but not mandatory in every situation.

Response: The Department changed the final-form rulemaking to refer to individuals who are “eligible” for compensation and expenses, as suggested by IRRC.

§ 61.25. Confidentiality of information and fees

Comment: Subsection (a)(3)(ii) and (iii) allows disclosure of UC information to a claimant or an employer under certain circumstances. ITS, CLS and IRRC suggested that this section should also allow disclosure to a representative of a claimant or employer. In addition, CLS suggested that this section specify the extent to which a release is required for disclosure to an agent and should excuse the need for a release to the extent allowed by the Federal disclosure rules. IRRC noted that the Federal disclosure rules permit disclosure to an agent only if the disclosure is authorized by state law. IRRC inquired whether disclosure to agents is currently autho-

ized by statute and whether the law would permit the Department to adopt a regulation allowing disclosure to agents.

Response: The Department revised the final-form rule-making to allow disclosure to an agent, and to contain criteria for disclosure to an agent that is similar to the criteria suggested by CLS. In response to IRRC's questions, the law does not expressly address disclosure of information to an agent of an employer or claimant. The Department's broad regulatory authority in section 201(a) of the law and 207(a)(1) of the law (43 P.S. § 767) permits the Department to adopt a regulation allowing disclosure to agents. See *Slippery Rock Area School District v. Unemployment Compensation Board of Review*, 603 Pa. 374, 983 A.2d 1231 (2009).

Comment: Subsection (a)(2)(ii) provides that UC information is not competent evidence in any action or proceeding in any court or other tribunal. Subsection (a)(4)(ii) provides that information disclosed by the Department or the Board of Review to a person under the regulation may not be redisclosed by the recipient to another person or before any court or other tribunal. Subsection (a)(5) contains exceptions to these restrictions. One of the exceptions is information disclosed to a claimant or an employer of the claimant under subsection (a)(3)(ii) for the proper determination of the claimant's benefit application and claims. Therefore, a claimant or employer who receives UC information in connection with the determination of the claimant's eligibility for benefits is not prohibited from redisclosing that information or using it as evidence in an action or proceeding outside of the law. CLS commented that the drafting of these provisions so that subsection (a)(2)(ii), (4)(ii) and (5) be read together is confusing.

Response: The exceptions in subsection (a)(5) apply to both subsection (a)(2)(ii) and (4)(ii). Therefore, it is necessary to read subsection (a)(2)(ii) in connection with subsection (a)(5) and, similarly, to read subsection (a)(4)(ii) in connection with subsection (a)(5). Both subsection (a)(2)(ii) and (4)(ii) contain language indicating that they are subject to subsection (a)(5).

Comment: IRRC stated that the Department should clarify its intent regarding the use of information obtained by a claimant during a UC proceeding in other legal forums and revise the regulation accordingly.

Response: The effect of subsection (a)(2)(ii), (4)(ii) and (5) reflects the Department's intent; that is, a claimant or employer who receives UC information in connection with the determination of the claimant's eligibility for benefits is not prohibited from redisclosing that information or using it as evidence in an action or proceeding outside of the law. The Department recognizes the impracticability of attempting to regulate the use of information by a claimant or an employer once the information has been released to them. Revising the regulation is not necessary.

Comment: CLS commented that claimants and employers should be allowed to use UC information, in addition to information provided to them in connection with the determination of the claimant's eligibility for UC, in legal proceedings other than proceedings under the law. CLS also commented that it is unclear whether the use of additional UC information is permitted under the regulation.

Response: Subsection (a)(2)(i) supplies the basic rule: "Unemployment compensation information is confidential and may be disclosed only as permitted in this subsection." Subsection (a)(3) enumerates six circumstances in

which the Department or the Board may disclose UC information. Under subsection (a)(3)(ii), disclosure may occur "[t]o a claimant, the last employer of the claimant, a base year employer of a claimant or a representative of any of the foregoing in accordance with paragraph (7), to the extent necessary for the proper determination of the claimant's application for benefits and claims for compensation." As previously discussed, a claimant or an employer of the claimant who receives information in connection with the determination of the claimant's eligibility is not restricted from redisclosing that information or using it in a proceeding outside of the law. However, the list of permissible disclosures in subsection (a)(3) does not include disclosure of UC information to a person, including a claimant or employer, for the purpose of litigation outside of the law. Moreover, the exceptions in subsection (a)(5) that UC information is not competent evidence do not include private litigation.

Comment: CLS questioned whether disclosure of UC information to claimants and employers for the purpose of litigation outside of the law is prohibited by Federal law.

Response: Under 20 CFR 603.4 (relating to what is the confidentiality requirement of Federal UC law), each state is required to maintain the confidentiality of its UC information. Permissible disclosures by a state UC agency that are exceptions to the rule of confidentiality are listed in 20 CFR 603.5 (relating to what are the exceptions to the confidentiality requirement). Disclosure of information about a claimant to an employer, or information about an employer to a claimant, for non-UC purposes is not permitted under 20 CFR 603.5.

Comment: Subsection (b) states, in part, that "[e]xcept as provided in section 702 of the law (43 P.S. § 862), the Department or the Board may charge a fee to a person seeking documents or information from the Department or the Board." Section 702 of the Law provides that "[n]o employer or employee shall be charged fees of any kind in any proceeding under this act by the department, the board, or any of its officers or agents." CLS commented that claimants and claimant representatives should not be charged a fee to obtain records from the Department or the Board.

Response: Because section 702 of the law supersedes the fee provision in subsection (b), a disclosure to a claimant or a claimant representative under subsection (a)(3)(ii) "to the extent necessary for the proper determination of the claimant's application for benefits and claims for compensation" will not involve a fee.

Comment: IRRC commented that "it is unclear as to what the Department or the Board is charging for. What type of documentation or information would require charging a fee."

Response: Under subsection (b), if a person requests information or documents from the Department or the Board that the Department or the Board possess in connection with the administration of the law, the Department and the Board are authorized to charge a fee to process the request and provide the requested documents or information. However, a fee will not be charged in situations when a fee is prohibited under section 702 of the law. Typically, the Department and the Board provide information to persons who request it in the form of copies of documents, computer printouts, or information in electronic media.

Comment: IRRC asked if a person would be charged for making a telephone inquiry.

Response: The Department will not charge a fee to a person simply because the person has made an information request, whether the request is communicated by telephone or otherwise. The Department will charge for the cost of processing a request for information and, if the requested information is available, the cost of providing the information. Also, it is unlikely that the Department would disclose information by telephone or in response to a telephone request, except information provided to a claimant or an employer of the claimant in connection with the determination of the claimant's eligibility for benefits and information provided to an employer in connection with the employer's UC tax liability or the administration of the employer's account. In accordance with section 702 of the law, a fee would not be charged in these situations.

Comment: Subsection (b) provides that the amount of the fee charged in connection with an information request is the amount necessary to compensate the Department or the Board for the cost to process the request and provide the requested information. The last sentence of the subsection states that "[t]he amount of the fee will be calculated by the Department within its discretion." IRRC commented that the last sentence of this subsection does not establish a binding norm or a standard that can be predicted by the regulated community and suggested that the amount of any fee be included in the final-form rulemaking.

Response: Under section 303(a)(8) of the Social Security Act (42 U.S.C.A. § 503(a)(8)), grant funds received by the Department from the Federal government for the administration of the law may be expended "solely for the purposes and in the amounts found necessary by the Board [Secretary of Labor] for the proper and efficient administration of such State law. . . ." Moreover, 20 CFR 603.8(a) (relating to what are the requirements for payment of costs and program income), regarding information disclosure provide that, subject to certain exceptions, "grant funds must not be used to pay any of the costs of making any disclosure of UC information." Because the Department may not use administrative funding provided by the Federal government to pay for the cost of processing information requests and providing information, subsection (b) allows the Department to charge a fee that will recover the Department's costs. A specific schedule of charges is inadequate for this purpose. Costs can inflate, sometimes rapidly. When this occurs, fixed fees in subsection (b) would result in undercharging for a period of time before the regulation can be amended. Some costs may not be anticipated and therefore would be omitted from a fee schedule. Some information requests do not lend themselves to a fixed structure of charges, such as requests that require computer programming. Flexibility with regard to fees is necessary in order to allow the Department to calculate a fee that includes all of the Department's costs.

Although subsection (b) gives the Department discretion, that discretion is not unbridled. It will be exercised for the purpose stated in the regulation; that is, to determine a fee that is sufficient to compensate for the cost for processing and producing the documents or information. Moreover, it is not unusual for a regulation to omit a fee schedule and instead authorize the agency to charge a fee based on the agency's cost. See, for example, 28 Pa. Code § 29.38(c) (relating to reports) ("The Department may set a reasonable per copy fee to cover the cost of making any copies authorized under this section.") and 4 Pa. Code § 86.3 (relating to policy governing the public areas of the Capitol Complex) ("The

Department may charge fees for the use of equipment, power and labor to set up, operate and remove equipment, clean up and for other appropriate requirements.").

Comment: Section 603.8(b) of 20 CFR provides that "grant funds may be used to pay costs associated with any disclosure of UC information if not more than an incidental amount of staff time and no more than nominal processing costs are involved in making the disclosure." IRRC asked if the Department receives grant funds, how will this Federal provision work in conjunction with subsection (b).

Response: The Department receives grant funds from the United States Department of Labor for the administration of the UC program under sections 301, 302 and 901 of the Social Security Act (42 U.S.C.A. §§ 501, 502 and 1101). Because subsection (b) states that the Department "may" charge a fee to process a request for UC information and provide the requested information, the Department would be permitted to abstain from charging a fee if the requirements of the Federal regulation are satisfied. It is the Department's experience, however, that the type of information request for which a fee would be charged under subsection (b) involves more than incidental staff time and nominal costs. Also, it is important to note that a number of information requests that require minimal time and expense individually can have a significant cumulative effect.

D. Affected Persons

Because this final-form rulemaking amends the definitions for the UC regulations, it potentially affects the 280,000 employers covered by the law and the UC claimants who file approximately 617,000 new applications for benefits each year. Specifically, this final-form rulemaking affects payors and recipients of delayed wages and noncash compensation, witnesses at UC administrative proceedings and third party payors of sick pay.

E. Fiscal Impact

Commonwealth and the regulated community

Some provisions of this final-form rulemaking reflect current practice and, as a result, would not involve any fiscal impact. The provision prescribing the date when wages are considered paid for tax purposes and the provision updating the valuation of noncash compensation could affect the amount of UC tax owed by certain employers and the latter provision could cause some claimants to qualify for an increased amount of UC benefits. While the Department is unable to estimate the amount of any monetary impact from these provisions, the number of employers and claimants affected is expected to be small and the overall fiscal impact is expected to be minimal.

Political subdivisions

This final-form rulemaking does not affect political subdivisions, except to the extent that they are employers covered by the law.

General public

This final-form rulemaking does not affect the general public.

F. Paperwork Requirement

This final-form rulemaking will not impose additional paperwork requirements on the regulated community.

G. Sunset Date

The regulations will be monitored through practice and application. Thus, a sunset date is not designated.

H. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* with one exception. Section 61.3 will be in effect as to wages paid on or after January 1, 2012.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 7, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 2639, to IRRC and the Chairpersons of the Senate Labor and Industry Committee and the House Labor Relations Committee (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 15, 2010, the final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 16, 2010, and approved the final-form rulemaking.

J. *Findings*

The Department finds that:

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

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

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 40 Pa.B. 2639.

(4) This final-form rulemaking is necessary and suitable for the administration of the law.

K. *Order*

The Department, acting under the authority of the law, orders that:

(a) The regulations of the Department, 34 Pa. Code Chapter 61, are amended by amending §§ 61.1, 61.3 and 61.11, by deleting §§ 61.21—61.24 and by adding § 61.3a to read as set forth at 40 Pa.B. 2639; and by amending § 61.12 and adding § 61.25 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order, 40 Pa.B. 2639 and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Secretary of the Department shall certify this order, 40 Pa.B. 2639 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*. Section 61.3 will be in effect as to wages paid on or after January 1, 2012.

SANDI VITO,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 118 (January 1, 2011).)

Fiscal Note: Fiscal Note 12-78 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART II. BUREAU OF EMPLOYMENT SECURITY

Subpart A. UNEMPLOYMENT COMPENSATION

CHAPTER 61. ADMINISTRATION

WITNESS FEES AND EXPENSES

§ 61.12. Reimbursable items.

(a) *Compensation and expenses.* An individual who is eligible for reimbursement under § 61.11 (relating to persons eligible for compensation and expenses) and who resides outside the place where his attendance is required, whether the residence is within or without this Commonwealth, may be paid compensation and expenses by the Department in accordance with 42 Pa.C.S. § 5903(b)—(g) (relating to compensation and expenses of witnesses).

(b) *Time limit for filing claims.* An allowance or fee payable under this section shall be paid only if a claim therefore is filed with the Board or the Department within 30 days from the date of the proceeding.

DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

§ 61.25. Confidentiality of information and fees.

(a) *Confidentiality.*

(1) *Definition.* For purposes of this subsection, “unemployment compensation information” means both of the following:

(i) Information in the possession of the Department or the Board pertaining to the administration of the law which reveals the name or any other identifying particular about an employer, employee or claimant or which could foreseeably be combined with publicly available information to reveal any identifying particular.

(ii) Information obtained directly or indirectly from the Department or the Board that is included in subparagraph (i) while in the possession of the Department or the Board.

(2) *Rule of confidentiality.*

(i) Unemployment compensation information is confidential and may be disclosed only as permitted in this subsection.

(ii) Except as provided in paragraph (5), unemployment compensation information will not be competent evidence and may not be used in any action or proceeding in any court or other tribunal.

(3) *Permissible disclosure.* The Department or the Board may disclose or authorize disclosure of unemployment compensation information only as follows:

(i) To officers and employees of the Department and members and employees of the Board in the administration of the law.

(ii) To a claimant, the last employer of the claimant, a base year employer of a claimant or a representative of any of the foregoing in accordance with paragraph (7), to

the extent necessary for the proper determination of the claimant's application for benefits and claims for compensation.

(iii) To an employer or a representative of an employer in accordance with paragraph (7), to the extent necessary for the proper determination of the employer's liability for reports and payments under the law and the proper administration of the employer's account.

(iv) To public employees in the performance of their public duties.

(v) As determined by the Department or the Board to be necessary for the proper administration of the unemployment compensation program.

(vi) As permitted by provisions of the law or as required or permitted by Federal law.

(4) *Redisclosure prohibited.*

(i) Officers and employees of the Department and members and employees of the Board to whom unemployment compensation information is disclosed under paragraph (3)(i) may not disclose the information to any person or before any court or other tribunal, except as authorized by the Department or the Board under paragraph (3).

(ii) Except as provided in paragraph (5), a person, other than an officer or employee of the Department or a member or employee of the Board, to whom unemployment compensation information is disclosed under paragraph (3) or otherwise may not disclose the information to any person or before any court or other tribunal without the prior, written authorization of the Department or the Board. This subparagraph applies to the initial person to whom the information is disclosed and subsequent recipients of the information.

(5) *Exceptions.* Paragraphs (2)(ii) and (4)(ii) do not apply to the following:

(i) A legal proceeding under the law or a statute administered or enforced by the Commonwealth.

(ii) Information disclosed to a claimant, employer or representative under paragraph (3)(ii) or (iii).

(iii) Information filed with the unified judicial system by the Department or the Board in the administration of the law.

(6) *Safeguards.* A person to whom unemployment compensation information is disclosed under paragraph (3) shall implement and maintain all safeguards required by the Department to protect the confidentiality of the information and comply with other terms and conditions specified by the Department in connection with disclosure of the information.

(7) *Representatives.* To receive information under paragraph (3)(ii) or (iii) on behalf of a claimant or an employer, a representative shall present a written authorization from the claimant or employer being represented, except in the following circumstances:

(i) A written authorization is impossible or impracticable to obtain as determined by the Department within its discretion and the representative presents other evidence of consent as required by the Department.

(ii) The representative is an elected official or a member of his staff performing constituent services and the representative presents reasonable evidence of consent.

(iii) The representative is an attorney and the attorney asserts that he is representing the claimant or employer.

(b) *Fees.* Except as provided in section 702 of the law (43 P. S. § 862), the Department or the Board may charge

a fee to a person seeking documents or information from the Department or the Board. The fee will be an amount sufficient to compensate the Department or the Board for the costs to process the request and, if the requested documents or information are available, the cost to provide the documents and information. The amount of the fee will be calculated by the Department within its discretion.

[Pa.B. Doc. No. 11-249. Filed for public inspection February 11, 2011, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 65]

Unemployment Compensation; Employee Provisions

The Department of Labor and Industry (Department), Office of Unemployment Compensation Benefits, amends Chapter 65 (relating to employee provisions).

A. *Statutory Authority*

This final-form rulemaking is promulgated under section 201(a) of the Unemployment Compensation Law (law) (43 P. S. § 761(a)), which authorizes the Department to promulgate and amend rules and regulations necessary to administer the law.

B. *Background and Description of this Final-Form Rulemaking*

The purpose of this final-form rulemaking, which covers 24 sections of the Department's regulations, is to update the regulations to conform to current law and practice.

This final-form rulemaking rescinds 11 sections of Chapter 65 and deletes portions of additional regulations. The Department is rescinding and deleting regulations that are obsolete, inconsistent with the law or superseded by a subsequent statutory enactment. In some cases, the Department is deleting a provision and combining its content with other regulatory provisions to consolidate regulations with similar subject matter. In cases when a regulation is superfluous because it repeats an existing statutory provision, the regulation is rescinded or amended to refer to the law.

References to obsolete subdivisions of the Department are being deleted or replaced with references to the current agency or the Department generally. References to specific forms, some of which are outdated, are being deleted whenever possible.

In addition to the previous types of changes throughout the rulemaking, there are particular amendments described as follows.

The law provides that a claimant shall register for work to be eligible for compensation. Under existing regulations, a claimant fulfills this requirement by filing an application for benefits. However, the current regulations also provide that a work registration lapses under certain circumstances and shall be renewed. This is a technical and little known provision that may prejudice a claimant's eligibility. Section 65.11 (relating to work registration; effective period) is amended to provide that a work registration created by an application for benefits remains effective throughout the benefit year. Language in § 65.11 providing for the lapse and renewal of a work registration is deleted and § 65.12 is rescinded. Section 65.13, which provided for retroactive registration renewals, is no longer necessary and is rescinded.

Section 65.14 (relating to additional information) is amended to state that a claimant provide the information required by the Department to facilitate reemployment.

Sections 65.31 and 65.41 (relating to filing methods) formerly provided that claimants shall file applications for benefits and claims for compensation in person on paper forms at a local Department office. These regulations reflect outdated procedures. The Department no longer requires claimants to appear in person to conduct unemployment compensation (UC) related business. Therefore, § 65.31 is rescinded and § 65.41(a) is deleted and replaced with amended § 65.41. As amended, § 65.41 provides that a claimant may file an application for benefits by telephone, Internet, United States mail or fax transmission and may file a claim for compensation by telephone or the Internet.

As amended, § 65.42 (relating to application for benefits—effective date) specifies that an application for benefits is effective on the first day of the week in which the application is filed or deemed filed under § 65.43a (relating to extended filing).

Section 65.32 reflected an outdated procedure in which a claim for compensation was filed every week. That is, a claim for compensation had to be filed during the week immediately following the week of unemployment being claimed. This regulation is rescinded and replaced with amended § 65.43 (relating to claims for compensation—when to file). As amended, § 65.43 reflects the current procedure in which claims are filed biweekly and each biweekly pair of claims covers the preceding 2 weeks.

Section 65.33 provided that a claim for compensation may be filed late under certain circumstances. Sections 65.41 and 65.42(a) set forth the circumstances in which an application for benefits may be filed late. This final-form rulemaking consolidates the provisions regarding late filing of claims and applications in new § 65.43a. This new section contains provisions similar to the regulations it replaces. It also reflects circumstances that may prevent a claimant from filing a timely application or claim under current procedures in which applications and claims are taken by telephone, Internet and fax transmission.

Section 65.56 (relating to withdrawing an application for benefits) specifies circumstances under which the Department may approve a claimant's request to withdraw an application for benefits and cancel the corresponding benefit year.

Under section 4(u) of the law (43 P.S. § 753(u)), a claimant may be "unemployed" for purposes of eligibility for UC if he is working "less than his full-time work." Neither the law nor the existing regulations define "full-time work" for purposes of section 4(u) of the law. As a result, this provision has been applied inconsistently. New § 65.73 (relating to full-time work) specifies how a claimant's full-time work is determined.

C. Comments

Notice of proposed rulemaking was published at 40 Pa.B. 2643 (May 22, 2010). The Department received comments from Community Legal Services (CLS) and the Independent Regulatory Review Commission (IRRC). The Senate Labor and Industry Committee and the House Labor Relations Committee did not comment.

§ 65.41. Filing methods

Comment: Subsection (a) allows a claimant to file an application for benefits by phoning a UC Service Center, by completing an online application at the Department's

web site or by mailing or faxing a hard copy application to the Department. These filing methods are consistent with current procedure. CLS commented that § 65.41 also should permit claimants to file applications for UC benefits person to person at CareerLink® offices.

Response: CLS' suggestion would require the presence of UC personnel at CareerLink®. However, the Department does not currently staff the CareerLink® offices with UC personnel and adding UC personnel to CareerLink® offices would be cost prohibitive. Also, if a claimant wants to complete the UC application by speaking to a UC staff person, that can be done by phoning a UC Service Center. Stationing UC personnel at CareerLink® offices to take applications by interview would duplicate an existing service. Moreover, filing an application in a CareerLink® office would not be a viable option for claimants who do not reside in close proximity to one of the current CareerLink® locations.

Comment: Subsection (b) allows a claimant to file a claim for compensation by telephoning a UC office, through the Department's telephone claim system or by completing an online claim at the Department's web site. These filing methods are consistent with current procedure. CLS commented that subsection (b) also should allow claims to be filed by mail to accommodate claimants who do not speak English or Spanish.

Response: Currently, the Internet and telephone claims systems are available in both English and Spanish. Permitting claims to be filed by mail is not necessary to enable individuals who speak other languages to file claims. A procedure is currently in place to assist claimants who do not speak English or Spanish. These individuals may call the UC Service Center to file claims and receive over-the-phone interpretation assistance from Language Line Services. Language Line Services provides an interpreter who speaks the claimant's language to assist the UC Service Center representative to take claim information from the claimant. Language Line Services provides interpretation services for 170 languages. Also, it is unclear how filing claims by mail would be an effective accommodation for persons who do not speak English, because a paper claim form, to be completed and returned by mail, would be printed in English.

Comment: Subsection (a) allows a claimant to file an application for benefits by phone, online or by mailing or faxing a hard copy application to the Department. Subsection (b) also allows a claimant to file a claim for compensation by telephone or online, but does not provide that claims may be mailed or faxed to the Department. IRRC questions why filing by mail or fax are not included in the permissible means to file claims for compensation in subsection (b).

Response: The Department has an established infrastructure and existing procedures to accept claims that are filed by telephone (both claims filed by phoning the UC Service Center and claims filed through the telephone claim system) and online. To accept claims by mail and fax routinely, the Department would have to create new procedures, hire additional personnel and incur additional costs. Claims filed by telephone and the Internet reach the Department immediately, in contrast to claims filed by first class mail which, according to the United States Postal Service estimated delivery time, would take 2 to 3 days to arrive. Claims filed by telephone and through the Internet are processed electronically, whereas paper claims filed by mail or fax would require manual processing, which increases the processing time. Although applications for benefits filed by mail and fax, which the

regulation will allow, present issues similar to the issues associated with claims filed by those methods, the deficiencies associated with applications filed by mail and fax are not as problematic. Applications for benefits are not as time-sensitive as claims for compensation. Moreover, an application for benefits is filed only once for each benefit year, but claims are filed biweekly throughout the time a claimant is receiving benefits.

Comment: Subsection (d) would allow the Department to prescribe additional methods to file applications for benefits and claims for compensation and require the Department to designate the date on which an application or claim is filed using the additional method established by the Department. Subsection (e) would allow the Department to suspend use of one or more filing methods under certain circumstances. CLS and IRRC commented that changing filing methods and designating when a claim is filed should be done through the rulemaking process.

Response: The Department deleted subsections (d) and (e) from the final-form regulation.

§ 65.43a. *Extended filing*

Comment: Under the existing regulations, a claim for compensation for a week when the claimant worked part-time shall be filed within 4 weeks after the employer paid wages for that week. Under subsection (a), a claim for a week when the claimant worked part-time shall be filed “not later than the last day of the second week after the employer paid wages for that week.” CLS commented that it preferred the longer filing period under existing regulations and that the drafting of the new provision is difficult to read.

Response: When the existing 4-week filing period was established, claimants were required to report to local Department offices personally to file claims. This may have presented difficulties for claimants working part-time. Claimants are now able to file claims by phone or the Internet. Because in-person filing is no longer required, a 4-week period to file a claim for a week of part-time work is not necessary. A 2-week period is sufficient.

Comment: Subsections (c) and (d) allow extended time periods for filing applications and claims. Subsection (e) lists the reasons that permit extended filing and indicates the duration of the extension for each reason. Under subsection (e), if a claimant attempts to file by telephone, Internet or fax on the last day that filing is otherwise allowed and the method used to attempt to file is unavailable or malfunctions, a 2-week extension to file is granted. CLS does not agree that extended filing should be granted only if the unsuccessful attempt to file occurred on the last day and asked about a claimant who attempted to file prior to the last day. CLS also asked how the Department will determine that a claimant made an unsuccessful attempt to file.

Response: Claimants have a responsibility to file applications for benefits and claims for compensation during the established time periods. If a claimant attempts to file prior to the last day and is unable to do so due to a technological malfunction, the claimant should make an additional attempt to file before the filing period expires. If, for example, a claimant attempts without success to file on Sunday and the filing deadline is the following Saturday, it would be unreasonable and unnecessary to immediately grant a 2-week extension of the filing deadline without regard to further efforts by the claimant to

file timely. If the claimant makes an unsuccessful attempt to file on the last day, however, this regulation will grant an extension.

The Department is aware when its telephone and Internet systems are “down.” Also, the Department will obtain information from the claimant regarding the dates and circumstances of unsuccessful attempts to file an application or claim.

Comment: CLS commented that the list of reasons for extended filing in subsection (e) should include “inability to get through to the UC Service Centers because of high call volume or technological problems, and claimant difficulties in using the telephone claims system (also known as the “PAT” system)”.

Response: An inability to successfully phone a UC Service Center due to technological problems would be covered by the extension in subsection (e) for situations when the claimant attempted to file by telephone, Internet or fax on the last day and the method used by the claimant was unavailable or malfunctioned. It is unclear what CLS means when it refers to “claimant difficulties” using the telephone claims system. To the extent that CLS is referring to malfunctioning or unavailability of the telephone system that would also be covered by the aforementioned extension. To the extent that CLS is referring to other difficulties, the 2-week extension in subsection (e) for “other” reasons, “if the claimant makes all reasonable and good faith efforts to file timely but is unable to do so through no fault of the claimant,” may apply, depending on the circumstances. In the final-form regulation, the Department added a reference to high call volume to the first reason for an extension listed in subsection (e), as CLS suggested.

Comment: CLS commented that language barriers should be added to the list of reasons for extended filing in subsection (e) and the corresponding extension should be more than 2 weeks. IRRC referenced the following reason in subsection (e): “other, if the claimant makes all reasonable and good faith efforts to file timely but is unable to do so through no fault of the claimant.” IRRC commented that it is unclear whether a limited English proficiency (LEP) individual could be granted an extension of the time to file under this provision and stated that the Department should consider addressing LEP in the final-form regulation.

Response: Allowing LEP individuals additional time to file applications for benefits and claims for compensation would not be an effective means to facilitate their participation in the UC program. If a claimant is unable to communicate verbally in English, giving the claimant additional time to speak to a UC Service Center representative to file an application or claim does not address the claimant’s language barrier. Similarly, if a claimant is unable to communicate in writing in English, allowing the claimant additional time to submit a written application or claim (by mail, fax or the Internet) is not a solution. Rather, enhancing filing methods to bridge language barriers, which the Department has done, is a more effective remedy. The Internet application for benefits and claim for compensation, as well as the telephone claims system, are available in both English and Spanish. Individuals who speak other languages, as well as individuals who speak Spanish, may call the UC Service Center and receive over-the-phone interpretation assistance from Language Line Services. Language Line Services provides an interpreter who speaks the claimant’s language to assist the UC Service Center representative

to take information from the claimant. Language Line Services provides interpretation services for 170 languages.

Moreover, adding LEP as an explicit reason for extended filing is not necessary. If an individual is unable to file a timely application or claim for an LEP related reason, the claimant could be granted extended filing under the provision cited by IRRC, if the claimant's facts and circumstances satisfy the requirements of that provision.

Comment: Under subsection (f), if a claimant is unable to file a timely claim due to illness or injury the time for filing the claim is extended until the end of the second week after the incapacity ends. CLS suggested that this reason for extended filing should be added to the list of reasons for extended filing in subsection (e) because otherwise this reason could be viewed as inconsistent with the provision in subsection (e) that grants only two weeks of extended filing for "other" reasons.

Response: Each reason for extended filing in subsection (e) expands the filing period for a fixed number of weeks. Illness or injury allows an extension of the filing time for an indefinite period, that is, until 2 weeks after the incapacity ends. Also, subsection (e) applies to applications and claims, whereas subsection (f) applies only to claims. These are reasons why the extension for illness or injury is contained in a separate subsection. The fact that the extension for "other" reasons and the extension for illness or injury might both apply in a given set of circumstances is not problematic. Subsection (h) states that if two or more reasons for extended filing apply, the claimant is given the longest extension.

§ 65.56. *Withdrawing an application for benefits*

Comment: CLS stated that this section is confusing and it does not understand what this section means. It also mentions that there are disagreements over the characterization of overpayments as fault or nonfault and that there are differing recoupment rules depending on the characterization.

Response: This section lists four requirements that shall be satisfied for a claimant to withdraw an application for benefits and cancel the corresponding benefit year. It also indicates when a request takes effect and provides the criteria to disapprove a request.

The regulation does not distinguish between fault and nonfault overpayments. The provisions concerning recoupment of an overpayment apply whether the overpayment is classified as fault or nonfault. Moreover, the regulation contains provisions that prevent an overpayment from arising as a result of withdrawing an application. If a claimant were allowed to withdraw an application after having received benefits, an overpayment would occur. Therefore, the regulation provides that any benefits paid to the claimant on an application shall be repaid to withdraw the application. Similarly, if benefits otherwise payable to the claimant on the application are applied to a previous overpayment, the prereduction balance of the overpayment must be restored to withdraw the application.

Comment: CLS asked what would happen if a claimant stopped claiming benefits on an application instead of withdrawing the application.

Response: If a claimant simply ceases to claim benefits on an application the corresponding benefit year remains in effect. The claimant would not be able to file a new application for benefits in this Commonwealth until the

benefit year ends. Assuming the claimant had not received all the benefits for which he is financially eligible on the application, the claimant would not be able to file an application for benefits in another jurisdiction until the benefit year ends. However, if a claimant withdraws a current application for benefits and cancels the current benefit year, the claimant would be able to file a new application for benefits immediately. This may be advantageous to the claimant. For example, a claimant might file an application for benefits but return to work without claiming compensation. If the claimant is laid off again within the benefit year, the claimant may wish to withdraw the existing application to file a new application and take advantage of higher wages in a more recent base year.

§ 65.73. *Full-time work*

Comment: A claimant shall be unemployed to be eligible for benefits. Under section 4(u) of the law, a claimant is "unemployed" during a week if the claimant does not work that week or if the claimant works "less than his full-time work" and remuneration does not exceed a certain amount. This regulation defines the term "full-time work" for purposes of section 4(u) of the law. Subject to certain exceptions, the general rule under the regulation is that "[t]he number of hours the claimant worked in the base year for all employers is divided by the number of weeks in the base year in which the claimant worked to determine the claimant's full-time work." Subsection (a)(2) and (3) supplies rules to be followed when making this calculation. Subsection (a)(2) would exclude from this calculation "the number of hours that a claimant worked during a week . . . for an employer in excess of the customary number of hours the claimant worked per week for that employer. . . ." Subsection (a)(3) provides that "if a claimant's normal work schedule . . . consisted of multiple week cycles, and the cycle normally included one or more weeks during which the claimant did not work, all weeks in the cycle are deemed weeks in which the claimant worked."

CLS commented that subsection (a)(2) and (3) disadvantages the claimant. CLS and IRRC would like to know the rationale for these paragraphs and how they will be implemented.

Response: "Full time" is not defined in the law. Under 1 Pa.C.S. § 1903(a) (relating to words and phrases), words and phrases in a statute should be construed according to their common and approved usage. The dictionary defines the term as "the amount of time considered the normal or standard amount for working during a given period." *Webster's Ninth New Collegiate Dictionary*, 497 (1990). For the purpose of relief from benefit charges, "part-time work" is defined in § 63.35(a) (relating to requests as to part-time workers) as "[w]ork other than normal full-time work of a claimant with a regular base year employer which is ordinarily performed for less than the total number of hours or days customarily worked in the business, occupation or industry." The Commonwealth Court has used this regulation to construe the meaning of "full-time work." See *Baldwin-Whitehall School District v. Unemployment Compensation Board of Review*, 848 A.2d 1081 (Pa. Cmwlth. 2004); see also *Watkins v. Unemployment Compensation Board of Review*, 491 A.2d 935 (Pa. Cmwlth. 1985). Under 1 Pa.C.S. § 1903(a) and Commonwealth Court's guidance, the Department construes the term "full-time" to mean the hours customarily worked.

As the total number of hours worked in the base year increases, so does the number of hours that constitute the claimant's weekly full-time work and, correspondingly, the

number of hours the claimant may work and remain potentially eligible for benefits. Allowing hours in excess of those customarily worked to determine “full-time work” could result in an individual being considered unemployed and eligible for benefits even though he is working the hours he customarily works. It would not be a case of “economic insecurity due to unemployment,” the amelioration of which is the purpose of the law, if an individual is working customary hours. See section 3 of the law (43 P. S. § 752).

In addition, allowing hours in excess of those customarily worked to be used in the calculation of “full-time work” could result in the anomaly that an individual who worked more than customary hours could receive unemployment benefits, while an individual similarly situated who only worked customary hours might not receive benefits. It is presumed that the intention of the General Assembly was not to interpret the law to achieve an unreasonable result. See 1 Pa.C.S. § 1922(1) (relating to presumptions in ascertaining legislative intent).

Subsection (a)(3) addresses the situation when an individual’s normal work schedule in the base year consists of multiple week cycles and the cycle normally includes 1 or more weeks when the claimant does not work. The regulation would include the normal nonwork weeks in the number of weeks of work in the base year for purposes of calculating the claimant’s “full-time work.” This will prevent the calculation from producing an artificially inflated number of hours as the claimant’s full-time work. Subsection (a)(3) is consistent with *Corning Glass v. Unemployment Compensation Board of Review*, 616 A.2d 175 (Pa. Cmwlth. 1992). In that case, the claimants worked a rotating schedule of 7 days work followed by 2 to 4 days off. This schedule provided an average of 42 hours of work per week and a minimum of 40 hours per week. The employer changed the rotating schedule to 4 days work followed by 48 hours off. This schedule also resulted in an average of 42 hours per week, but some weeks the claimants only worked 32 hours. The claimants sought benefits for the 32 hour weeks. When determining if the claimants had worked less than full-time for the weeks for which claims were filed, the Commonwealth Court looked at the claimants’ overall work schedule in relation to the prior overall schedule, rather than looking at the particular weeks in question individually.

The Department will implement subsection (a)(2) and (3) by obtaining information from the claimant and the claimant’s employer regarding the number of hours and weeks worked, hours customarily worked and the claimant’s work schedule.

D. *Affected Persons*

The proposed rulemaking will affect all persons claiming UC benefits. Approximately 617,000 new applications for benefits are filed each year.

E. *Fiscal Impact*

Commonwealth and the regulated community

The majority of this final-form rulemaking concerns procedural matters, such as the methods and time for filing UC applications and claims. Although the final-form rulemaking contains procedural requirements, these do not affect the amount or duration of benefits available to the claimant under the law. Also, some of the procedural provisions of this final-form rulemaking codify current practice. For these reasons the new and amended regulations addressing procedures would not involve any fiscal impact to the UC Fund or the regulated community. Only

a small portion of this final-form rulemaking involves substantive matters. Either these provisions reflect the current application of the law in which event there would be no fiscal impact or the Department is unable to estimate the amount of any fiscal impact that may occur.

Political subdivisions

This final-form rulemaking does not affect political subdivisions, except to the extent that they are employers covered by the law.

General public

This final-form rulemaking does not affect the general public.

F. *Paperwork Requirement*

This final-form rulemaking will not impose additional paperwork requirements on the regulated community.

G. *Sunset Date*

The regulations will be monitored through practice and application. Therefore, a sunset date is not designated.

H. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. The following regulations, as promulgated, amended or rescinded by this final-form rulemaking, apply to weeks of unemployment ending on or after February 12, 2011: §§ 65.11, 65.12, 65.13, 65.14, 65.15, 65.32, 65.33, 65.43, 65.43.1(a), 65.43.1(b), 65.43.1(d), 65.43.1(f), 65.43.1(i) and 65.73. The following regulations, as amended or rescinded by this final-form rulemaking, apply to claims for compensation filed on or after February 12, 2011: §§ 65.31 and 65.41. The following regulations, promulgated or as amended by this final-form rulemaking, apply to applications for benefits filed on or after February 12, 2011: §§ 65.41, 65.42, 65.43a(c), 65.43a(g), 65.43a(i) and 65.56. Amended § 65.22 applies to an offer of work made on or after February 12, 2011. Amended § 65.102 applies to weeks of unemployment ending on or after December 16, 2005. Section 65.56 applies to a request made on or after February 12, 2011, to withdraw an application for benefits.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 7, 2010, the Department submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 2643, to IRRC and the Chairpersons of the Senate Labor and Industry Committee and the House Labor Relations Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 15, 2010, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 16, 2010, and approved the final-form rulemaking.

J. Findings

The Department finds that:

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

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

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 40 Pa.B. 2643.

(4) This final-form rulemaking is necessary and suitable for the administration of the law.

K. Order

The Department, acting under the authority of the law, orders that:

(1) The regulations of the Department, 34 Pa. Code Chapter 65, are amended by amending §§ 65.11, 65.14, 65.22, 65.42, 65.43, 65.63, 65.102 and 65.156, by deleting §§ 65.1, 65.12, 65.13, 65.15, 65.21, 65.31—65.33, 65.35, 65.44 and 65.117 and by adding §§ 65.56, 65.73 and 65.139 to read as set forth at 40 Pa.B. 2643; and by amending § 65.41 and adding § 65.43a to read as set forth in Annex A.

(2) The Secretary of the Department shall submit this order, 40 Pa.B. 2643 and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(3) The Secretary of the Department shall certify this order, 40 Pa.B. 2643 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(4) This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. The following regulations, as promulgated, amended or rescinded by this final-form rulemaking, apply to weeks of unemployment ending on or after February 12, 2011: §§ 65.11, 65.12, 65.13, 65.14, 65.15, 65.32, 65.33, 65.43, 65.43.1(a), 65.43.1(b), 65.43.1(d), 65.43.1(f), 65.43.1(i) and 65.73. The following regulations, as amended or rescinded by this final-form rulemaking, apply to claims for compensation filed on or after February 12, 2011: §§ 65.31 and 65.41. The following regulations, promulgated or as amended by this final-form rulemaking, apply to applications for benefits filed on or after February 12, 2011: §§ 65.41, 65.42, 65.43a(c), 65.43a(g), 65.43a(i) and 65.56. Amended § 65.22 applies to an offer of work made on or after February 12, 2011. Amended § 65.102 applies to weeks of unemployment ending on or after December 16, 2005. Section 65.56 applies to a request made on or after February 12, 2011, to withdraw an application for benefits.

SANDI VITO,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 118 (January 1, 2011).)

Fiscal Note: Fiscal Note 12-74 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 34. LABOR AND INDUSTRY
PART II. BUREAU OF EMPLOYMENT SECURITY
Subpart A. UNEMPLOYMENT COMPENSATION
CHAPTER 65. EMPLOYEE PROVISIONS
Subchapter C. APPLICATION PROCEDURE
APPLICATION FOR BENEFITS AND CLAIMS FOR COMPENSATION

§ 65.41. Filing methods.

(a) An application for benefits shall be filed by one of the following methods:

(1) Telephoning a UC Office and providing the information required by the Department representative.

(2) Completing the Department's Internet application and electronically transmitting it to the Department.

(3) Completing the Department's application form and sending the form to a UC Office by United States Mail or transmitting the form to a UC Office by facsimile machine.

(b) A claim for compensation shall be filed by one of the following methods:

(1) Telephoning a UC Office and providing the information required by the Department representative.

(2) Telephoning the Department's telephone claim system and providing all information required by the system.

(3) Completing the Department's Internet claim and electronically transmitting it to the Department.

(c) The filing date of an application for benefits or a claim for compensation is:

(1) For applications and claims filed by telephone, the date when the telephone call occurs if the claimant provides the information required by the Department representative or the Department's telephone claim system.

(2) For applications and claims filed by the Internet, the date indicated on the confirmation page displayed upon completion of the filing process.

(3) For applications and claims filed by United States Mail:

(i) The date of the official United States Postal Service postmark on the envelope, a United States Postal Service Form 3817 (Certificate of Mailing) or a United States Postal Service certified mail receipt.

(ii) If there is no official United States Postal Service postmark, United States Postal Service Form 3817 or United States Postal Service certified mail receipt, the date of a postage meter mark on the envelope.

(iii) If the filing date cannot be determined by any of the methods in subparagraph (i) or (ii), the date recorded by the UC Office when it receives the application or claim.

(4) For applications filed by facsimile machine:

(i) The date of receipt imprinted by the UC Office fax machine.

(ii) If the UC Office fax machine does not imprint a legible date, the date of transmission imprinted by the sender's fax machine.

(iii) If the filing date cannot be determined by any of the methods in subparagraph (i) or (ii), the date recorded by the UC Office when it receives the application.

§ 65.43a. Extended filing.

(a) For a week in which a claimant was employed less than his full time work, the claimant shall file a claim for compensation not later than the last day of the second week after the employer paid wages for that week. If the earliest week for which a claim for compensation is filed in accordance with this subsection precedes the week in which the claimant's application for benefits is filed or deemed filed, as determined without regard to this subsection, the Department will deem the application to be filed during the earliest week for which a claim is filed.

(b) If a determination regarding the eligibility of claimants under section 402(d) of the law (43 P. S. § 802(d)) is issued, similarly situated claimants shall file claims for compensation for weeks during the work stoppage not later than the last day of the 6th week after the determination becomes final. If the earliest week for which a claim for compensation is filed in accordance with this subsection precedes the week in which the claimant's application for benefits is filed or deemed filed, as determined without regard to this subsection, the Department will deem the application to be filed during the earliest week for which a claim is filed.

(c) The Department will deem an application for benefits to be filed prior to the week in which it actually is filed if the claimant did not file the application earlier for a reason listed in subsection (e). The Department will deem the application to be filed during the week that precedes the week of actual filing by the number of weeks indicated in subsection (e).

(d) If a claimant fails to file a claim for compensation within the time allowed in subsection (a) or (b) or § 65.43 (relating to claims for compensation—when to file), for a reason listed in subsection (e), the time for filing the claim is extended for the number of weeks indicated in subsection (e).

(e) For purposes of subsections (c) and (d) the number of weeks is determined as follows:

<i>Reason</i>	<i>Number of weeks</i>
The Department suspends accepting filings or is unable to handle all filings, due to an excessive volume of telephone calls or other reasons.	6

<i>Reason</i>	<i>Number of weeks</i>
The claimant attempts to file by telephone, Internet or fax transmission in accordance with § 65.41 (relating to filing methods), the method used to attempt to file is unavailable or malfunctions, and the attempt to file occurs on the last day that the claimant could timely file by the method used	2
A UC Office fails to accept a filing as a result of error or mistake by the Department.	52
Sickness or death of a member of the claimant's immediate family or an act of God.	2
Other, if the claimant makes all reasonable and good faith efforts to file timely but is unable to do so through no fault of the claimant.	2

(f) If a claimant fails to file a claim for compensation within the time allowed in subsection (a) or (b) or § 65.43 due to the claimant's illness or injury, the time for filing the claim is extended until the last day of the second week after the incapacity ends.

(g) The Department will deem an application for benefits to be filed no more than 2 weeks prior to the week in which it actually is filed if the claimant did not file the application earlier because an employer erroneously advised the claimant that the claimant would be recalled to work within 1 week.

(h) If two or more of the reasons enumerated in subsections (e) and (f) have prevented a claimant from filing a claim for compensation within the time allowed in subsection (a) or (b) or § 65.43, the longest extension applies. If adherence to the longest extension would be inequitable to the claimant, the sum of the applicable extensions applies.

(i) Notwithstanding any provision of this section, the Department may not extend the time for filing a claim for compensation more than 52 weeks and may not deem an application for benefits to be filed in a week included in a previous benefit year.

[Pa.B. Doc. No. 11-250. Filed for public inspection February 11, 2011, 9:00 a.m.]

NOTICES

CAPITOL PRESERVATION COMMITTEE

Request for Proposal

CPC 10.129: Preservation Maintenance of Finishes and Fixtures: Ryan Office Building. This project involves the following: dusting and general cleaning of walls, beam drops, soffit moldings, metal and stone railings, bronze and stone sculpture, gilded surfaces, finished woodwork, painted art work and miscellaneous architectural materials and finishes. The work also includes repair, preparation and refinishing of historic

plaster, scagliola marble and wood, and touch-in of gilded surfaces by qualified artisans. A \$100 deposit is required for issuance of project documents. Issue date of the proposal will be on March 16, 2011. A mandatory preproposal conference and site walk-through will be held on March 16, 2011, in Room 630, Main Capitol Building at 10 a.m. Proposals are due on April 6, 2011, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building, Harrisburg, PA or by contacting Tara Pyle at (717) 783-6484.

DAVID L. CRAIG,
Executive Director

[Pa.B. Doc. No. 11-251. Filed for public inspection February 11, 2011, 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 25, 2011.

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

Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-25-2011	<p><i>From:</i> Cambria County Federal Savings and Loan Association Cresson Cambria County</p> <p><i>To:</i> Cresson Community Bank Cresson Cambria County</p> <p>Application for approval to convert from a Federally-chartered mutual savings association to a Pennsylvania state-chartered mutual savings bank.</p>	Approved

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-20-2011	<p>James Wang</p> <p>Application for approval to acquire up to 44.0% of the common stock of Asian Financial Corporation, Philadelphia, the parent bank holding company of Asian Bank, Philadelphia.</p>	Approved

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-18-2011	<p>Alliance Bancorp, Inc. of Pennsylvania Broomall Delaware County</p> <p>Acquisition of 100% of Greater Delaware Valley Savings Bank (doing business as Alliance Bank), Broomall.</p>	Effective

NOTICES

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-16-2010	Penn Liberty Bank Wayne Chester County	654 West Lincoln Highway Exton Chester County	Opened
1-20-2011	First Keystone Community Bank Berwick Columbia County	463 West Main Street Plymouth Luzerne County	Filed
1-20-2011	Susquehanna Bank Lititz Lancaster County	203 International Drive Hunt Valley Baltimore County, MD	Approved

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-13-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 1671 Butler Plank Road Glenshaw Allegheny County <i>From:</i> 1700 William Flynn Parkway Glenshaw Allegheny County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-20-2011	New Century Bank Phoenixville Chester County	457 Haddonfield Road Suite 100 Cherry Hill Camden County, NJ	Approved
1-20-2011	VIST Bank Wyomissing Berks County	190 East DeKalb Pike King of Prussia Montgomery County	Approved
1-21-2011	Northwest Savings Bank Warren Warren County	117 North Allegheny Street Bellefonte Centre County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-25-2011	Freedom Credit Union Warminster Bucks County Application for approval to merge Salem Federal Credit Union, Jenkintown, with and into Freedom Credit Union, Warminster.	Filed

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

PAUL WENTZEL,
Acting Secretary

[Pa.B. Doc. No. 11-252. Filed for public inspection February 11, 2011, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Manufactured Housing Installation Program; Approved Training Curriculum for Construction Code Officials

Under 12 Pa. Code § 149.5(d) (relating to building code official training), the Department of Community and Economic Development (Department) publishes the list of approved training curriculum for those code officials who inspect the installation of manufactured homes. Persons that have successfully completed the training curriculum listed will have satisfied the requirement in 12 Pa. Code § 149.5(e). See 36 Pa.B. 3087 (June 24, 2006) for the adopted text of 12 Pa. Code Chapter 149 (relating to manufactured housing improvement program).

IRC 101-International Residential Code Building Essentials administered by the Pennsylvania Construction Codes Academy.

IRC 103-How to Inspect Manufactured and Modular Housing administered by the Pennsylvania Construction Codes Academy.

BCO 101-Building Code Official Course and Exam administered by the Pennsylvania Construction Codes Academy.

Manufactured Housing Program and Basic Installer Training administered by Department of Community and Economic Development, Housing Standards Division.

Manufactured Housing Installer Update Training administered by Department of Community and Economic Development, Housing Standards Division.

In addition to the approved training programs listed, the Department may provide a workshop for code officials who request training. Code Officials may contact the Department to request more information on scheduling a workshop.

Program inquiries should be directed to Mark A. Conte, Chief, Housing Standards Division, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7416, mconte@state.pa.us.

C. ALAN WALKER,
Acting Secretary

[Pa.B. Doc. No. 11-253. Filed for public inspection February 11, 2011, 9:00 a.m.]

Manufactured Housing Installation Program; Approved Training Curriculum for Installers

Under 12 Pa. Code § 149.4(a)(4) (relating to installer training and certification), the Department of Community and Economic Development publishes the list of approved training curriculum for those persons seeking certification as installers of manufactured homes. Persons that have successfully completed the training curriculum listed will be eligible to apply for certification as an installer as defined in section 3 of the Manufactured Housing Improvement Act (35 P. S. § 1658.3).

Manufactured Housing Program and Basic Installer Training administered by the Department of Community and Economic Development, Housing Standards Division.

Persons already certified as installers are required to complete a specified training curriculum every 3 years as provided for in 12 Pa. Code § 149.4(b)(iii). The following training curriculum is approved for those installers:

Manufactured Housing Installer Update Training administered by Department of Community and Economic Development, Housing Standards Division.

Manufactured Housing Program and Basic Installer Training administered by Department of Community and Economic Development, Housing Standards Division.

Program inquiries should be directed to Mark A. Conte, Chief, Housing Standards Division, Department of Community and Economic Development, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7416, mconte@state.pa.us.

C. ALAN WALKER,
Acting Secretary

[Pa.B. Doc. No. 11-254. Filed for public inspection February 11, 2011, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, February 23, 2011, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY DUNN,
Acting Secretary

[Pa.B. Doc. No. 11-255. Filed for public inspection February 11, 2011, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Lancaster Bible College for Approval of Amendment and Restatement of its Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department)

will consider the application of Lancaster Bible College (College) for a Certificate of Authority approving the request to amend and restate the institution's Articles of Incorporation. The College is restating its purpose clause and other items to reflect the current operation of the institution, as the current Articles of Incorporation date from the time of its initial approval as a college in 1973.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon this application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23—35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4448, on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Carol M. D. Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

AMY C. MORTON,
Acting Secretary

[Pa.B. Doc. No. 11-256. Filed for public inspection February 11, 2011, 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.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0046353 (Sewage)	Waymart Area Authority Rear Railroad Lane Waymart, PA 18472-0224	Wayne County Waymart Borough	Van Auken Creek (1-B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0247618 (SEW)	East Salem Sewer Authority 177 Sun Valley Drive Mifflintown, PA 17059	Juniata County / Delaware Township	Delaware Creek / 11-B	Y
PA0081523 (SEW)	Mohammad Dowlet Blair Chalet 1598 Reservoir Road Duncansville, PA 16635	Blair County / Blair Township	Frankstown Branch Juniata River / 11-A	Y
PA0088056 (IW)	Gettysburg Municipal Authority (Stream Well #2) 601 East Middle Street Gettysburg, PA 17325	Adams County / Cumberland Township	UNT Marsh Creek / 13-D	Y
PA0111601 (SEW)	Christian Retreat Center 369 CRC Drive East Waterford, PA 17021-9981	Juniata County / Lack Township	Tuscarora Creek / 12-B	Y
PA0247936 (SEW)	Twin Grove Park Campground PO Box 222178 Carmel, CA 93922	Lebanon County Union Township	UNT to Swatara Creek / 7-D	Y
PA0086215 (SEW)	Peifer Brothers Shalako Mobile Home Park PO Box 550 Elizabethtown, PA 17022	York County Lower Windsor Township	UNT to Cabin Creek / 7-I	Y
PA0080501 (SEW)	Tuscarora School District Montgomery Elementary School 118 East Seminary Street Mercersburg, PA 17236	Franklin County Montgomery Township	UNT of West Branch Conococheague / 13-C	Y
PA0085278 (SEW)	Nick Hodges Deerwood Community HOA 11375 Lafayette Road Mercersburg, PA 17236	Franklin County Montgomery Township	UNT to Licking Creek / 13-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239631 (Sewage)	Monroe Township STP 142 Monroe Woods Drive Clarion, PA 16214	Clarion County Monroe Township	Brush Run 17-B	Y
PA0102386 (Sewage)	IBI/RR, LLC, d/b/a Iron Bridge Inn 1438 Perry Highway Mercer, PA 16137	Mercer County Springfield Township	Neshannock Creek 20-A	Y

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

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

PA0024651, Sewage, **Atglen Borough Sewer Authority**, 120 West Main Street, P. O. Box 250, Atglen, PA 19310.

This existing facility is located in Atglen Borough, **Chester County**.

Description of Proposed Activity: This is the proposed renewal of the National Pollutant Discharge Elimination System (NPDES) permit for the discharge of 0.09 mgd of treated sewage from the Atglen Borough sewage treatment plant.

The receiving stream, Valley Creek, is in the State Water Plan watershed 7K and is classified for: TSF, MF. It is a tributary to East Branch Octoraro Creek.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.09 mgd.

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Monthly Average	Weekly Average	Monthly Average	Weekly Average	
CBOD ₅	19	30	25	40	50
Total Suspended Solids	23	34	30	45	60
Ammonia as N			Report		
Fecal Coliform					
(05/01 to 09/30)			200/100 ml		1,000/100 ml
(10/01 to 04/30)			26,000/100 ml		
Dissolved Oxygen			3.0 (min.)		
pH (Std. Units)			6.0 (min.)		9.0
Total Residual Chlorine			0.5		1.2
Total Nitrogen					
(first 2 years)	Report	Report Annual Average	Report		
Nitrate as N (first 2 years)			Report		
Nitrite as N (first 2 years)			Report		
Total Kjeldahl Nitrogen					
(first 2 years)			Report		
Phosphorus as P					
(first 2 years)	Report	Report Annual Average	Report		

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

- A. Notification of Designation of Operator
- B. Average Weekly Definition
- C. Remedial Measures if Unsatisfactory Effluent
- D. No Stormwater
- E. Acquire Necessary Property Rights
- F. Small Stream Discharge
- G. Change in Ownership
- H. Total Residual Chlorine Requirement
- I. Proper Sludge Disposal
- J. TMDL Data
- K. Certified Operator
- L. I-Max Requirements
- M. 2/Month Monitoring Requirements
- N. Laboratory Certification
- O. Fecal Coliform I-Max Reporting

PA0031666, Sewage, SIC Code 4952, 7991, **Concord Country Club**, P O Box 1248, Chadds Ford, PA 19317. Facility Name: Concord Country Club STP. This existing facility is located in Concord Township, **Delaware County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.012 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Instant. Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	2.0	Report	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	5	XXX	10
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	15	XXX	30
Total Phosphorus (Interim)	XXX	XXX	XXX	Report	XXX	Report
Total Phosphorus						
May 1 - Oct 31 (Final)	XXX	XXX	XXX	1.0	XXX	2.0
Total Phosphorus						
Nov 1 - Apr 30 (Final)	XXX	XXX	XXX	2.0	XXX	4.0

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

- A. Operator Notification
- B. Abandon STP When Municipal Sewers Available
- C. Remedial Measures if Unsatisfactory Effluent
- D. No Stormwater
- E. Acquire Necessary Property Rights
- F. Small Stream Discharge
- G. Change of Ownership
- H. Chlorine Minimization
- I. Proper Sludge Disposal
- J. 2/Month Sampling
- K. Laboratory Certification
- L. Fecal Coliform Reporting
- M. Grease Traps Cleaning

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

The EPA Waiver is in effect.

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

Application No. PA0246581, Concentrated Animal Feeding Operation (CAFO), **Mercer Vu Farms, Inc.**, 12275 Mount Pleasant Road, Mercersburg, Pennsylvania 17236.

Mercer Vu Farms, Inc. has submitted an application for an Individual NPDES permit for an existing CAFO known as Mercer Vu Farms, located at 12275 Mount Pleasant Road, Mercersburg in Montgomery Township, **Franklin County**.

The CAFO is situated near an unnamed tributary of Johnston Run in Watershed 13-C, which is classified for warm water fishery. The CAFO is designed to maintain an animal population of approximately 2,102 animal equivalent units (AEU) consisting of 1,540 dairy cows and 340 calves/heifers. Manure is collected and stored in a circular concrete storage facility and a earthen HDPE lined lagoon following a solids separation system. Solids and pen pack is processed through a composting operation. 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 25-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.

PA0081001, Sewage, SIC Code 4952, **Saint Thomas Township Municipal Authority Franklin**, 6442 Lincoln Way West, St Thomas, PA 17252. Facility Name: St Thomas Township STP. This existing facility is located in Saint Thomas Township, **Franklin 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), Back Creek, is located in State Water Plan watershed 13-C and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.40 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>Weekly Average</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	0.5	XXX	1.6
CBOD ₅	83	133	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	100	150	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	XXX
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	20	XXX	XXX	6.0	XXX	12

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	7,306			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	974			

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2012. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2012.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA Waiver is not in effect.

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

PA0024686, Sewage, SIC Code 4952, **Mid Mon Valley Wpc Authority**, PO Box 197, Allenport, PA 15412. Facility Name: Mid Mon Valley Wpca. This existing facility is located in Allenport Borough, **Washington County**.

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

The receiving stream(s), Monongahela River, Unnamed Tributary to Monongahela River and Unnamed Tributary to Spruce Run, is located in State Water Plan watershed 19-C and 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 0.070 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	3.3
CBO _{D5}	146	222	XXX	25	38	50
Total Suspended Solids	175	263	XXX	30	45	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Fecal Coliform (CFU/100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000

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

The EPA Waiver is in effect.

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

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

WQM Permit No. 0110407, Sewerage, **Robert J. Niner**, 1847 Ridge Road, Westminster, MD 21157.

This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a small flow sewage treatment system to serve their single family residence at 155 Pine Tree Road, New Oxford, PA 17350.

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

WQM Permit No. 1910401, Sewerage [SIC 4952], **Lions Gate Commons Community, LLC**, Tower Road, Bloomsburg, PA 17815.

This proposed facility is located in Scott Township, **Columbia County**.

Description of Proposed Action/Activity: The applicant wishes to construct a new collection system which is proposed to connect to an existing collection system owned by the Scott Township Authority which in turn connects to an existing collection system owned by the Town of Bloomsburg.

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

WQM Permit No. 0469401-A2, Sewerage, **Baden Borough Municipal Authority**, PO Box 143, 149 State Street, Baden, PA 15005

This existing facility is located in Baden Borough, **Beaver County**

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

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

WQM Permit No. WQG016185, Sewerage, **Charles G. Urtin**, 107 Pennwood Drive, Irwin, PA 15642

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

Description of Proposed Action/Activity: Application for the construction and operation of a single residence sewage treatment facility.

WQM Permit No. 466S91-A2, Sewerage, **Garrett Borough**, 307 Municipal Road, PO Box 218, Garrett, PA 15542

This existing facility is located in Garrett Borough, **Somerset County**.

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

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

Luzerne County Conservation District: 485 Smiths Pond Road, Shavertown, PA 18708, 570-674-7991.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024010008	Commonwealth of Pennsylvania Bureau of Forestry RR1, Box 230 Dalton, PA 18414	Luzerne	Wright Twp.	UNT's to Nescopeck Creek, HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032110009	Donald Group, Group & Group, Woods of Barnitz 1545 Holly Pike Carlisle, PA 17013	Cumberland	Dickinson Township	Yellow Breeches Creek/ HQ-CWF

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

Westmoreland County Conservation District, 218 Donohoe Road, Greensburg, PA 15601 (724-837-5271)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056511001	PennDOT-Rachel Duda 825 North Gallatin Avenue Uniontown, PA 15401	Westmoreland	Washington Township	Thorn Run & Unt. to Beaver Run (HQ-CWF)

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

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

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Mike Rohrer 124 Charlestown Rd Washington Boro, PA 17582	Lancaster	750	2236.5	Dairy	NA	Renewal
Ideal Family Farms, LLC Gerald Stauffer 89 BP Finishing Lane Beavertown, PA 17813	Snyder	46.0 But 0 for manure App.	1569.76	Swine	N/A	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 (35 P. S. §§ 721.1—721.17)

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

Permit No. 0610541, Public Water Supply.

Applicant	Birdsboro Municipal Authority
Municipality	Birdsboro Borough
County	Berks
Responsible Official	Theodore Morse, Chairman PO Box 340 Birdsboro, PA 19508

Type of Facility: Public Water Supply
 Consulting Engineer: Christina Crawford MBA, P.E.
 Spotts, Stevens & McCoy, Inc.
 1047 North Park Road
 Reading, PA 19610-0307

Application Received: 12/27/2010

Description of Action: Project includes construction of a new membrane treatment plant, clearwell and booster station.

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

Application No. 4311501, Public Water Supply

Applicant: **Reynolds Water Company**
 Township or Borough: Pymatuning Township, **Mercer County**
 Responsible Official: Bradley R. Gosser, Executive Director
 Consulting Engineer: Tom Thompson, PE
 Gannett Fleming, Inc.
 554 South Erie Street
 Mercer, PA 16137

Application Received Date: 01/24/2011

Description of Action: Replacement of existing monomedia rapid sand filters; addition of a chlorine application point; relocation of residual chlorine monitoring location & replacement of high service pumps.

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

Jackson Residence, Abington Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ed Applegate, State Farm, PO Box 8061, Ballston Spa, NY 12020-8061 on behalf of Lawrence Jackson, 1516 Reservoir Avenue, Roslyn, PA 19001 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 22 fuel oil. The future use of the site is residential. A summary of the Intent to Remediate was to have been reported in The Ambler Gazette on November 24, 2010.

Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Venezia Hauling, Inc., AKA Chemical Leaman Tank Lines, Inc., Quality Carriers, Inc., 3987 Easton-Nazareth Road (Route 248), Lower Nazareth Township,

Northampton County. Ryan B. Beebe, Earth Data Northeast, Inc., 924 Springdale Drive, Exton, PA 19341 has submitted a Notice of Intent to Remediate (on behalf of his client, Venezia Hauling, Inc., P. O. Box 909, Royersford, PA 19468), concerning the remediation of soil found to have been impacted by VOCs as a result of historic wastewater containment operations at the site. The applicant proposes to remediate the site to meet the Site-Specific Standard for soil. The property will continue to be used as a non-residential, trucking terminal in the future. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on January 10, 2011.

Shoppes at Crossroads (Crossroads Travel Center), Southwest Corner of Route 33 and Route 611, Hamilton Township, **Monroe County**. James F. Mullan, Hocage Consulting, Inc., 987 Haddon Avenue, Colingswood, NJ 08108 has submitted a Notice of Intent to Remediate (on behalf of his client, Hamilton FC Associates, LP, 633 West Germantown Pike, Suite 205, Plymouth Meeting, PA 19462), concerning the remediation of soil and groundwater found to have been impacted by petroleum constituents as a result of historic truck stop operations at the site. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil and groundwater. The intended future use of the property is as a shopping center. A summary of the Notice of Intent to remediate was published in the *Pocono Record* on December 16, 2010. A Final Report was simultaneously submitted.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

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

PAD980550594. Sunoco, Inc. (R&M), 1735 Market Street, Suite LL, Philadelphia PA 19103. This permit application is for the 10-year renewal of the RCRA Hazardous Waste Part B Permit to continue operation at Sunoco's Marcus Hook Refinery located at 100 Green Street, Marcus Hook, PA 19061 in the Borough of Marcus Hook, **Delaware County**. Application was received by the Southeast Regional Office on January 11, 2011.

RENEWAL APPLICATION FOR RESIDUAL WASTE GENERAL PERMITS

Renewal Application for General Permit Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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 Number WMGR068. Northampton Generating Co., 1 Horwith Dr., Northampton, PA 18067-9728. General Permit Number WMGR068 authorizes beneficial use of (i) carbonaceous wastes: petroleum coke, uncontaminated, untreated wood

chips and other paper and wood industry wastes comprised primarily of wood fibers, and tire-derived fuel (TDF), and (ii) the ash generated from the burning of that waste as (a) an alternative fuel to combine with waste coal/coal to produce specification fuel for circulating fluidized bed boilers and (b) Ash—a soil additive to promote revegetation on mine sites; and (c) as prescribed in 25 Pa. Code §§ 287.661—287.666. The application for renewal was received by Central Office on November 15, 2010.

Persons interested in reviewing the general permit renewal application and/or providing comments are 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. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

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

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

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

39-312-051: Buckeye Energy Services LLC (5 TEK Park, 9999 Hamilton Blvd., Breinigsville, PA 18031) for installation and operation of a new Vapor Combustion Unit (VCU) for the control of VOC and HAP emissions from loading rack number 2 for their plant in Lower Macungie Township, Lehigh.

In accord with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue Plan Approval No. 39-312-051 to Buckeye Energy Services LLC (5 TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031) for their plant in Lower Macungie Township, **Lehigh County**. The facility currently operates under Title V Operating Permit No. 39-00016. This plan approval will be incorporated into the Title V Operating Permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 39-312-051 is for the installation and operation of a new Vapor Combustion Unit (VCU) for the control of VOC and HAP emissions from loading rack number 2 at the facility. The new unit will replace the existing RVRU unit. VOC emissions will decrease with the new installation. The proposed changes do not physically alter the loading rack in any way, do not impact maximum throughput capacity, and do not result in an increase in throughput or VOC/HAP emissions. The proposed change will enable the installation of the air pollution control equipment to meet 40 CFR 63 Subpart R requirements. The new VCU will also meet the VOC emission limitation of 25 Pa. Code § 129.59 and the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

At no time shall any gasoline loading occur without the simultaneous operation of the vapor combustion unit. The nitrogen oxides and carbon monoxide emissions from the vapor combustion unit shall not exceed 4 or 10 milligrams per liter of product loaded, respectively. The VOC emissions shall not exceed 10 mg/liter of product loaded. The amount of gasoline loaded using loading rack number 2 (Source 101) shall not exceed 275 million gallons, per 12 consecutive month period.

The proposed VCU will be operated to comply with the above emission limitations. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating in compliance with 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 DEP 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. 39-312-051.

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

A public hearing may be held, if the DEP, 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 Raymond Kempa, P.E., Environmental Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

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

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

36-05015D: Dart Container Corp. of PA (60 East Main Street, Leola, PA 17540) for construction of two (2) landfill gas-fired turbines in Upper Leacock Township, **Lancaster County**.

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

This plan approval is for the construction of two landfill gas-fired turbines that will be used in a combined heat and power process where the turbines will supply both electrical power and steam for plant operations. The operations of the turbines will replace the use of nine (9) existing boilers that are currently supplying steam for the facility's manufacturing processes. The project will increase the facility's potential-to-emit Nitrogen Oxides (NO_x) emissions by 99.0 tpy, Volatile Organic Compound (VOC) emissions by 17.2 tpy, Fine Particulate (PM₁₀/PM_{2.5}) emissions by 12.8 tpy, Carbon Monoxide (CO) emissions by 149.6 tpy, Hazardous Air Pollutant (HAP) emissions by 0.12 tpy, and Sulfur Dioxide (SO₂) emissions by 38.5 tpy.

The company shall be subject to and comply with the relevant provisions of Title 25 of the Pa. Code including chapters 123, 127, and 129. The Plan Approval and Operating permit will contain additional testing, recordkeeping, and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The project will not trigger PSD or NSR requirements.

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

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

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

- Identification of the proposed permit by the permit number listed above.

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

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

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

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

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

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

60-00014A: Evangelical Community Hospital (1 Hospital Drive, Lewisburg, PA 17837) for construction of a 24.7 million Btu per hour, biomass-fired boiler in Kelly Township, **Union County**.

The Department of Environmental Protection's (Department) review of the information submitted by Evangelical Community Hospital indicates that the air contamination source to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the particulate matter emission limitation of 25 Pa. Code § 123.11, the sulfur oxides emission limitation of 25 Pa. Code § 121.22, the visible emission limitation of 25 Pa. Code § 123.41 and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emissions from the boiler will not exceed 27.09 tons of NO_x, 43.34 tons of CO, 1.84 tons of VOCs, 2.71 tons of SO_x and 3.25 tons of PM₁₀ per year.

In addition to the emission limitations, the following is a summary of the types of conditions the Department intends place in the plan approval to ensure compliance with all applicable regulatory requirements including the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12.

Emission restrictions to limit the emission of NO_x, CO, VOCs, SO_x and PM₁₀.

Work practice requirements to install and operate the source and control device with good air pollution control practices.

Test conditions to verify compliance with the PM₁₀ emission limitations.

Recordkeeping conditions to verify compliance with the emission limitations and all applicable requirements.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office. 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.

41-00078C: Chief Gathering, LLC (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) for a plan approval to construct four (4) natural-gas fired compressor engines each equipped with oxidation catalysts, one glycol dehydrator, to incorporate three existing natural-gas fired compressor engines and two existing glycol dehydrators at the Barto Compressor Station located in Penn Township, **Lycoming County**. The proposed facility will be a major (Title V) facility.

The Department's review of the information submitted by Chief Gathering, LLC indicates that the construction of the compressor engines equipped with oxidation catalysts and glycol dehydrator and the three existing natural-gas fired compressor engines and two existing glycol dehydrators will meet all applicable air quality regulatory requirements pertaining to air-contamination sources and the emission of air contaminants. Based on these findings, the Department intends to approve the application and issue plan approval for the construction of the compressor engines equipped with oxidation catalysts and to incorporate three existing natural-gas fired compressor engines and two existing glycol dehydrators. Additionally, if the Department determines that the compressor engines equipped with oxidation catalysts and glycol dehydrator and the three existing natural-gas fired compressor engines and two existing glycol dehydrators are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V operating permit via an administrative amendment pursuant to 25 Pa. Code Sections 127.450.

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. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the four 2370 brake horsepower, natural-gas fired reciprocating internal combustion engines shall incorporate a "clean burn" electronic control system to control NO_x emissions. Additionally, the carbon monoxide, volatile organic compounds, and formaldehyde emissions from each engine shall be controlled by a DCL International QUICK-LID model DC69.5A-20 oxidation catalyst unit. The permittee shall not operate any of the engines without the simultaneous operation of each respective oxidation catalyst at any time.

2. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the permittee shall only use natural gas as fuel for each engine.

3. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of each oxidation catalyst associated with each engine in excess of the limitations listed below:

- a. nitrogen oxides (NO_x, expressed as NO₂)—0.50 gm/bhp-hr, 2.61 lb/hr, and 11.44 tons in any 12 consecutive month period,

- b. carbon monoxide (CO)—0.28 gm/bhp-hr, 1.44 lb/hr and 6.29 tons in any 12 consecutive month period,

- c. volatile organic compounds (VOC)—0.13 gm/bhp-hr, 0.66 lb/hr, and 2.88 tons in any 12 consecutive month period,

- d. particulate matter (PM/PM₁₀)—0.03 gm/bhp-hr, 0.16 lb/hr and 0.70 tons in any 12 consecutive month period,

- e. formaldehyde—0.04 gm/bhp-hr, 0.21 lb/hr and 0.92 tons in any 12 consecutive month period.

- f. sulfur oxides (SO_x, expressed as SO₂) emissions to not exceed 2 parts per million, by volume, dry basis.

4. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, each oxidation catalyst shall be capable of reducing the carbon monoxide emissions by at least 90% from each engine.

5. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the permittee shall equip each oxidation catalyst with instrumentation to monitor and record pressure drop across each oxidation catalyst and the inlet gas temperature of each oxidation catalyst and shall monitor these parameters on a continuous basis.

6. The permittee shall comply with all applicable requirements of Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for each engine as specified in 40 CFR Sections 63.6580—63.6675.

7. The permittee shall comply with all applicable requirements of Subpart JJJJ of the Standards of Performance for New Stationary Sources for each engine as specified in 40 CFR Sections 60.4230—60.4248.

8. The permittee shall perform nitrogen oxide (NO_x, expressed as NO₂), carbon monoxide, volatile organic compound and formaldehyde stack tests upon each engine within 120 days from the commencement of operation of each engine to demonstrate compliance with the emission limitations and the carbon monoxide destruction efficiency requirements from each oxidation catalyst associated with each engine.

9. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the permittee shall only use natural gas as fuel for Source ID P203.

10. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of the glycol regenerator incorporated in Source ID P203 in excess of the limitations listed below:

- a. volatile organic compounds (VOC)—7.34 tons in any 12 consecutive month period

b. there shall not be any benzene emissions

c. particulate matter (PM/PM10)—0.01 grains per dry standard cubic foot (gr/dscf),

d. sulfur oxides (SO_x, expressed as SO₂) emissions to not exceed 500 parts per million, by volume, dry basis.

11. As elected by CG, the carbon monoxide, volatile organic compounds, and formaldehyde emissions from Source ID P104 (Eng-2A), Source ID P105 (Eng-3), and Source ID P106 (Eng-7) shall be controlled by DCL International QUICK-LID model 2-DC65A-12 oxidation catalyst units (Control Device IDs C104, C105, and C106). The permittee shall not operate Source IDs P104, P105, and P106 without the simultaneous operation of each respective oxidation catalyst (Control Device IDs C104, C105, and C106) at any time.

12. Pursuant to their respective GP5 authorizations, Source IDs P104, P105, and P106, when operating at conditions less than rated capacity, are limited to emitting no more than they emit at rated capacity and speed, on a pounds-per-hour basis.

13. Pursuant to their respective GP5 authorizations, visible emissions from Source IDs P104, P105, and P106 are required to not equal or exceed 10% for 3 minutes in any 1-hour period and not equal or exceed 30% at any time.

14. The permittee shall only use natural gas as fuel for Source IDs P104, P105, and P106.

15. As elected by CG, the permittee shall not permit the following air contaminant emissions from the exhaust of oxidation catalyst (ID C104) associated with Source ID P104 in excess of the limitations listed below:

a. nitrogen oxides (NO_x, expressed as NO₂)—1.5 gm/bhp-hr, 4.43 lb/hr, and 19.41 tons in any 12 consecutive month period,

b. carbon monoxide (CO)—0.095 gm/bhp-hr, 0.28 lb/hr and 1.22 tons in any 12 consecutive month period,

c. volatile organic compounds (VOC)—0.16 gm/bhp-hr, 0.47 lb/hr, and 2.07 tons in any 12 consecutive month period,

d. particulate matter (PM/PM10)—0.04 grains per dry standard cubic foot (gr/dscf),

e. formaldehyde—0.03 gm/bhp-hr, 0.09 lb/hr and 0.39 tons in any 12 consecutive month period.

f. sulfur oxides (SO_x, expressed as SO₂) emissions to not exceed 500 parts per million, by volume, dry basis.

16. As elected by CG, oxidation catalyst (ID C104) shall be capable of reducing the carbon monoxide emissions by at least 95%, the volatile organic compounds by at least 75%, and the formaldehyde emissions by at least 90% from Source ID P104.

17. As elected by CG, the permittee shall not permit the following air contaminant emissions from the exhaust of oxidation catalyst (IDs C105 and C106) associated with Source IDs P105 and P106 in excess of the limitations listed below:

a. nitrogen oxides (NO_x, expressed as NO₂)—0.5 gm/bhp-hr, 1.52 lb/hr, and 6.66 tons in any 12 consecutive month period,

b. carbon monoxide (CO)—0.095 gm/bhp-hr, 0.29 lb/hr and 1.27 tons in any 12 consecutive month period,

c. volatile organic compounds (VOC)—0.16 gm/bhp-hr, 0.49 lb/hr, and 2.13 tons in any 12 consecutive month period,

d. particulate matter (PM/PM10)—0.04 grains per dry standard cubic foot (gr/dscf),

e. formaldehyde—0.03 gm/bhp-hr, 0.08 lb/hr and 0.35 tons in any 12 consecutive month period.

f. sulfur oxides (SO_x, expressed as SO₂) emissions to not exceed 500 parts per million, by volume, dry basis.

18. As elected by CG, oxidation catalyst (IDs C105 and C106) shall be capable of reducing the carbon monoxide emissions by at least 97%, the volatile organic compounds by at least 75%, and the formaldehyde emissions by at least 94% from Source IDs P105 and P106.

19. The permittee shall comply with all applicable requirements of Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for each engine as specified in 40 CFR Sections 63.6580—63.6675.

20. The permittee shall comply with all applicable requirements of Subpart JJJJ of the Standards of Performance for New Stationary Sources for each engine as specified in 40 CFR Sections 60.4230—60.4248.

21. The permittee shall perform nitrogen oxide (NO_x, expressed as NO₂), carbon monoxide, volatile organic compound, and formaldehyde stack tests upon Source IDs P104, P105, and P106 within 120 days of issuance of this plan approval to demonstrate compliance with these respective emission limitations and the carbon monoxide, volatile organic compounds, and formaldehyde destruction efficiency requirements from oxidation catalysts (IDs C104, C105, and C106) associated with Source IDs P104, P105, P106.

22. The permittee shall only use natural gas as fuel for Source IDs P201 and P202.

23. The permittee shall not permit the following air contaminant emissions from the exhaust of the glycol regenerators incorporated in Source IDs P201 and P202 in excess of the limitations listed below:

a. Particulate matter—0.04 gr/dscf and

b. Sulfur oxides—500 ppmvd

c. nitrogen oxides (NO_x, expressed as NO₂)—0.32 tpy (Source ID P201) and 0.85 tpy (Source ID P202)

d. carbon monoxide—0.27 tpy (Source ID P201) and 0.71 tpy (Source ID P202)

e. Volatile organic compounds—3.15 tpy (Source ID P201) and 9.95 (Source ID P202)

The plan approval contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable Federal and State regulatory requirements.

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. 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.

OPERATING PERMITS

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

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

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

39-00019: Buckeye Pipeline Co., LP (5 TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031) for operation of the Macungie Station facility in Lower Macungie Township, **Lehigh 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.

39-00016: Buckeye Energy Services, LLC (P. O. Box 146, 5285 Shippers Road, Macungie, PA 18062) for operation of a bulk gasoline storage and distribution terminal in Lower Macungie Township, **Lehigh 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.

39-00028: Buckeye Terminals, LLC (5198 Buckeye Road, Emmaus, PA 18049) for operation of a bulk gasoline and chemical storage and distribution terminal facility in Lower Macungie Township, **Lehigh 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.

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

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

49-00001: Mt. Carmel Cogen, Inc. (Marion Heights Road, Marion Heights PA 17832) for renewal of a Title V Operating Permit for their facility in Mount Carmel Township, **Northumberland County**. The facility is currently operating under amended Title V Operating Permit 49-00001 revised October 18, 2005. The facility's main sources include one (1), culm-fired cogeneration unit; small (<10 MMBtu/hr, input) combustion units, back-up culm crusher plant, main culm crusher plant, and emergency fire pump-engine. The facility has the potential to emit major quantities of carbon monoxide, nitrogen oxides, sulfur oxides, total particulate matter, and hazardous air pollutant emissions. The proposed Title V operating permit for renewal has incorporated the CAM

provisions applicable to cogeneration unit for monitoring of the performance of the baghouse that control particulate matter emissions. The CAM provisions included in the proposed Title V operating permit require opacity monitoring using the existing, certified continuous emissions monitoring system. The opacity from the stack will be maintained within the testing-determined ranges to reasonably assure compliance with the total particulate matter emissions limitations. The proposed Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with Federal and State regulations.

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

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

03-00125: Peoples Natural Gas (1201 Pitt Street, Pittsburgh, Pa 15221) to continue operation at the Valley Compressor Station in the Cowanshannock Township, **Armstrong County**. This is a Title V Operating Permit Renewal submittal.

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

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

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

09-00159: Colorcon, Inc.—No-Tox Products Division (171 New Britain Boulevard, Chalfont, PA 18914) for a renewal of State Only (Natural Minor) Operating Permit No. 09-00159, for a No-Tox production area and an emergency generator at the facility in Chalfont, **Bucks County**. The permit was originally issued on February 25, 2005, and no major physical changes have occurred at the facility since then. However, the renewed permit will include an increase in the volatile organic compound (VOC) emission restriction for the facility from 10.1 tons/yr to 14.1 tons/yr, as a result of a de minimis VOC emission increase of 4.0 tons/yr that the Department authorized on May 2, 2006. The renewed permit will also include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

46-00012: Philadelphia Media Network, LLC (800 River Road, West Conshohocken, PA 19428) for a non-Title V, State Only, Synthetic Minor Operating Permit in Upper Merion Township, **Montgomery County**. This action replaces the existing Title V Operating Permit. The permit is for the operation of nine (9) lithographic printing presses, four (4) main natural gas-fired boilers and other miscellaneous or insignificant sources. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00247: Universal Concrete Products Corp. (400 Old Reading Pike, Stowe, PA 19464) for renewal of a non-Title V, State Only Operating Permit, Natural Minor facility in West Pottsgrove Township, **Montgomery County**. This facility manufactures pre-cast concrete exteriors used for building architecture. This facility operates a Ross Concrete Batch Plant with a dust collector and applies a coating to the wooden to aid in the removal of concrete forms from their molds. Particulate

matter emissions were estimated to be less than 15 tons per year from the Ross Plant, the unpaved roads, and the wind erosion of sand and aggregate storage piles. The facility has the potential to emit 4.5 tons of hazardous air pollutants per year from the coatings used to aid in the release of concrete from their wooden molds. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

36-03052: Boose Aluminum Foundry Co., Inc. (77 North Reamstown Road, Reamstown, PA 17567) for the aluminum foundry in East Cocalico Township, **Lancaster County**.

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

The subject facility has actual emissions of approximately 20 tpy of VOCs and 2 tpy of naphthalene. 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.

Mr. Thomas Hanlon, Chief, East Permitting Section 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.

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

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

55-00008: Apex Homes, Inc. (7172 U.S. Highway 522 North, Middleburg, PA 17842) for operation of their facility in Middlecreek Township, **Snyder County**. The facility incorporates one 0.80 MMBtu/hr wood-fired outdoor boiler, one modular home assembly operation and paint shop controlled by spray booth filters under Plan Approval 55-399-006A, one woodworking operation controlled by a fabric collector exempted from plan approval

via RFD, 16 portable propane-fired heaters/torches with a combined maximum heat input rating of 0.062 MMBtu/hr, 14 portable kerosene-fired heater with a combined maximum heat input rating of 1.64 MMBtu/hr, two portable gasoline-fired engines rated at 20 bhp and 6.75 bhp, one 80 gallon gasoline storage tank, one 825 gallon diesel fuel storage tank, and one 4000 gallon propane storage tank. The facility has the potential to emit up to 28.84 tons of PM/PM10, 3.67 tons of HAPs, 3.68 tons of SOx, 1.37 tons of NOx, 42.07 tons of VOCs, 25.32 tons of CO per year, 2.14 tons of acetone, and 0.39 tons of chlorodifluoromethane. The facility is not a major (Title V) facility for any air contaminant. The Department also intends to incorporate into the operating permit all conditions currently contained in Plan Approval 55-399-006A and all applicable conditions of approval contained in the RFD exemption for the woodworking operation.

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

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

03-00088: Paul Bradigan & Sons (114 South Water Street Ext, P. O. Box 995, Kittanning, PA 16210) Natural Minor Operating Permit is for petroleum and petroleum products merchant wholesales (except bulk stations and terminals for their facility located in Manor Township, **Armstrong County**. This is a state only renewal submittal.

03-00152: Glacial Sand and Gravel Co./Tarrtown Land Plant (4023 Tarrtown Road, Adrian, PA 16210) Natural Minor Operating Permit is for processing sand and decorative gravel. The facility consists of four crushers, three screens, two wet screens, two dewatering screens, two sand screws, three sand tanks and various transfer conveyors. The plant also consists of two wash tanks to remove surface stains from the sand and gravel as well as two hydroclones that remove further unwanted debris from the final material. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the fugitive emission and malodor restrictions in 25 Pa. Code §§ 123.1, 123.2, and 123.31. Records of the weekly surveys performed must be recorded including date, time, observer, observation taken and if any corrective action. The permit also includes operation requirements, monitoring requirements, and recordkeeping requirements for the facility located in East Franklin Township, **Armstrong County**. This is a state only reissue submittal.

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

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

25-00464: Klein Plating Works (2020 Greengarden Road, Erie, PA 16502) for renewal of the State Only Operating Permit for their plating operations facility in Erie City, **Erie County**. The sources at the facility include, miscellaneous natural gas combustion, acid tanks (Bright Dip), two automatic aluminum plating and strip lines, and electroless nickel plating tanks (subject to 40 CFR Part 63 Subpart WWWW). The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

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

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

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

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

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

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

For noncoal mining activities, the proposed limits are in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters. The limits will be in the ranges specified in Table 1.

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads.

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

The Department will also accept requests or petitions for a public hearing on NPDES permit applications as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

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

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

¹The parameter is applicable at all times.

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

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

EGS26007. Mountain Watershed Association, Inc. (1414B Indian Creek Valley Rd., P. O. Box 408, Melcroft, PA 15462). Project for treatment of an abandon mine discharge located in Saltlick Township, **Fayette County**, affecting 14 acres. Receiving streams: Champion Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: December 21, 2010.

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

33950102 and NPDES Permit No. PA0226904. Leonard W. Zenzi (P. O. Box 62, Anita, PA 15711) Renewal of an existing bituminous strip operation in Knox Township, **Jefferson County** affecting 68.0 acres. Receiving streams: Sandy Lick Creek, classified for the following uses: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 26, 2011.

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

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

* The parameter is applicable at all times.

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

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

40663029R5. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, Northampton, PA 18067), renewal of an existing anthracite surface mine and refuse reprocessing operation in Foster Township and Jeddo Borough, Luzerne County affecting 595.6 acres, receiving stream: Big Black Creek. Application received: January 20, 2011.

40-305-001GP12R. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, Northampton, PA 18067), renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 40663029 in Foster Township and Jeddo Borough, **Luzerne County**. Application received: January 20, 2011.

Coal Applications Returned

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

11101701 and NPDES No. PA0235911, The Conemaugh River Restoration Company, (301 Market Street, Kittanning, PA 16201-9642), to operate the St. Michael Treatment Plant in Adams Township, **Cambria County** a new mine water treatment plant. A related NPDES discharge permit is included for Discharge Point 001. Surface Acres Proposed 10.6. Receiving Stream: Unnamed tributary to South Fork Little Conemaugh River, classified for the following use: CWF. Application received: February 8, 2010. Application withdrawn: January 27, 2011

Noncoal Applications Received

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

65950401 and NPDES Permit No. PA0201162. Derry International, Ltd. (P. O. Box 529, New Alexandria, PA 15670). NPDES renewal application for continued mining of a large noncoal surface mine, located in Loyalhanna and Derry Townships, **Westmoreland County**, affecting 52 acres. Receiving stream: unnamed tributary to Loyalhanna Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: January 19, 2011.

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

08110301 and NPDES No. PA0257532. Always Ready Excavating (RR 1, Box 91, Wyalusing, PA 18853). Commencement, operation and restoration of a large noncoal surface mine located in Wyalusing Township, **Bradford County** affecting 16.9 acres. Receiving streams: unnamed tributary to Wyalusing Creek (warm water fishery) to Wyalusing Creek (warm water fishery) to the Susquehanna River (warm water fishery). There are no potable water supply intakes within 10 miles downstream. Application received: January 20, 2011.

59050301 and NPDES No. PA0256170. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16804). Permit boundary change to add 3.0 acres for extracting noncoal minerals (sand and gravel) on an existing large noncoal surface mine located in Lawrence Township, **Tioga County** affecting 41.6 acres. Receiving streams: Mutton Lane Creek to the Tioga River classified as Warm Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: January 24, 2011.

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

54950302C14 and NPDES Permit No. PA0223603. Pennsy Supply, Inc., (1001 Paxton Street, Harrisburg, PA 17104), boundary correction of an existing quarry to increase the permitted acres from 152.32 to 172.3 acres and update the NPDES Permit in Wayne Township, **Schuylkill County**, receiving stream: Bear Creek, classified for the following use: cold water fishery. Application received: January 21, 2011.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other

accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

E22-548, Derry Township, Jim Negley, 600 Clearwater Road, Hershey, PA 17033, ACOE Baltimore District

To (1) restore and re-grade an existing stormwater swale impacting 1,030.0 square feet of palustrine emergent wetlands associated with an unnamed tributary to Spring Creek (WWF), and to construct and maintain a 28.0-inch by 20.0-inch CMP endwall structure impacting 40.0 square feet of palustrine emergent wetlands also associated with an unnamed tributary to Spring Creek (WWF) (Hershey, PA Quadrangle; N: 3.80 inches, W: 3.25 inches; Latitude: 40° 16' 15.5" N, Longitude: 76° 38' 53' W); (2) restore 945.0-feet of an Unnamed Tributary to Spring Creek (WWF) including re-grading to create a low flow channel and a floodplain bench impacting 2,330-square feet of palustrine emergent wetlands (Hershey, PA Quadrangle; N: 3.95 inches, W: 3.20 inches; Latitude: 40° 16' 18" N, Longitude: 76° 38' 52.2' W); (3) relocate 334.0-feet of an Unnamed Tributary to Spring Creek (WWF) (Hershey, PA Quadrangle; N: 4.40 inches, W: 3.25 inches; Latitude: 40° 16' 27" N, Longitude: 76° 38' 53.8' W); (4) add concrete plugs and flowable fill into existing dual 42.0-inch diameter pipes in an unnamed tributary to Spring Creek (WWF) (Hershey, PA Quadrangle; N: 4.30 inches, W: 3.25 inches; Latitude: 40° 16' 25.1" N, Longitude: 76° 38' 54.1' W); (5) construct and maintain a 1.0-foot depressed, 12.0-foot long, 112.0-inch wide by 75.0-inch high corrugated metal pipe arch structure in an Unnamed Tributary to Spring Creek (WWF) to provide pedestrian access to an adjacent property (Hershey, PA Quadrangle; N: 4.30 inches, W: 3.25 inches; Latitude: 40° 16' 25.1" N, Longitude: 76° 38' 54.1' W); (6) construct and maintain a 1.0-foot depressed, 78.0-foot long, 96.0-inch reinforced concrete culvert pipe in an Unnamed Tributary to Spring Creek (WWF) (Hershey, PA Quadrangle; N: 4.45 inches, W: 3.25 inches; Latitude: 40° 16' 28.8" N, Longitude: 76° 38' 53.9' W); (7) construct and maintain a 1.0-foot depressed, 297.0-foot long, 112.0-inch wide by 75.0-inch high corrugated metal pipe arch structure with two associated junction boxes to relocate an Unnamed Tributary to Spring Creek (WWF) through an adjacent property (Hershey, PA Quadrangle; N: 4.55 inches, W: 3.30 inches; Latitude: 40° 16' 37" N, Longitude: 76° 38' 53.4' W); (8) construct and maintain a utility line crossing of a 10-inch PVC sanitary sewer utility line in an Unnamed Tributary to Spring Creek (WWF) (Hershey, PA Quadrangle; N: 4.65 inches, W: 3.25 inches; Latitude: 40° 16' 32.5" N, Longitude: 76° 38' 53' W); (9) construct and maintain a 42.0-inch CMP outfall pipe to the existing 11.8-foot by 3.5-foot box culvert carrying Cocoa Ave (SR 322) over an unnamed tributary to Spring Creek (WWF) (Hershey, PA Quadrangle; N: 4.60 inches, W: 3.35 inches; Latitude: 40° 16' 32" N, Longitude: 76° 38' 54.7' W); (10) construct and maintain a utility line crossing of an of

8.0-inch PVC sanitary sewer utility line crossing in an Unnamed Tributary to Spring Creek (WWF) (Hershey, PA Quadrangle; N: 4.40 inches, W: 3.25 inches; Latitude: 40° 16' 27" N, Longitude: 76° 38' 53.8"W). All of the proposed impacts are for the purpose of upgrading the existing storm sewer and sanitary sewer system in Derry Township, Dauphin County. Wetland mitigation in the amount of 0.16-acres is proposed on site.

E50-249: George Howe Residence, George W. Howe, 921 Miller Street, Lebanon, PA 17046, **ACOE Baltimore District**

To construct and maintain a 26.5-foot wide x 36.0-foot long single family home and a 12.0-foot wide x 100.0-foot long driveway in the floodplain of the Susquehanna River (WWF) for the purpose of a single family building lot. The project is located approximately 0.22 miles northeast of the intersection of Railroad Street and Route 11 (Harrisburg West, PA Quadrangle: N: 19.5 inches, W: 15.75 inches; Latitude: 40° 21' 23.4" N, Longitude: 76° 59' 16.2" W) in Penn Township, Perry County. There are no proposed wetland impacts.

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

E08-470. Pennsylvania Department of Transportation, Engineering District 3-0, PO Box 218 Montoursville, PA 17754-0218. SR 0414, Section 19M, Roadway Improvement and Paving Project. Smithfield Township, **Bradford County**, ACOE Baltimore District (Sayre, PA Quadrangle N: 41° 53' 27"; W: 76° 35' 26').

PA DOT Engineering District 3-0 proposes to upgrade approximately a two mile section of SR 0414. The project will include roadway widening, roadway paving and drainage upgrades. The project will impact two Unnamed Tributaries to Bucks Creek and one wetland. The project proposes 60 linear ft. of stream relocation and 40 linear ft. of roadway crossing replacement of Channel 13. Channel 1 will also have 49 ft. of roadway crossing replaced. Wetland B will have 98 sq. ft. of permanent impact due to outlet protection from a roadway crossing replacement. Unnamed Tributaries to Bucks Creek are classified as Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards. The project will not require mitigation.

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

E4129-007: PVR Marcellus Gas Gathering, LLC, 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA, Anthony, Cogan House, Cummings, Mifflin, and Lycoming Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) a 30 inch natural gas pipeline and four 6 inch fresh water pipelines across 2nd Fork Larrys Creek (EV) adjacent to SR287. Impacted Area: 0.029 acres; (Salladasburg Quadrangle 41° 19' 26.99"N 77° 14' 27.77"W).

(2) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Little Gap Run (HQ-CWF) adjacent to Little Gap Drive. Impacted Area: 0.003 acres; (Salladasburg Quadrangle 41° 19' 42.69"N 77° 8' 41.78"W).

(3) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Little Gap Run (HQ-CWF) adjacent

to Little Gap Drive. Impacted Area: 0.003 acres; (Salladasburg Quadrangle 41° 19' 44.71"N 77° 8' 52.45"W).

(4) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed Stony Gap Run (HQ-CWF) adjacent to Stony Gap Road. Impacted Area: 0.017 acres; (Salladasburg Quadrangle 41° 19' 31.41"N 77° 9' 35.52"W).

(5) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across 1st Fork Larrys Creek (EV). Impacted Area: 0.017 acres; (Salladasburg Quadrangle 41° 19' 27.31"N 77° 17' 46.83"W).

(6) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to 2nd Fork Larrys Creek (EV). Impacted Area: 0.002 acres; (Waterville Quadrangle 41° 19' 40.86"N 77° 15' 27.03"W).

(7) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to 2nd Fork Larrys Creek (EV). Impacted Area: 0.002 acres; (Waterville Quadrangle 41° 19' 41.01"N 77° 15' 24.43"W).

(8) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to 2nd Fork Larrys Creek (EV). Impacted Area: 0.006 acres; (Waterville Quadrangle 41° 19' 40.51"N 77° 15' 19.36"W).

(9) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to 2nd Fork Larrys Creek (EV). Impacted Area: 0.002 acres; (Waterville Quadrangle 41° 19' 37.48"N 77° 15' 2.43"W).

(10) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to 2nd Fork Larrys Creek (EV). Impacted Area: 0.003 acres; (Salladasburg Quadrangle 41° 19' 33.32"N 77° 14' 49.62"W).

(11) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across Dog Run (EV). Impacted Area: 0.011 acres; (Waterville Quadrangle 41° 19' 32.86"N 77° 17' 4.29"W).

(12) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across Little Sandy Hollow (EV) adjacent to SR 287. Impacted Area: 0.017 acres; (Waterville Quadrangle 41° 19' 20.16"N 77° 14' 6.86"W).

(13) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Little Sandy Hollow (EV). Impacted Area: 8.35 square feet; (Salladasburg Quadrangle 41° 19' 29.2"N 77° 13' 46.47"W).

(14) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Little Sandy Hollow (EV). Impacted Area: 0.003 acres; (Salladasburg Quadrangle 41° 19' 31.77"N 77° 13' 43.67"W).

(15) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Mash Run (EV). Impacted Area: 0.002 acres; (Salladasburg Quadrangle 41° 19' 40.83"N 77° 11' 59.27"W).

(16) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across Larrys Creek (EV). Impacted Area: 0.034 acres; (Salladasburg Quadrangle 41° 19' 21.4"N 77° 11' 26.93"W).

(17) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Larrys Creek (EV). Impacted Area: 0.011 acres; (Salladasburg Quadrangle 41° 19' 20.60"N 77° 11' 25.15"W).

(18) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Larrys Creek (EV). Impacted Area: 0.011 acres; (Salladasburg Quadrangle 41° 19' 19.35"N 77° 11' 22.84"W).

(19) a 12 inch and a 16 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across an unnamed tributary to Hoagland Run (HQ-CWF). Impacted Area: 0.002 acres; (Salladasburg Quadrangle 41° 22' 8.47"N 77° 8' 55.94"W).

(20) a 30 inch natural gas pipeline and four 6 inch fresh water pipelines across an unnamed tributary to Little Gap Run (HQ-CWF). Impacted Area: 0.003 acres; (Salladasburg Quadrangle 41° 21' 18.06"N 77° 8' 26.19"W).

(21) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across Little Gap Run (HQ-CWF). Impacted Area: 0.023 acres; (Salladasburg Quadrangle 41° 19' 34.67"N 77° 8' 25.84"W).

(22) a 30 inch natural gas pipeline and four 6 inch fresh water pipelines across an unnamed tributary to Hoagland Run (HQ-CWF). Impacted Area: 0.005 acres; (Salladasburg Quadrangle 41° 19' 57.71"N 77° 8' 8.17"W).

(23) a 30 inch natural gas pipeline and four 6 inch fresh water pipelines across an unnamed tributary to Little Gap Run (HQ-CWF). Impacted Area: 0.002 acres; (Salladasburg Quadrangle 41° 21' 19.32"N 77° 8' 26.19"W).

(24) a 12 inch and a 16 inch natural gas pipeline and four 6 inch fresh water pipelines across an unnamed tributary to Hoagland Run (HQ-CWF). Impacted Area: 0.003 acres; (Salladasburg Quadrangle 41° 22' 18.61"N 77° 8' 26.4"W).

(25) a 12 inch and a 16 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge across Hoagland Run (HQ-CWF). Impacted Area: 0.029 acres; (Salladasburg Quadrangle 41° 22' 23.48"N 77° 8' 12.89"W).

(26) a 30 inch natural gas pipeline and four 6 inch fresh water pipelines across Little Harbor Run (EV). Impacted Area: 0.006 acres; (Salladasburg Quadrangle 41° 19' 18.84"N 77° 14' 14.81"W).

(27) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge crossing of a palustrine emergent (PEM) wetland adjacent to Little Gap Drive. Impacted Area: 0.14 acres; (Salladasburg Quadrangle 41° 19' 44.72"N 77° 8' 51.74"W).

(28) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge crossing of a palustrine emergent (PEM) wetland. Impacted Area: 0.05 acres; (Waterville Quadrangle 41° 19' 29.38"N 77° 15' 13.39"W).

(29) a 30 inch natural gas pipeline, four 6 inch fresh water pipelines, and a 14 foot wide mat bridge crossing of a palustrine emergent (PEM) wetland adjacent to SR973. Impacted Area: 0.22 acres; (Salladasburg Quadrangle 41° 19' 35.84"N 77° 8' 24.35"W).

The project will result in the following impacts: 0.15 acres of stream impacts from utility line crossings, 0.10

acres stream impacts from temporary road crossings, 0.25 acres of wetland impacts for utility line crossings, and 0.16 acres of wetland impacts from temporary road crossings. These crossings will accumulate a total of 0.25 acres of watercourse impacts and 0.41 acres of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

E5729-006: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Forks and Overton Townships, **Sullivan** and **Bradford Counties**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Black Creek (EV, MF). Impacted Area: 53 square feet; (Dushore Quadrangle 41° 34' 19.67"N 76° 29' 27.64"W).

(2) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 62 square feet of a palustrine emergent (PEM) wetland; (Dushore Quadrangle 41° 34' 1.47"N 76° 29' 40.48"W).

(3) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 3341 square feet of a palustrine emergent (PEM) wetland; (Dushore Quadrangle 41° 33' 56.13"N 76° 29' 48.56"W).

(4) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 1692 square feet of a palustrine emergent (PEM) wetland adjacent to Black Creek (EV, MF); (Overton Quadrangle 41° 33' 26.58"N 76° 30' 15.78"W).

(5) two 16.0 inch diameter temporary water lines across Black Creek (EV, MF). Impacted Area: 73 square feet; (Overton Quadrangle 41° 33' 24.03"N 76° 30' 18.35"W).

(6) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 3314 square feet of a palustrine emergent (PEM) wetland adjacent to Black Creek (EV, MF); (Overton Quadrangle 41° 33' 23.94"N 76° 30' 21.34"W).

(7) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 491 square feet of a palustrine emergent (PEM) wetland; (Overton Quadrangle 41° 33' 22.97"N 76° 30' 26.04"W).

(8) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 741 square feet of a palustrine emergent (PEM) wetland; (Overton Quadrangle 41° 33' 24.91"N 76° 31' 23.31"W).

(9) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Streby Run (EV, MF). Impacted Area: 139 square feet; (Overton Quadrangle 41° 33' 14.70"N 76° 31' 40.26"W).

The project will result in 31 linear feet of temporary stream impacts from water lines and temporary mat crossings. These crossings will accumulate a total of 0.01 acres of watercourse impacts and 0.22 acres of wetland impacts all for the purpose of installing temporary water lines with associated access roadways for Marcellus well development.

E5729-007: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 1937 square feet of

a palustrine emergent (PEM) wetland; (Overton Quadrangle 41° 31' 57.16"N 76° 35' 26.30"W).

(2) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 4299 square feet of a palustrine emergent (PEM) wetland; (Overton Quadrangle 41° 32' 14.36"N 76° 35' 36.64"W).

(3) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Mill Creek (EV) and adjacent wetlands. Impacted Area: 2344 square feet; (Overton Quadrangle 41° 32' 17.51"N 76° 35' 30.65"W).

(4) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Mill Creek (EV). Impacted Area: 32 square feet; (Overton Quadrangle 41° 32' 26.23"N 76° 35' 15.65"W).

(5) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across Mill Creek (EV). Impacted Area: 325 square feet; (Overton Quadrangle 41° 32' 28.67"N 76° 35' 11.55"W).

(6) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Mill Creek (EV) and adjacent wetlands. Impacted Area: 662 square feet; (Overton Quadrangle 41° 32' 30.28"N 76° 35' 12.07"W).

(7) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 2133 square feet of a palustrine emergent (PEM) wetland; (Overton Quadrangle 41° 32' 45.94"N 76° 35' 11.64"W).

(8) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Mill Creek (EV). Impacted Area: 250 square feet; (Overton Quadrangle 41° 32' 54.64"N 76° 35' 3.41"W).

(9) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Mill Creek (EV). Impacted Area: 17 square feet; (Overton Quadrangle 41° 32' 59.34"N 76° 35' 2.50"W).

(10) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Mill Creek (EV). Impacted Area: 106 square feet; (Overton Quadrangle 41° 33' 3.18"N 76° 34' 52.8"W).

(11) two 16.0 inch diameter temporary water lines across an unnamed tributary to Mill Creek (EV) adjacent to Millview Mountain Road. Impacted Area: 12 square feet; (Overton Quadrangle 41° 32' 15.58"N 76° 35' 47"W).

(12) two 16.0 inch diameter temporary water lines across an unnamed tributary to Mill Creek (EV) adjacent to Millview Mountain Road. Impacted Area: 6 square feet; (Overton Quadrangle 41° 32' 23.34"N 76° 35' 52.90"W).

(13) two 16.0 inch diameter temporary water lines across an unnamed tributary to Blackwater Run (EV). Impacted Area: 65 square feet; (Overton Quadrangle 41° 31' 59.87"N 76° 36' 33.95"W).

(14) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across impacting 66 square feet of a palustrine emergent (PEM) wetland adjacent to McCarty Driscoll Road; (Overton Quadrangle 41° 32' 1.34"N 76° 36' 35.82"W).

(15) two 16.0 inch diameter temporary water lines impacting 4 square feet of a palustrine emergent (PEM) wetland adjacent to McCarty Driscoll Road; (Overton Quadrangle 41° 32' 4.60"N 76° 36' 42.18"W).

The project will result in 54 linear feet of temporary stream impacts from water lines and temporary mat crossings. These crossings will accumulate a total of 0.02

acres of watercourse impacts and 0.26 acres of wetland impacts all for the purpose of installing temporary water lines with associated access roadways for Marcellus well development.

E0829-008: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Albany and Terry Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 25 square feet; (Colley, PA Quadrangle N: 19.8 inches, W: 1.97 inches, Latitude: 41° 36'42.07", Longitude: -76° 22'28.19') in Terry Township, Bradford County.

2. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across an Unnamed Tributary to Sugar Run (CWF, MF). Impacted Area: 3 square feet; (Dushore, PA Quadrangle N: 19.8 inches, W: 1.97 inches, Latitude: 41° 36'42.14", Longitude: -76° 22'33.43') in Terry Township, Bradford County.

3. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across an Unnamed Tributary to Sugar Run (CWF, MF). Impacted Area: 32 square feet; (Dushore, PA Quadrangle N: 19.8 inches, W: 1.97 inches, Latitude: 41° 36'38.74", Longitude: -76° 22'39.16') in Terry Township, Bradford County.

4. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across an Unnamed Tributary to Sugar Run (CWF, MF). Impacted Area: 50 square feet; (Dushore, PA Quadrangle N: 19.8 inches, W: 1.97 inches, Latitude: 41° 36'38.46", Longitude: -76° 22'43.65') in Terry Township, Bradford County.

5. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across an Unnamed Tributary to Sugar Run (CWF, MF). Impacted Area: 30 square feet; (Dushore, PA Quadrangle N: 19.8 inches, W: 1.97 inches, Latitude: 41° 36'37.76", Longitude: -76° 22'47.23') in Terry Township, Bradford County.

6. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across Sugar Run (CWF, MF) and an adjacent Palustrine Emergent Wetland. Impacted Area: 9,328 square feet; (Dushore, PA Quadrangle N: 19.8 inches, W: 1.97 inches, Latitude: 41° 36'31.47", Longitude: -76° 22'59.46') in Terry Township, Bradford County.

7. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across an Unnamed Tributary to Sugar Run (CWF, MF). Impacted Area: 96 square feet; (Dushore, PA Quadrangle N: 19.8 inches, W: 1.97 inches, Latitude: 41° 36'29.85", Longitude: -76° 23'11.79') in Albany Township, Bradford County.

The project will result in 35 linear feet of temporary stream impacts and 9,139 square feet of wetland impact from waterlines and temporary mat crossings. These crossings will accumulate a total of 0.21 acres of PEM wetland impacts all for the purpose of installing temporary water lines with associated access roadways.

E0829-009: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Athens Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 572 square feet; (Sayre, PA

Quadrangle N: 10.9 inches, W: 14.5 inches, Latitude: 41° 56'7.05", Longitude: -76° 35'54.37') in Athens Township, Bradford County.

2. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 1,190 square feet; (Sayre, PA Quadrangle N: 10.9 inches, W: 14.5 inches, Latitude: 41° 56'9.32", Longitude: -76° 22'25.61') in Athens Township, Bradford County.

3. Two 16 inch diameter temporary waterlines and a 16ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 6,347 square feet; (Sayre, PA Quadrangle N: 10.9 inches, W: 14.5 inches, Latitude: 41° 56'9.32", Longitude: -76° 34'55.53') in Athens Township, Bradford County.

The project will result in 8,109 square feet of wetland impact from waterlines and temporary mat crossings. These crossings will accumulate a total of 0.19 acres of PEM wetland impacts all for the purpose of installing temporary water lines with associated access roadways.

E0829-010. Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Wilmot Township, Bradford County, ACOE Baltimore District.

To construct and maintain a 10'x 4' Box Culvert with a length of 50 feet embedded 6 inches into the stream bed with outlet protection of R-5 rock across unnamed tributary to Sugar Run (CWF, MF), for the purpose of providing access to a well pad. The project is located off of Wood Road approximately 1,318 feet from the intersection of Wood Road and Ross Road (Colley, PA N: 21.0 inches, W: 5.2 inches, Latitude: 41° 36'54.31", Longitude -76° 17'16.24') in Overton Township, Bradford County.

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

E20-582, Crawford Renewable Energy, LLC, 360 Chestnut Street, Meadville, PA 16335. Meadville Power Station, in Greenwood Township, Crawford County, ACOE Pittsburgh District (Geneva, PA Quadrangle N: 41°, 31', 47"; W: 80°, 14', 8').

To permanently fill 1.34 acres of wetlands for the construction of new railroad infrastructure associated with a proposed waste-tire fueled, 90 megawatt, electric

power generation facility on an 80 acre parcel within the Keystone Regional Industrial Park. The applicant proposes to mitigate for the wetland impacts by constructing 1.34 acres of replacement wetlands adjacent to McMichael Run (WWF).

E37-185, Jeffery Reckard, 1150 Eastbrook-Harlansburg Road, New Castle, PA 16101. Hottenbaugh Run & UNT Crossings—Jeff Reckard Subdivision, in Scott Township, Lawrence County, ACOE Pittsburgh District (Harlansburg, PA Quadrangle N: 41°, 2', 36"; W: 80°, 13', 28').

The applicant proposes to construct and maintain the following: (1) a steel arch crossing of Hottenbaugh Run (TSF) having a clear span of 12 feet, a rise of 5 feet, and an instream length of 22 feet; (2) a 48 inch diameter 20 feet long CPP culvert in an unnamed tributary to Hottenbaugh Run (TSF); (3) to permanently fill 0.038 acres of PEM wetlands adjacent to the unnamed tributary to Hottenbaugh Run (TSF) all within the Jeff Reckard Subdivision located approximately 3500 feet west of the S.R. 0956 and Eastbrook-Harlansburg Road intersection in Scott Township, Lawrence County. This activity was previously authorized by the now expired Water Obstruction and Encroachment Permit number E37-160

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, PO Box 8554, Harrisburg, PA 17105-8554.

D45-155EA. East Stroudsburg Dam, East Stroudsburg Borough, 24 Analomink Street, East Stroudsburg, PA 18301. To rehabilitate and maintain East Stroudsburg Dam across Sambo Creek (CWF) for the purpose of enhancing public safety. Rehabilitation includes overtopping protection and spillway reconstruction. The proposed modifications will necessitate permanent impacts to 0.43-acre of PEM wetland and 70.0 lineal feet of Sambo Creek and temporary impacts to 0.14-acre of PEM wetland and 33.0 lineal feet of Sambo Creek. Applicant proposes 0.43-acre of replacement PEM wetland. The dam is located approximately 1,000 feet northeast of the intersection of Woodale Road and Brushy Mountain Road. (East Stroudsburg, PA Quadrangle N: 3 feet 48 inches; W: 9 feet 49 inches) in Middle Smithfield Township, Monroe County.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, PO Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

SSIP Application No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
11004	Western Petroleum, Inc. P. O. Box 1846 Vernal, UT 84078 Attn: Alan Ballard	Tioga	Liberty Township	5 ASTs storing off-road diesel	80,000 gallons total

ACTIONS

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
 FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE
 ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY
 MANAGEMENT (WQM) PERMITS**

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063428 (Sewage)	Tuthill Corporation dba Blue Mountain Ski Area 1660 Blue Mtn Drive Palmerton, PA 18071	Carbon County Lower Towamensing Township	Aquashicola Creek (2-B) Trout Stocking, Migratory Fishes, Cold Water Fishes	Y
PA0060640 (Sewage)	Pennsylvania American Water Company PAW-Saw Creek Estates WWTF Winona Falls Road Bushkill, PA 18324	Pike County Lehman Township	Saw Creek (1-D)	Y
PA0037290 (Sewage)	Pennsylvania Utility Co. Inc. Tamiment Resort (Glen) 234 The Glen Tamiment, PA 18371	Pike County Lehman Township	Unnamed Tributary to Little Bush Kill (1-D)	Y

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

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

NPDES Permit No. PA0055697, Sewage, **TAD Facilities Limited**, 628 Telegraph Road, Coatesville, PA 19320-1034.

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

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Spring Run Estates STP to West Branch Brandywine Creek in Watershed 3-H.

NPDES Permit No. PA0057657, Sewage, **Kendal-Crosslands Communities**, PO Box 100, Kennett Square, PA 19348.

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

Description of Proposed Action/Activity: Approval for the renewal to discharge 0.125 mgd of treated sewage from a facility known as Kendal-Crosslands STP to Unnamed Tributary to Bennetts Run in Watershed 3-H.

NPDES Permit No. PA0042021 A2, Sewage, **Milford Trumbauersville Area Sewer Authority**, PO Box 126, Spinnerstown, PA 18968-0126.

This proposed facility is located in Milford Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the amendment to discharge from a facility known as Milford Trumbauersville STP & Sewer System to Unami Creek in Watershed 3-E.

NPDES Permit No. PA0243906, Industrial Waste, **Delaware Valley Concrete Co., Inc.**, 248 East County Line Road, Hatboro, PA 19040.

This proposed facility is located in New Britain Borough, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Delaware Valley Concrete Co., Inc. to Cooks Run in Watershed 2-F.

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

NPDES Permit No. PA0263826, Sewage, **Denton A. Twila J. Eby**, 17963 Highway 86, Saegertown, PA 16433.

This proposed facility is located in Woodcock, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for discharge of treated sewage from a Single Residence Sewage Treatment Plant.

NPDES Permit No. PA0263800, Sewage, **Billy L. Morgan**, 392 Palmer Road, Butler, PA 16001.

This proposed facility is located in Center, **Butler County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for discharge of treated sewage from a Single Residence Sewage Treatment Plant.

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

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

WQM Permit No. 4810401, Sewerage, **Bethlehem Township Municipal Authority**, 3535 Orth Street, PA 18020.

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

Description of Proposed Action/Activity: This project involves construction of gravity sewers, a pump station and a force main for St. Luke's Hospital and Riverside Outpatient Complex. The force main will connect to the Township's Pump Station No. 1 and the sewage will be conveyed to the City of Bethlehem's sewerage system.

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

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

Description of Proposed Action: Issuance of Water Quality Management Permit for the replacement of three (3) of the five (5) sewage pump stations that serve a seasonal recreational vehicle camping facility known as Lake Adventure Community.

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

WQM Permit No. 4908403, Sewerage [SIC 4952], **Lewis Township Supervisors**, 1428 Rovendale Drive, Watsonstown, PA 17777.

This proposed facility will be located in Lewis Township, **Northumberland County**. Description of Proposed Action/Activity: Permit issued authorizing the design, construction and operation of a small flow treatment facility to serve 8 residences.

WQM Permit No. 4910404, Sewerage [SIC 4952], **Lewis Township Supervisors**, 1428 Rovendale Drive, PA 17777.

This existing facility is located in Lewis Township, **Northumberland County**.

Description of Proposed Action/Activity: Permit issued authorizing the design, construction and operation of upgrades to the Warrior Run School District wastewater treatment plant. Upgrades include the addition of influent screening, flow equalization and sewage pumps.

WQM Permit No. 4110406, Sewerage [SIC 4952], **Borough of South Williamsport**, 329 West Southern Avenue, South Williamsport, PA 17702.

This proposed facility is located in Borough of South Williamsport, **Lycoming County**.

Description of Proposed Action/Activity: The project includes; a new Charles Street Pump Station (CSPS) and improvements to the Main Street Bypass Pump Station (MSBPS), a new force main from the MSBPS to the CSPS, and a new wet weather storage tank in the baseball field adjacent to the CSPS.

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

WQM Permit No. 3280408-A1, Sewerage, **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701

This existing facility is located in East Wheatfield Township, **Indiana County**

Description of Proposed Action/Activity: Permit amendment issuance for the construction and operation of sanitary sewers, new pump station and force main and a new sewage treatment plant.

WQM Permit No. 0205409-A1, Sewerage, **Findlay Township Municipal Authority**, 1271 Route 30, PO Box 409, Clinton, PA 15026

This existing facility is located in Findlay Township, **Allegheny County**

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

WQM Permit No. 6369406-A6, Sewerage, **Peters Township Sanitary Authority**, 111 Bell Drive, McMurray, PA 15317

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

Description of Proposed Action/Activity: Permit amendment issuance for the construction and operation of modifications to the existing Brush Run WWTP.

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

WQM Permit No. WQG018787, Sewage, **Denton A. & Twila J. Eby**, 17963 Highway 86, Saegertown, PA 16433.

This proposed facility is located in Woodcock Township, **Crawford County**.

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

WQM Permit No. 1010405, Sewage, **Billy L. Morgan**, 392 Palmer Road, Butler, PA 16001.

This proposed facility is located in Center Township, **Butler County**.

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

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

WQM Permit No. 0910403, Sewerage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in Bensalem Township, **Bucks County**.

Description of Action/Activity: Replacement of 735 ft. of existing 24" sanitary sewer with 30" sewer piping and replacement of 5 manholes.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAS10Q202R(1)	Headlands Realty Corporation c/o AMB Property Corporation One Meadowlands Plaza East Rutherford, NJ 07073	Lehigh Co.	Lower Macungie Twp.	Swabia Creek (HQ-CWF, MF)

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.
Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456 (724-438-4497)*

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052607002-2	Atlantic Wind, LLC 201 King of Prussia Road Suite 500 Radnor, PA 19087	Fayette	Georges, Springhill & Wharton Townships	Big Sandy Creek & Laurel Run (HQ-CWF); Quebec Run (EV & HQ-CWF); and Mountain Creek & Rubles Run (CWF)

NOTE: Published originally as PAI052607002-1 Application in PA Bulletin on 12/4/10

Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301 (724-228-6774)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056310008	Daniel Leonard, Director Bureau of Engineering & Property Pennsylvania Fish & Boat Commission 450 Robinson Lane Bellefonte, PA 16823	Washington	Donegal Twp.,	Unnamed Tributary to Buffalo Creek (HQ-WWF)

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

Butler Conservation District, 122 McCune Drive, Butler Pa 16001-6501

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0610 10 005	Woodberry Center L.P 103 Brilliant Avenue Pittsburgh PA 15215	Butler	Buffalo Township	UNT Little Buffalo Creek HQ-TSF

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 & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Banks Twp. Carbon Co.	PAG2001310004	Mr. Thomas Trella PO Box 186 Treskow, PA 18254	UNT to Catawissa Creek (CWF, MF)	Carbon Co. Conservation District 610-377-4894

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Plains Twp. Luzerne Co.	PAG02004010014	Mericle 800 Baltimore, LLC Robert Mericle 100 Baltimore Drive Wilkes-Barre, PA 18702	UNT to Deep Creek (CWF, MF) UNT to Laurel Run (CWF, MF)	Luzerne Co. Conservation District 570-674-7991
Hanover Twp. Luzerne Co.	PAG02004010015	USACE David F. Dale 600 Dr Martin Luther King Jr Blvd Louisville KY 40202-0059	Solomon Creek (CWF, MF)	Luzerne Co. Conservation District 570-674-7991
Wilkes-Barre City Luzerne Co.	PAG02004010019	Wyoming Valley Health Care System Cornelio Catena 575 River Street Wilkes-Barre, PA 18764	Mill Creek (CWF, MF)	Luzerne Co. Conservation District 570-674-7991
Wilkes-Barre City Luzerne Co.	PAG02004010003(1)	The Housing Development Corporation of Northeastern PA Joseph Vullo 163 Amber Lane Wilkes-Barre, PA 18703	Susquehanna River (WWF, MF)	Luzerne Co. Conservation District 570-674-7991
Bonneauville Borough Adams County	PAG02000110019	John Krichten DJ Homes 415 Cedar Run Road New Oxford, PA 17350	Rock Creek/WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Mount Joy Township Adams County	PAG02PAG20001 06006(1)	Barton L. Breighner Barton Real Estate, LLC 420 Bulk Plant Road Littlestown, PA 17340	Littles Run, Rock Creek/WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Silver Spring Township, Cumberland County	PAG02002110028	HER Investors, LLC Sam Kirschenbaum 1181 Sussex Road Teaneck, NJ 07666	Hogestown Run/CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 717-240-7812
Lower Swatara Township, Dauphin County	PAG02002210048	Noah W Kreider & Sons, LLP 1461 Lancaster Rd Manheim, PA 17545	Swatara Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018
Greene Township Franklin County	PAG02002810023	CapeHat Dave Stockslager 6459 Bikle Road Chambersburg PA 17202	UNT Conococheague CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717-264-5499
Peters Township Franklin County	PAG02002810027	Gift Single lot and storage Tom Gift 2630 Lincoln Way West Chambersburg PA 17202	UNT to West Br Conococheague Cr TSF/MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717-264-5499
Montgomery Township Franklin County	PAG02002810026	Winter Greenes Jeff Piper 13520 Chads Terrace Hagerstown MD 21740	Little Conococheague Cr—WWF/MF UNT to Licking Cr—CWF-MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717-264-5499

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bethel Township Fulton County	PAG02002911001	Penn DOT District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Little Tonoloway Creek (TSF)	Fulton County Conservation District 216 N. Second Street, Suite 15 McConnellsburg, PA 17233 Phone: 717-485-3547, Extension 121
Licking Creek Township Fulton County	PAG02002911002	Penn DOT District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Patterson Run (CWF)	Fulton County Conservation District 216 N. Second Street, Suite 15 McConnellsburg, PA 17233 Phone: 717-485-3547, Extension 121
North Cornwall Township, Lebanon County	PAG02003810009	Jonathan R. Beers City of Lebanon Authority 2311 Ridgeview Road Lebanon, PA 17042	Snitz Creek and Quittapahilla Creek/TSF, MF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
South Londonderry Township, Lebanon County	PAG02003810023	Jesse S. Ziegler Ziegler Excavating 1011 Beech Street Palmyra PA 17078	Little Conewago Creek/ TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
North Lebanon Township, Lebanon County	PAG02003805029-R	Leonard H. Martin Homestead Acres IV, Inc. 595 Stracks Dam Road Myerstown PA 17067	Swatara Creek/WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
Newberry Township York County	PAG2006710040	Reeser Estates Extended Re-Issue PO BOX 4887; One Penn Square Lancaster, PA 17604	Susquehanna River - WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manheim Township York County	PAG2006710041	Dennis P. & Cheryl A. Groft 454 Smoketown Road Hanover, PA 17331	Codorus Creek - TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Irvona Borough Clearfield County	PAG2001709013R	PA Dept of Transportation District 2-0 1924-30 Daisy St Ext Clearfield, PA 16830	Clearfield Creek WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Armstrong County Brady's Bend Township	PAG2000310008	Brady's Bend Township Water & Sewer Authority 697 State Route 68 East Brady, PA 16028	Allegheny River & Sugar Creek (WWF)	Armstrong County CD Armsdale Administration Bldg. 124 Armsdale Road Kittanning, PA 16201 724-548-3435
Armstrong County Elderton Boro	PAG2000310009	Armstrong School District 410 Main Street Ford City, PA 16226	UNT to Plum Creek (CWF)	Armstrong County CD Armsdale Administration Bldg. 124 Armsdale Road Kittanning, PA 16201 724-548-3435

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cambria County Richland Township	PAG2001110010	Rex W. McQuaide Develoco Limited Partnership 335 Bloomfield Street Johnstown, PA 15904	Little Paint Creek (CWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120
Cambria County Barr Township	PAG2001110012	West Branch Sewer Authority 901 Maple Avenue Suite 2 Northern Cambria, PA 15714	Wolf Run, UNT Brown's Run & UNT Moss Creek (CWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120
Cambria County West Carroll Twp., Barr Twp., & North Cambria Boro.	PAG2001110013	West Branch Sewer Authority 901 Maple Avenue Suite 2 Northern Cambria, PA 15714	West Branch Susquehanna River (WWF) UNT W. Branch Susquehanna River, Leslie Run, and Fox Run (CWF)	Cambria County CD 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 814-472-2120
Washington County Bentleyville Boro	PAG02006311001	Bentleyville Nursing Home, Inc. 101 Gosai Drive Bentleyville, PA 15314	Unnamed Tributary to Pigeon Creek (WWF)	Washington County CD 602 Courthouse Square Washington, PA 15301 724-228-6774
Westmoreland County Hempfield Twp.	PAG2006505020-R	S&A Homes, Inc. 2121 Old Gatesburg Road State College, PA 16802	Trib. of Jacks Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County North Huntingdon Twp.	PAG2006510011	Robert Shuster TWS Development 8958 Hill Drive North Huntingdon, PA 15642	Brush Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County Hempfield East Huntingdon Twps.	PAG2006510017	David Herrholtz Ligonier Property Development PO Box 277 1350 Rt. 30 Laughlintown, PA 15655	Belson Run & Sewickley Creek (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County East Huntingdon Twp.	PAG2006510018	PennDOT District 12-0 Mike Barrick PO Box 459 Uniontown, PA 15401	Jacobs Creek (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County Rostraver Twp.	PAG2006510025	Jagan Bandaru 191 Mesa Drive Freeport, PA 16229	Speers Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County Ligonier Boro	PAG2006510027	Economic Growth Connection of Westmoreland Co. 40 N. Pennsylvania Avenue Fifth Floor, Suite 510 Greensburg, PA 15601	Loyalhanna Creek (CWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271
Westmoreland County Hempfield Twp.	PAG2006510033	Larry J. Morris Westmoreland County Transit Authority 41 Bell Way Greensburg, PA 15601	UNT to Brush Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 724-837-5271

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
York County / Fairview Township	PAR803648	DLA Installation Support at Susquehanna, Defense Distribution Center, DESSP-PG "S" Ave & 3rd Street Building, 750-1 New Cumberland, PA 17070	Marsh Run/WWF & Susquehanna River/WWF	DEP—SCRO 909 Elmerton Ave Harrisburg, PA 17110 717-705-4707
Dauphin County / Gratz Borough	PAR203614	MI Windows and Doors, Inc., Gratz Plant PO Box 4490 Clearwater, FL 33758-4490	UNT of Wiconisco Creek/WWF	DEP—SCRO 909 Elmerton Ave Harrisburg, PA 17110 717-705-4707
Dauphin County / Harrisburg City	PAR203613	Ames True Temper, Inc. 1500 South Cameron Street Harrisburg, PA 17104	Paxton Creek/WWF & Susquehanna River/WWF	DEP—SCRO 909 Elmerton Ave Harrisburg, PA 17110 717-705-4707
Mifflin County Decatur Township	PAR603553	Mark A. Rossman Rossman Automotive Salvage 5 Brower Road Lewistown, PA 17044	Meadow Creek / CWF	DEP—SCRO 909 Elmerton Ave Harrisburg, PA 17110 717-705-4707
Wyalusing Township Bradford County	PAR314807	Central New York Oil and Gas 800 Robinson Road Owego, NY 13827	Unnamed Tributary to Wyalusing Creek (WWF)—4-D	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Bloomsburg Borough Columbia County	PAR604831	Kassab Brothers PO Box 251 449 West Ninth Street Bloomsburg, PA 17815	Susquehanna River (WWF)—05-D	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
City of Saint Marys Elk County	PAR118328	MERSEN USA St. Marys—PA Corp. 215 Stackpole Street Saint Marys, PA 15857	South Branch Elk Creek 17-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-7

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Benner Township Centre County	PAG 07 4826	University Area Joint Authority 1576 Spring Valley Road State College, PA 16801	University Area Joint Authority Benner Township Centre County	NCRO 570-327-0526

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

<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>
William and Karol Wingert 5497 Shade Lane, Alexandria, PA 16611	Huntingdon	1108.2 total acres	1168.9 animal equivalent units	Dairy	Pike Run HQ-CWF	Approved
		1049.2 acres for manure application	1.11 animal equivalent units per acre			
Paul Swanger 150 Kissel Barrick Rd Bainbridge, PA 17502	Lancaster	12	372.74	Swine	NA	Approved
Mike Buckwalter 350 Rock Point Rd Marietta, PA 17547	Lancaster	281.4	486.1	Swine / Beef	NA	Approved
Lowell & Debra Brubaker 2889 Zink Road Manheim, PA 17545	Lancaster	192.2	397.25	Dairy	NA	Approved

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed

with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0610512 MA, Minor Amendment, Public Water Supply.

Applicant	Muhlenberg Township Authority
Municipality	Muhlenberg Township
County	Berks
Responsible Official	Robert Walborn, Manager 2840 Kutztown Road Hyde Park Reading, PA 19605
Type of Facility	Installation of baffles in the clearwell. Demonstration of 4-log treatment of viruses.
Consulting Engineer	Jamie R. Shambaugh, P.E. Gannett Fleming, Inc. PO Box 67100 Harrisburg, PA 17106-7100
Permit to Construct Issued:	1/19/2011

Permit No. 0610543 MA, Minor Amendment, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc.
Municipality	Cumru Township
County	Berks
Responsible Official	Marc A. Lucca, Vice President—Production 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	Installation of a new storage tank at Entry Point (EP) 101 and contact piping at EPs 102 and 103. Demonstration of 4-log treatment of viruses.
Consulting Engineer	Chad M. Angle, P.E. CET Engineering Services 1240 N. Mountain Road Harrisburg, PA 17112
Permit to Construct Issued:	1/20/2011

Permit No. 0610537 MA, Minor Amendment, Public Water Supply.

Applicant	Caernarvon Township Authority
Municipality	Caernarvon Township
County	Berks
Responsible Official	Robert L Weaver, Chairman P O Box 188 Morgantown, PA 19543

Type of Facility	Installation of chlorine contact piping at Entry Points 100 and 101. Demonstration of 4-log Treatment of Viruses.
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Consulting Engineer	Darryl A Jenkins, P.E. Great Valley Consultants 75 Commerce Drive Wyomissing, PA 19610
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Permit to Construct Issued:	1/26/2011
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Permit No. 0110511 MA, Minor Amendment, Public Water Supply.

Applicant	Bendersville Borough
Municipality	Menallen Township
County	Adams
Responsible Official	Ricky E Kime, Borough Council Chairman PO Box 448 Benersville, PA 17306

Type of Facility	Installation of new reservoir liner & GWR 4-log treatment for viruses at Entry Point 101 (Well Nos. 1, 2, & 3 and the Knouse/Musselmann Springs).
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Consulting Engineer	Janet R McNally, P.E. William F. Hill & Assoc., Inc. 207 Baltimore St. Gettysburg, PA 17325
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Permit to Construct Issued:	1/24/2011
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Permit No. 3810506 MA, Minor Amendment, Public Water Supply.

Applicant	Richland Borough
Municipality	Millcreek Township
County	Lebanon
Responsible Official	John Johnson PO Box 676 5 Pine Street Richland, PA 17078

Type of Facility	Installation of replacement contact piping a construction of new chemical treatment building for GWR 4-log treatment of viruses at Entry Point 101 (Spring & Well Nos. 2, 3 & 6).
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Consulting Engineer	Jeffrey D Steckbeck Steckbeck Engineering Assoc. 279 N Zinns Mill Rd Lebanon, PA 17042
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Permit to Construct Issued:	1/24/2011
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Permit No. 0610536 MA, Minor Amendment, Public Water Supply.

Applicant	S & S Singh Paterners
Municipality	Lower Heidelberg Township
County	Berks
Responsible Official	Sukhjit Singh, Owner 555 E 28th Division Highway Lititz, PA 17543-9766

Type of Facility Project includes replacement of existing well pump, booster pump, pressure tank and installation of approximately 57' of 10" chlorine contact pipe to provide 4-log treatment of viruses.

Consulting Engineer Charles A Kehew II, P.E.
James R. Holley & Assoc., Inc.
18 South George St.
York, PA 17401

Permit to Construct 1/18/2011
Issued:

Permit No. 6710517 MA, Minor Amendment, Public Water Supply.

Applicant **West Manchester Township Authority**

Municipality West Manchester Township
County **York**

Responsible Official John Horvatinovic, Manager
2115 Log Cabin Road
York, PA 17408

Type of Facility Wells 1 and 2 Chlorine contact pipe installation.

Consulting Engineer Diana Young, P.E.
Buchart-Horn, Inc.
PO Box 15040
York, PA 17405-7040

Permit to Construct 1/26/2011
Issued:

Operations Permit issued to: **Reading Area Water Authority, 3060059**, Reading Township, **Berks County** on 1/20/2011 for the operation of facilities approved under Construction Permit No. 0609505.

Operations Permit issued to: **West Lebanon Township, 7380040**, West Lebanon Township, **Lebanon County** on 1/31/2011 for the operation of facilities approved under Construction Permit No. 3808507 MA.

Operations Permit issued to: **Mt. Penn Borough Municipal Authority, 3060082**, Mount Penn Borough, **Berks County** on 1/26/2011 for the operation of facilities approved under Construction Permit No. 0610538 MA.

Operations Permit issued to: **West Lebanon Township, 7380040**, West Lebanon Township, **Lebanon County** on 1/21/2011 for the operation of facilities approved under Construction Permit No. 3810511 MA.

Operations Permit issued to: **Heidelberg Township Municipal Authority, 7380033**, West Cornwall Township, **Lebanon County** on 12/28/2010 for the operation of facilities approved under Construction Permit No. 3810508 MA.

Operations Permit issued to: **Borough of Topton, 3060072**, Topton Borough, **Berks County** on 1/24/2011 for the operation of facilities approved under Construction Permit No. 0610535 MA.

Operations Permit issued to: **Middlesex Township Municipal Authority, 7210063**, Middlesex Township, **Cumberland County** on 1/31/2011 for the operation of facilities approved under Construction Permit No. 2110510 MA.

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

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Austin Borough**

[Township or Borough] Austin Borough

County **Potter**

Responsible Official Mr. Herman E. Beyer
Austin Borough
81 Scoville Street
P. O. Box 297
Austin, PA 16720

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued Date January 25, 2011

Description of Action 4-log inactivation of viruses at Entry Point 101 (Horn Hollow Well).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Wyalusing Municipal Authority**

[Township or Borough] Wyalusing Borough

County **Bradford**

Responsible Official Mr. Wayne J. Felter, Sr.
Wyalusing Municipal Authority
P. O. Box 61
Wyalusing, PA 18853

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued Date January 27, 2011

Description of Action 4-log inactivation of viruses at Entry Point 100 (Well No. 1).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Ulysses Municipal Authority**

[Township or Borough] Ulysses Borough

County **Bradford**

Responsible Official Mr. Gary Erway
Ulysses Municipal Authority
518 Main Street
Ulysses, PA 16948

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued Date January 27, 2011

Description of Action 4-log inactivation of viruses at Entry Point 102 (Well No. 3 and Big Spring).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Rock Spring Water Company**

[Township or Borough] Ferguson Township

County **Centre**

Responsible Official J. Roy Campbell, President Rock Spring Water Company
1750 Tadpole Road
PA Furnace, PA 16865

Type of Facility Public Water Supply

Consulting Engineer N/A
 Permit Issued Date January 27, 2011
 Description of Action 4-log inactivation of viruses at Entry Point 101 (Well No. 1).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Kreamer Municipal Authority**
 [Township or Borough] Middlecreek Township
 County **Snyder**
 Responsible Official Todd Mace, Operator
 Kreamer Municipal Authority
 P. O. Box 220
 Kreamer, PA 17833

Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued Date January 27, 2011
 Description of Action 4-log inactivation of viruses at Entry Point 101 and 102 (Well Nos. 4 and 9).

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **Oak Ridge Authority**
 [Township or Borough] Taylor Township
 County **Centre**
 Responsible Official Barbara Friday,
 Operator/Secretary Oak Ridge
 Authority 206 Buffalo Road
 Tyrone, PA 16686

Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued Date January 31, 2011
 Description of Action 4-log inactivation of viruses at Entry Point 101 (Alpha & Beta Springs).

Permit No. Minor Amendment (5905501)—Construction and Operation Public Water Supply.

Applicant **Ives Run Recreation Area**
 [Township or Borough] Middlebury Township
 County **Tioga**
 Responsible Official Ms. Marilyn Jones U.S. Army
 Corps of Engineers 710 Ives Run
 Road Tioga, PA 16946

Type of Facility Public Water Supply
 Consulting Engineer George A. Bielen, P.E. US Army
 Corps of Engineers 306 Railroad
 Street (Rear) Danville, PA 17821
 Permit Issued Date January 31, 2011
 Description of Action Replacement of the Well No. 1
 pump with a 7.5 HP, Grundfos,
 model 150S75-4, submersible
 pump.

Irvona Municipal Authority (Public Water Supply), Clearfield County: On January, 26, 2011, the Watershed Management Program approved the Source Water Protection (SWP) plan Irvona Municipal Authority. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect

these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (David W. Garg, P.E., (570) 321-6581).

STORMWATER MANAGEMENT

Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)

Bureau of Watershed Management, P. O. Box 8775, Harrisburg, Pennsylvania 17105-8775

The **Mercer County Act 167 Stormwater Management Plan**, submitted by Mercer County, was approved on January 28, 2011. This plan applies to all watersheds and to all areas within **Mercer County**.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Penn Township	Urtin Property 1166 Claridge- Elliott Road Jeannette, PA 15644	Westmoreland

Penn Township Supervisors, Mr. Dallas Leonard, Community Development, 2001 Municipal Court, P. O. Box 452, Harrison City, PA 15636.

Plan Description: The approved plan revision provides for the construction and operation of a single residence sewage treatment plant to address a malfunctioning septic system.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Snyder Township	108 Baughman Hollow Road Tyrone PA 16686	Blair County

Plan Description: The approved plan provides for construction of a Small Flow Treatment Facility, to repair a malfunctioning on-lot sewage system, for the 1.17 acre property owned by Corinna Teeter. The proposed sewage flows are 400 gallons per day with a discharge to a dry stream channel tributary to Decker Hollow Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Schmidts Brewery, City of Philadelphia, **Philadelphia County**. Charlene Drake, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia PA 19142 on behalf of Adam Lisausky, Northern Liberties Development, L.P., and Schmidts Retail, LP, 1033 North 2nd Street, Suite 2A, Philadelphia, PA 19123 has submitted a Final Report concerning remediation of site soil groundwater contaminated with other organic. The report is intended to document remediation of the site to meet the Site Specific Standard.

Rosemore Shopping Center, Warminster Township, **Bucks County**. Michelle Flowers, REPSG, 601 Kingsessing, Avenue Suite 201, Philadelphia, PA 19142, Mark Kuczynski, REPSG 601 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Andy Levine, Davisville Center Inc. 111 East Presidential Blvd. Feasterville, PA 19053 has submitted a Remedial Investigation concerning remediation of site groundwater and soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard.

Great Valley Shopping Center, East Whiteland Township, **Chester County**. Chris T. Kotch, Barry Isett

& Associates, Inc. PO Box 147, Trexlertown, PA 18087, Greg Inman, Environmental Waste Minimization, Inc. 14 Brick Kiln Court, Northampton, PA 18067 on behalf of Thomas Morelli, Morelli Rental Corporation, 81 Lancaster Avenue, Malvern, PA 19355 has submitted a Final Report concerning remediation of site Soil contaminated with chlorate solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Johnson & Johnson Pharmaceutical Research & Development, LLC, Uwchlan Township, **Chester County**. Heath A. Brown, Environmental Standards, 1140 Valley Forge Road, Valley Forge, PA 19482, Steven Ohrwaschel, Lewis Environmental Group, 155 Railroad Plaza, Royersford, PA 19468 on behalf of David G. Link, Johnson & Johnson PRD, LLC, P. O. Box 776, Welsh & McKean Roads, Spring House, PA 19477 has submitted a Final Report concerning remediation of site soil contaminated with used motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

1412 Christian Street, City of Philadelphia, **Philadelphia County**. Richard Schneiderei, RJS Environmental, LLC, 15 Oakwood Drive, Medford, NJ 08055, on behalf of Jose Bento, 806 Regina Street, Philadelphia, PA 10116 has submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Kearny Elementary Borough, City of Philadelphia, **Philadelphia County**. Gloria Hunsberger, Kleinfelder, 180 Sheree Boulevard, Suite 3800, Exton, PA 1934, Mark Warchol, Kleinfelder, 180 Sheree Boulevard, Suite 3800, Exton, PA 19341 on behalf of Francine Locke, School District of Philadelphia, 440 North Broad Street, 3rd floor, Room 3053, Philadelphia, PA 19380 has submitted a Cleanup Plan and Remedial Investigation Report concerning remediation of site groundwater contaminated with lead and unleaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard.

US Steel Fairless Works Area 36 Acre Property, Falls Township, **Bucks County**. Colleen Costello, Lagan Engineering and Environmental Service, Inc. 2700 Kelly Road, Suite 200, Warrington, PA 18976 on behalf of Kathleen Mayher, United States Steel Corporation, 600 Grant Steel, Pittsburgh, PA 18976 has submitted a Final Report concerning remediation of site soil contaminated with pcb. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Foamex Facility, Eddystone Borough, **Delaware County**. Michael A. Christie, P. G., Penn E&R, Inc. 2755 Bergery Road, Hatfield, PA 19440 on behalf of Cynthia McKeown, Camden Iron & Metal, LLC, 1500 South 6th Street, Camden, NJ 08104 has submitted a Final Report concerning remediation of site groundwater and soils contaminated with metals, pahs and vocs. The report is intended to document remediation of the site to meet the Statewide Health Standard

Ochal Residence, Warrington Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, John Patcella, Allstate Insurance Company, 309 Lakeside Drive Suite 100, Horsham, PA 19044 on behalf of Kathy Ochal, 2329 Jericho Drive, Jamison, PA 18920 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.

Nativity BVM, City of Philadelphia, Philadelphia County. Christopher Orzechowski, KEM Partners, Inc. 123 John Robert Thomas Drive, Exton, PA 19341, Suzanne O'Grady Laurtio, Catholic Health Care Services, 1941 Christian Street, Philadelphia, PA 19146 on behalf of Reverend Dennis Z. Fedak/Nativity B.V.M., 2535 East Allegheny Avenue, Philadelphia, PA 19134 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.

GTS Welco Quakertown Facility, Richland Township, Bucks County. Tammy L. M. Hessler, Synergy Environmental Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, I. Scott Renniesen, Synergy Environmental Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, James Anderson, GTS-Welco, 5272 Tilghman Street, Allentown, PA 18104 on behalf of Bryan Gentry, Gentry Family Realty, LP, 1800 North 11th Street, Reading, PA 19064 has submitted a Cleanup Plan/Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard.

Starlink Logistics Inc, Lower Gwynedd Township, Montgomery County. David Kistner, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Stuart Dearden, StarLink Logistics Inc. 10412 Route 202-206, Mail Code J103F, PO Box 6800, Bridgewater, NJ 08807-0800 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Robin & Armstrong Residence, Bridgton Township, Bucks County. Mark Hasting, Hillmann Environmental Group, LLC, 1600 Route 22 East, Union, NJ 07083 on behalf of Brian Robin and Gary Armstrong, 399 Geigel Hill Road, Upper Black Eddy, PA 18972 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.

Park N Dry Cleaners, City of Philadelphia, Philadelphia County. David B. Farrington, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Victoria M. Ryan, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Refael & Eli Nachmani, Imports Realty, LLC, 911 Montgomery Avenue, Penn Valley, PA 19072 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Exxon Mobil 23455, City of Philadelphia, Philadelphia County. Kristian Cossaboon/Ann Harris, Klienfelder, Inc. 1340 Charwood Road, Hanover, MD 21076, John Hoban Exxon Mobil Corporation, 7715 Crittenden Street, #309, Philadelphia, PA 19118, Stephanie Grillo, GES, Inc, 440 Creamery Way, Suite 500, Exton, PA 19341, Serena Oldhouser, GES, Inc, 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Danny Cheng/Philip Chiang, 2300 Computer Avenue, Willow Grove, PA 19090 has submitted a Final Report concerning remediation of

site groundwater contaminated with unleaded gasoline and used motor oil. The report is intended to document remediation of the site to meet the Site Specific Standard.

Moving Target, Borough of Perkasie, Bucks County. Michael Christie, Penn E&R, Inc, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Stu Duckman, Target Partners, LLC, 812 Chestnut Street, Perkasie, PA 18944 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvent. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Jackson Residence, Abington Township, Montgomery County. Richard D. Trimpi, Trimpi Associates, Inc, 1635 Old Plains Road, Pennsburg, PA 18073, Ed Applegate, State Farm, PO Box 8061, Ballston Spa, NY 12020 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.

Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Shoppes at Crossroads (Crossroads Travel Center), Southwest Corner of Route 33 and Route 611, Hamilton Township, Monroe County. James F. Mullan, Hocage Consulting, Inc., 987 Haddon Avenue, Collingswood, NJ 08108 has submitted a Final Report (on behalf of his client, Hamilton FC Associates, LP, 633 West Germantown Pike, Suite 205, Plymouth Meeting, PA 19462), concerning the remediation of soil and groundwater found to have been impacted by petroleum constituents as a result of historical truck stop operations at the site. The report was submitted to document attainment of the Statewide Health Standard for soil and groundwater. A public notice regarding the submission of the Final Report was published in the Pocono Record on December 16, 2010. A Notice of Intent to Remediate was simultaneously submitted.

Highmeadows (Schwartz Property), 291 Spring Hill Road, Allen Township, Northampton County. Terry Harris, Boucher & James, Inc., 1456 Ferry Road, Building 500, Doylestown, PA 18901 has submitted a Final Report (on behalf of his client, OHI-MH Holdings LP, 1150 South Cedar Crest Boulevard, Allentown, PA 18103), concerning the remediation of groundwater found to have been impacted by unleaded gasoline (MTBE) as a result of an accidental release from an unregulated, 500-gallon underground storage tank. The report was submitted to document attainment of the Statewide Health Standard for groundwater. A public notice regarding the submission of the Final Report was published in *The Morning Call* on May 15, 2010.

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

Mohnton Knitting Mills, Mohnton Borough, Berks County. Hafer Environmental Services, Inc., PO Box 4418, Reading, PA 19606, on behalf of Mohnton Knitting Mills, 22 Main Street, Mohnton, PA 19540, submitted a Final Report concerning remediation of site soils contaminated with #2 fuel oil discovered during the removal of a 6,000-gallon underground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

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

Chichester School District Site, Upper Chichester Township **Delaware County**. Tom Fizano, MACTEC Engineering and Consulting, Inc., 1787 Sentry Parkway West, Suite 120, Blue Bell, PA 19422, Prashant Gupta, Honeywell International, Inc, Building 1-1-21, 4101 Ber-

muda Hundred Road, Chester, VA 23836 on behalf of Howard Adams, Chichester School District School Broad, P. O. Box 2100, Boothwyn, PA 19061 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 13, 2011.

Anro Inc, Easttown Township **Chester County**. James F. Mullan, P.E., Hocage Consulting Inc. 987 Haddon Avenue, Collingswood, NJ 08108 on behalf of Dave Spinelli, ANOR Inc. 931 South Matlack Street, West Chester, PA 19382 has submitted a Final Report concerning the remediation of site groundwater contaminated with MTB and no. 2 fuel oil. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on January 13, 2011.

Crouse Building Facility, Limerick Township **Montgomery County**. Richard D Trimpi, Trimpi, Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Ira Saligman, 826 Associates LP, 200 Chamounix Rd, Wayne, PA 19087-3606 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinate solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 12, 2011.

Great Valley Shopping Center, East Whiteland Township **Chester County**. Chris Kotch, Barry Isett & Associates, Inc, P. O. Box 147, Trexlertown, PA 18087, Greg Inman, Environmental Waste Minimization Inc., 14 Brick Kiln Court, Northampton, PA 18067 on behalf of Thomas Morelli, Morelli Renal Corporation, 81 Lancaster Avenue, Malvern, PA 19355 has submitted a Final Report concerning the remediation of site soil contaminated with pce. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 18, 2011.

Smallgirl Construction Christian Street Partnership, City of Philadelphia, **Philadelphia County**. Douglas Schott, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Kurt Spiesss, EMG Remediation Services, 5066R West Chester Pike, PO Box 129, Edgemont, PA 19028, Victoria Ryan, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Dawn Mailin, Smallgirl Construction Christian Street Partnership, 2323 Carpenter Street, Philadelphia, PA 19146 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 January 24, 2011.

Courts at Springbrooke, Aston Township **Delaware County**. Henry Binekowski, Mulry and Cresswell Environmental, Inc, 1691 Horseshoe Pike, Suite 3, Glenmore, PA 19343, Martin D. Liebhaedt, Sunoco Inc. (R&M) 10 Industrial Highway, Lester, PA 18929 on behalf of James A. Nolen, II, Nolen Companies, Inc. 950 West Valley Forge Road, King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 11, 2011.

Moving Target, Borough of Perkasio **Bucks County**. Michael Christie, Penn E&R, Inc. 2755 Bergey Road, Hatfield, PA 19440 on behalf of Stu Duckman, Target Partners LLC, 812 Chestnut Street, Perkasio, PA 18944

has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 11, 2011.

Jackson Residence, Abington Township **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Ed Applegate, State Farm, P. O. Box 8061 on behalf of Lawrence Jackson, 1516 Reservoir Avenue Roslyn, PA 19001 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil contaminant. The Final report demonstrated attainment of the Statewide Health Standard was approved by the Department on November 22, 2010.

Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

McKinney Spill Site, 820 Davis Street, Moosic Borough, **Lackawanna County**. Jennifer Sedora, PPL Services Corporation, Two North Ninth Street, GENPL6, Allentown, PA 18101-1179 submitted a Final Report, concerning the remediation of soil found to have been impacted by PCB oil as a result of vandalism which caused three (3) transformers to be drained of their oil. The report documented attainment of the Statewide Health Standard for soil and was approved on January 25, 2011. The report was originally submitted within 90 days of the release.

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

Northgate Car Park, Lancaster City, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Berger Real Estate, 2452 Marietta Avenue, Lancaster, PA 17601, submitted a Final Report concerning remediation of site soils contaminated with petroleum hydrocarbons from unregulated underground storage tanks and hydraulic lifts. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on January 25, 2011.

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

Allen M Brickell Residence-A-1 Oil Spill, Anthony Township, **Lycoming County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Allen M. Brickell, 331 Bruce Road, Cogan Station has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 19, 2011.

Johnson's Café Release, Montoursville Borough, **Lycoming County**. James P. Sposito Associates, 11 Archbald St., Carbondale, PA 18407 on behalf of Gordon Snyder, 334 Broad St., Montoursville, PA 17754 has submitted Final Report within 90 days of the release concerning 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 January 26, 2011.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Calumet Lubricants Rouseville Plant 1 (PQS Company Former Rouseville Refinery Plant 1), Rouseville Borough, **Venango County**. URS Corporation, 200 Or-

chard Ridge Drive, Suite 101, Gaithersburg, MD 20878 on behalf of Pennzoil-Quaker State Company, Environmental Services, 910 Louisiana OSP 687, Houston, TX 77002 has submitted a Cleanup Plan concerning the remediation of site soil and site groundwater contaminated with diesel fuel, fuel oil, kerosene, lead, motor oil, polynuclear aromatic hydrocarbons, and unleaded gasoline. The Cleanup Plan was approved by the Department on August 31, 2010.

Pennzoil Rouseville Refinery—Plant 2, Cornplanter Township, **Venango County**. URS Corporation, 200 Orchard Ridge Drive, Suite 101, Gaithersburg, MD 20878 has submitted a Risk Assessment/Final Report concerning remediation of site soil contaminated with 1,1,2,2-Tetrachloroethane, 1,2,3-Trichloropropane, 1,2,4-Trimethylbenzene, 1,2-Dichloroethene (total), 1,3,5-Trimethylbenzene, 2-Butanone (MEK), 4-Isopropyltoluene, 4-Methyl-2-pentanone, Acetone, Benzene, Chlorobenzene, cis-1,3-Dichloropropene, Cumene, Methyl tert-butyl ether, Methylene chloride, Naphthalene, n-Butylbenzene, n-propylbenzene, tert-Butylbenzene, Toluene, trans-1,3-Dichloropropene, Total Xylenes, 2,4-Dimethylphenol, 2,4-Dinitrophenol, 2-Methylnaphthalene, 2-Methylphenol, 3 and 4-Methylphenol, Acenaphthene, Acenaphthylene, Anthracene, Benz[a]anthracene, Benz[a]pyrene, Benzo[b]-fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Benzoic Acid, Bis[2-ethylexyl]phthalate, Butyl benzyl phthalate, Chrysene, Dibenz[a,h]anthracene, Dibenzofuran, Di-n-butyl phthalate, Fluoroanthene, Fluorene, Indeno[1,2,3-cd]pyrene, naphthalene, Nitrobenzene, N-Nitrosodiphenylamine, Phenanthrene, Phenol, Antimony, Arsenic, Barium, Beryllium, Cadmium, Chromium, Cobalt, Copper, Iron, Lead, Mercury, Nickel, Selenium, Silver, Tin, Vanadium, and Zinc; site groundwater contaminated with 1,2,3-Trichloropropane, 1,2,4-Trimethylbenzene, 1,2-Dichloroethane, 1,2-Dichloroethene (total), 1,3,5-Trimethylbenzene, 2-Butanone (MEK), 2-Hexanone, 4-Isopropyltoluene, 4-Methyl-2-pentanone, Acetone, Benzene, Carbon disulfide, Chloroethane, Chloromethane, cis-1,2-Dichloroethene, Cumene, Ethylbenzene, Methylene chloride, Methyl tert-butyl ether, Naphthalene, n-ethylbenzene, sec-Butylbenzene, Styrene, tert-Butylbenzene, Toluene, Total Xylenes, 2,4-Dimethylphenol, 2-Methylnaphthalene, 2-Methylphenol, 3 and 4-Methylphenol, Acenaphthene, Acenaphthylene, Anthracene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Benzoic Acid, Bis[2-ethylhexyl]phthalate, Chrysene, Dibenz[a,h]anthracene, Dibenzofuran, Di-n-octyl phthalate, Fluoroanthene, Fluorene, Indeno[1,2,3-cd]pyrene, pentachlorophenol, Phenanthrene, Phenol, Pyrene, and Dissolved and Totals for the following metals: Antimony, Arsenic, Barium, Beryllium, Boron, Cadmium, Chromium, Cobalt, Copper, Iron, Lead, Manganese, Mercury, Nickel, Selenium, Silver, Thallium, Tin, Vanadium, and Zinc. The Risk Assessment/Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on November 3, 2010.

Former National Transit Company Reno Station, Sugarcreek Borough, **Venango County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220, on behalf of Pennzoil-Quaker State Company, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 has submitted a Combined Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soil contaminated with Anthracene, Arsenic, Barium and compounds, Benzene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]-fluoranthene, Benzo[g,h,i]fluoranthene, Benzo[k]-fluoranthene,

sec-Butylbenzene, tert-Butylbenzene, Cadmium, Chromium, Chrysene, Cumene, Cyclohexane, Ethyl Benzene, Fluoranthene, Lead, Mercury, Phenanthrene, N-Propylbenzene, Pyrene, Selenium, Silver, Toluene, 1,3,5-Trimethylbenzene (1,2,4-Trimethylbenzene), Xylenes (total); site groundwater contaminated with Arsenic, Barium and compounds, Benzene, bis[2-ethylhexyl] phthalate, sec-Butylbenzene, tert-Butylbenzene, Cumene, Cyclohexane, Ethyl Benzene, Lead, Naphthalene, N-propylbenzene, Toluene, 1,3,5-Trimethylbenzene (1,2,4-Trimethylbenzene), and Xylenes. The Combined Remedial Investigation/Risk Assessment/Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on January 24, 2011.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Rockwood Manufacturing Company, Rockwood Borough, **Somerset County**. Cardinal Resources, LLC, 1505 East Carson Street, Pittsburgh, PA 15203 on behalf of Rockwood Manufacturing Company, 300 Main Street, Rockwood, PA 15557-1023 has submitted a Final Report concerning the remediation of site soil and groundwater that may have been contaminated with TCE, previously used laquers and remnants from former USTs. The Final report was approved on January 20, 2011.

Penn Cambria Elementary School, 400 Main Street, Borough of Lilly, **Cambria County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Penn Cambria School District, Dave Beck, 201 Sixth Street, Cresson, PA 16630 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with hydraulic oil; benzene, naphthalene and other poly-aromatic hydrocarbons. The intended future use of the Site will continue to be utilized as an elementary school. The applicant intends to remediate the groundwater to a Residential Statewide Health Standard. The Final Report was approved on January 20, 2011.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

GP14-67-03900: Panebaker Funeral Home—Loyal Companion Pet Crematory (311 Broadway, Hanover, Pennsylvania 17331) on January 21, 2011, for a pet crematory adjacent to an existing funeral home in Hanover Borough, **York County**.

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

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

GP3-08-331A: F.S. Lopke Contracting, Inc. (3430 State Rte. 434 Apalachin, New York 13732) on January 14, 2011, to construct and operate a portable non-metallic mineral crusher with associated water spray dust suppression system and portable non-metallic mineral screen pursuant to the General Plan Approval And/Or General

Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the Kilmer Hill Quarry (Ken Ober Property) in Towanda Township, **Bradford County**.

GP9-08-331A: F.S. Lopke Contracting, Inc. (3430 State Rte. 434 Apalachin, New York 13732) on January 14, 2011, to construct and operate one diesel-fired engine with a rating of 375 horsepower (hp) pursuant to the General Plan Approval and /or General Operating Permit BAQ-GPA/GP-9: Diesel or #2 fuel-fired Internal Combustion Engines, at the Kilmer Hill Quarry (Ken Ober Property) in Towanda Township, **Bradford County**.

GP9-14-336: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474), on January 19, 2011, for temporary relocation and operation of one Caterpillar Model C9 diesel-fired engine with a rating of 275 brake horsepower (bhp) pursuant to the General Plan Approval and /or General Operating Permit BAQ-GPA/GP-9: Diesel or #2 fuel-fired Internal Combustion Engines from their Dushore Materials facility in Cherry Township, Sullivan County to a construction jobsite located in Benner Township, **Centre County**.

GP3-14-336: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on January 19, 2011, for temporary relocation and operation of a permitted portable non-metallic mineral crusher and associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) from their Dushore Materials facility in Cherry Township, Sullivan County to a construction jobsite located in Benner Township, **Centre County**.

G GP5-53-104: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on January 24, 2011, for construction and operation of two natural gas-fired compressor engine rated at 633 brake-horsepower and one 250,000 Btu per hour glycol dehydrator under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Whitesville Compressor Station in Bingham Township, **Potter County**.

P5-59-187: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on January 24, 2011, for construction and operation of two natural gas-fired compressor engines rated at 1340 brake-horsepower, one 500,000 Btu/hr and one 250,000 Btu per hour glycol dehydrators under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Wellsboro Compressor Station in Richmond Township, **Tioga County**.

GP5-59-199: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on January 24, 2011, for construction and operation of three natural gas-fired compressor engines rated at 1340 brake-horsepower and two 250,000 Btu per hour glycol dehydrators under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Krause Compressor Station in Sullivan Township, **Tioga County**.

GP5-59-201: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on January 24, 2011, for construction and operation of three natural gas-fired compressor engines rated at 1340 brake-horsepower, one 500,000 Btu/hr and one 250,000 Btu per hour glycol dehydrators under the General Plan Approval and/or General Operating

Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Wellsboro #2 Compressor Station in Charleston Township, **Tioga County**.

GP5-59-204: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on January 24, 2011, for construction and operation of three natural gas-fired compressor engines rated at 1340 brake-horsepower, one 500,000 Btu/hr and one 250,000 Btu per hour glycol dehydrators under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Shaw Compressor Station in Sullivan Township, **Tioga County**.

GP5-59-207A: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on January 24, 2011, for construction and operation of three natural gas-fired compressor engines rated at 1340 brake-horsepower and two 250,000 Btu per hour glycol dehydrators under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Matz Compressor Station in Chatham Township, **Tioga County**.

GP5-53-102: Pennsylvania General Energy Company, LLC. (120 Market Street, Warren, PA 16365) on January 20, 2011 for construction and operation of one (1) compressor-engine rated at 1150 bhp, and also for authorization renewal of the existing engine rated at 360 bhp under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Horton Run Road Compressor Station located in Wharton Township, **Potter County**.

GP5-59-212A: Ultra Resources, Inc. (304 Inverness Way South, Suite 295, CO 80112) on January 24, 2011, for construction and operation of one 280 bhp lean-burn natural-gas fired compressor engine, one 20 MMscf/day J.W. Williams model 20.0-Combo-UP-A glycol dehydration unit, one natural gas-fired line heater rated at 2.0 MMBtu/hr, one natural gas-fired glycol reboiler rated at 0.35 MMBtu/hr, and one glycol still vent combustor rated at 1.58 MMBtu/hr under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the State 815 Compressor Station in Gaines Township, **Tioga County**.

GP3-59-218A: Atlas Land & Royalty, Inc. (PO Box 703, 1028 Graphite Road, St. Marys, PA 15857) on January 20, 2011, for construction and operation of a 1992 vintage Minyu model MS-3624 wheel-mounted portable crushing plant and a 36"x 60' radial stacking conveyor under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at a site in Lawrence Township, **Tioga County**.

GP13-08-337: Glenn O. Hawbaker, Inc. (450 East College Avenue, Bellefonte, PA 16823) on January 27, 2011, for construction and operation of a hot mix asphalt plant pursuant to the General Plan Approval and General Operating Permit (BAQ-GPA/GP-13): Hot Mix Asphalt Plants, at their Plant #24: Green's Landing facility located in Athens Township, **Bradford County**.

GP3-08-313A: Johnson Quarries, Inc. (PO Box 136, LeRaysville, PA 18829) on January 28, 2011, for construction and operation of a Pegson model 26 x 44 portable crushing plant, two Pegson model 1100 x 650 portable crushing plants and a 2002 vintage Extec 6000 portable

screening plant under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at a site in Wilmot Township, **Bradford County**.

GP9-08-313B: Johnson Quarries, Inc. (PO Box 136, LeRaysville, PA 18829) on January 28, 2011, for the construction and operation of a 300 brake-horsepower Caterpillar model C9 CLJ04092 diesel engine, a 275 brake-horsepower Caterpillar model C9 MBD02462 diesel engine and a 275 brake-horsepower Caterpillar model C9 MBD09923 under the General Plan Approval and/or General Operating Permit for Diesel-Fired Internal Combustion Engines (BAQ-GPA/GP-9) at a site in Wilmot Township, **Bradford County**.

GP5-59-216: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on January 28, 2011, for the construction and operation of three natural gas-fired compressor engines rated at 1340 brake-horsepower and two 250,000 Btu per hour glycol dehydrators under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Stock 144 Compressor Station in Delmar Township, **Tioga County**.

GP5-59-217: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on January 28, 2011, for the construction and operation of three natural gas-fired compressor engines rated at 1340 brake-horsepower and two 250,000 Btu per hour glycol dehydrators under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Netterman Compressor Station in Charleston Township, **Tioga County**.

GP5-41-643: SWEPI, LP (190 Thorn Hill Road, Warrendale, PA 15086) on January 28, 2011, for the construction and operation of one natural gas-fired compressor engine rated at 1340 brake-horsepower and one 250,000 Btu per hour glycol dehydrator under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Clegg Compressor Station in McNett Township, **Lycoming County**

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

Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940

GP5-24-168B: Seneca Resources Corp. - Owls Nest Station (51 Zents Boulevard, Brookville, PA 15825) on January 26, 2011, to operate a natural gas fired compressor engine and construct two (2) dehydrators (BAQ-GPA/GP-5) in Highland Township, **Elk 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.

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

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

36-05008G: Tyson Foods, Inc. (403 South Custer Avenue, PO Box 1156, New Holland, PA 17557-0901) on January 20, 2011, to install a new poultry fryer and wet

scrubber for Line 3, at their poultry processing plant, in Earl Township, **Lancaster County**.

67-05033A: Gichner Systems Group, Inc. (490 East Locust Street, PO Box 481, Dallastown, PA 17313) on January 20, 2011, to install a surface coating Spray Booth 101F to replace Spray Booth 101E at their metal shelter production and repair facility in York Township, **York County**.

36-05140C: Valley Proteins, Inc. (693 Wide Hollow Road, East Earl, PA 17519-9645) on January 26, 2011, to install a new 33.5 mmbtu/hr boiler fueled with #2 oil, #6 oil, and byproduct animal fat oil at the rendering plant in East Earl Township, **Lancaster County**.

01-05037A: EnergyWorks Biopower, LLC (71 Old Mill Bottom Road North, Suite 101, Annapolis, MD 21409-5446) on January 26, 2011, for construction and temporary operation of a new Energy and Nutrient Recovery facility, consisting of two primary gasification chambers followed by a single secondary combustion chamber to power an electrical generator in Tyrone Township, **Adams County**. Air emissions will be controlled by a cyclone, electrostatic precipitator and flue gas recirculation.

67-03157A: SWF Industries, Inc. (6287 Lincoln Highway, Hellam, PA 17406) on January 26, 2011, to install two (2) paint spray booths, a paint mixing room, and cleanup operations at their metal product fabrication facility in Hellam Township, **York County**.

36-05079D: Chester County Solid Waste Authority (PO Box 476, Honey Brook, PA 19344-0476) on January 28, 2011 for the Area E expansion of the Lanchester Landfill in Caernarvon Township, **Lancaster County**.

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

Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940

20-302A: Industrial Towel and Uniform, Inc. (818 West Spring Street, Titusville, PA 16354) on January 25, 2011, to install two (2) solvent recovery dryers for print towels at their facility in the City of Titusville, **Crawford County**.

20-304A: Ernst Biomass LLC (9006 Mercer Pike, Meadville, PA 16335) on January 26, 2011, to construct a wood and switchgrass pellet manufacturing plant at their facility in Union Township, **Crawford County**.

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

09-0019C: Miller & Son Paving, Inc. (P. O. Box 468, Pipersville, PA 18947) on January 21, 2011, to operate a tank and heating system in Wrightstown Township **Bucks County**.

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

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

06-05079E: United Corrstack, LLC (720 Laurel Street, Reading, PA 19602-2718) on January 25, 2011, to modify the Plan Approval to construct a 482 mmBtu/hr circulating fluidized bed boiler and a 30 MW steam turbine in the City of Reading, **Berks County**. The plan approval was extended, and a requirement was added to conduct stack testing by 7/31/11.

38-05023C: Pennsy Supply, Inc. (One Clear Spring Road, Suite 1, Annville, Pennsylvania 17003) on January 21, 2011, for their drum hot mix asphalt plant at their Prescott Quarry in South Lebanon Township, **Lebanon County**. The Plan Approval was extended.

36-05153A: Richard E. Pierson Construction Co., Inc. (483 Anchor Road, Rheems, Pennsylvania 17570) on November 12, 2010, to replace stone crushing and processing equipment at their Rheems aggregate processing facility in West Donegal Township, **Lancaster 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-03-00183A: EQT Gathering, LLC (Suite 1700, 625 Liberty Ave, Pittsburgh, PA, 15222) on January 27, 2011, to make a minor modification to remove 1,340-bhp Compressor No. 1 and construct and temporarily operate 2, 370-bhp Compressor No. 1A, equipped with an oxidation catalyst at their Jupiter Compressor Station, located in Morgan Township, **Greene County**. Emission from the facility will be reduced to 41.13 TPY NO_x, 14.42 TPY CO, 20.25 TPY VOC 2.75 TPY formaldehyde and 12.43 TPY of the sum of all HAPs. This minor modification also extends the period of temporary operation of the flue gas desulfurization system under plan approval PA-3-00027B until August 24, 2011.

PA-30-00182A CNX Marine Terminals, Inc. (1000 Consol Energy Drive, Canonsburg, PA 15317) on January 24, 2011, extended to allow additional time to apply for a State Only Operating Permit for this barge cleaning facility at the Robena Plant, in Monongahela Township, **Greene County**. Up to 600 contaminated barges per year will be processed at this location. A bobcat and a hopper will be lowered into the contaminated barge. The bobcat will gather the material and transfer it to the hopper. Hopper will then be transferred into the receiving barge.

PA-63-00936C: MarkWest Liberty Midstream and Resources, L.L.C. (Tower 2, Suite 700, 1515 Arapahoe Street, Denver, CO 80202) on January 28, 2011, to extend the period, as a result of equipment startup, of temporary operation of the stabilizer, two (2) depropanizers and other process equipment authorized under plan approval PA-63-00936C, until April 7, 2011, at the Houston Gas Processing Plant, in Chartiers Township, **Washington County**.

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

Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940

10-356A: Linde North America, Inc. (575 Mountain Avenue, Murray Hill, NJ 07974) on January 31, 2011, to construct an air separation unit, which includes an oxygen vaporizer and mole sieve regenerator, both fired by natural gas burners at the their facility, in Butler Township, **Butler County**. This facility is a support facility to AK Steel's Butler Works.

62-176A: Allegheny Pellet Corp. (1055 Matthews Run Road, Youngsville, PA 16371) on January 31, 2011, to install a 22 MMBtu/hr wood-fired pellet drying operation at their facility in Brokenstraw Township, **Warren County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

15-00094: Metallurgical Products Company (P. O. Box 598, West Chester, PA 19381) on January 31, 2011, for operation of a metal alloying processes at their at 810 Lincoln Avenue, West Chester, PA 19380, West Goshen Township, **Chester County**. This action is a renewal of the State Only Operating Permit. Three Plan Approvals, PA-15-0094, 15-0094A, and 15-0094B are also being incorporated along with this renewal. The facility will continue to be a synthetic minor facility. The original State Only Operating Permit was issued on December 21, 2005. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

46-00069: Highway Materials, Inc.—Plymouth Meeting Quarry (5100 Joshua Road, Plymouth Meeting, PA 19462) on January 31, 2011, for a renewal permit to operate a rock crushing plant with two (2) diesel generators at their Plymouth Meeting Quarry in Whitmarsh Township, **Montgomery County**. The renewal permit is for a non-Title V (State-only) facility. The facility caps Nitrogen Oxide (NOx) emissions to less than 25 tons per year; therefore the facility is a Synthetic Minor. Source ID 1004 Portable Crusher has been removed and replaced by Source ID 1013 Portable Crusher Engine C15 ACERT, 1014 Portable Crusher Engine 3054C, and 1015 Portable Crusher (EXTEC, Inc. Model No. 1-C13). However, GP9 (Source ID 1013 and 1014) and GP3 (Source ID 1015) will not be added to the SMOP renewal because the new sources are portable and may operate at other facilities. GP9-46-0033 and GP3-46-0078 will remain stand-alone documents in effect. Source ID 1010 Caterpillar Diesel Engine has been removed and replaced by Source ID 1012 New Caterpillar Diesel Engine. Source ID 1012 will not be added to the SMOP renewal at this time because the stacktest performed on October 15, 2010 is still being reviewed by Central Office. Source ID C01 Baghouse has been removed and replaced by Source ID C28 New Pulse Jet Baghouse—Primary Crusher. Source ID C28 will not be added to the SMOP renewal at this time because the initial operating inspection has not been performed. The renewal 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

45-00007: National Electrical Carbon Products (100 Stokes Avenue, East Stroudsburg, PA 18301) on January 25, 2011, to manufacture carbon and graphite

products facility in East Stroudsburg Borough, **Monroe County**. This is a renewal of a State-Only Natural Minor operating permit for this facility. 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, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935

67-03153: Keener Coatings, Inc. (3711 Board Road, York, PA 17406-8425) on January 25, 2011, for the surface coating facility in Manchester Township, **York County**.

06-03071: Wolfe Dye and Bleach Works, Inc. (25 Ridge Road, Shoemakersville, PA 19555) on January 25, 2011, for their dyeing and bleaching facility in Perry Township, **Berks County**. This is a renewal of the State Only Operating permit.

67-05013: York City Sewer Authority (1701 Black Bridge Road, York, Pennsylvania 17402-1911) on January 28, 2011, for the York City Wastewater Treatment Plant in Manchester Township, **York County**. This is a renewal of the State Only Operating Permit.

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

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

56-00151: FTCA, Inc.—Coleman Camping Trailers—Plant No. 72 (258 Beacon Street, PO Box 111, Somerset, PA 15501) on January 19, 2011, a State Only Operating Permit to manufacture portable “pop-up” camping trailers for their facility in Somerset Borough, **Somerset County**. The operation of the facility’s air contamination sources consist of a pyrolysis cleaning furnace, drying oven, powder coating, and miscellaneous VOC/HAP applications including caulking, sealants, adhesives, and cleaners. The facility is subject to 40 CFR 63 Subpart M, P, and R pertaining to surface coating. The facility will continue to be treated as a major facility per 25 Pa. Code Section 127.206(k). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940

27-00039: Catalyst Energy, Inc.—Endeavor Plant (395 Queens Pumping Station Road, Endeavor, PA 16321) on January 27, 2011, for initial natural minor permit for a natural gas compression, refrigeration and dehydration station in Hickory Township, **Forest County**. The facility’s major emission sources included Caterpillar G3306TA, 203 HP natural gas compressor, refrigeration, dehydrator with re-boiler and equipment leaks. This facility is natural minor because the emissions are less than the Title V threshold.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

67-05114: BAE Systems Land and Armaments, LP (PO Box 15512, York, PA 17405-1512) on January 10, 2011, for their military vehicle manufacturing facility in West Manchester Township, **York County**. This Title V Operating permit was administratively amended to incorporate the requirements of Plan Approval No. 67-05114B.

36-05106: Premier Custom Built, Inc. (110 Short Street, New Holland, PA 17557-1515) on January 20, 2011, for their wood cabinet manufacturing facility in East Earl Township, **Lancaster County**. This State Only Operating permit was administratively amended to incorporate the provisions of Plan Approval No. 36-05106A.

38-05036: Grosfillex, Inc. (230 Old West Penn Avenue, Robesonia, PA 19551-8904) on January 20, 2011, for their plastic furniture, shelving, and planter manufacturing facility in South Lebanon Township, **Lebanon County**. This State Only Operating permit was revised via minor modification to include an additional surface coating name in the same category as a previously approved coating.

67-03041: County Line Quarry, Inc. (PO Box 99, Wrightsville, PA 17368) on January 27, 2011, for their County Line Quarry in Wrightsville Borough, **York County**. This State Only Operating Permit was administratively amended to include the provisions of Plan Approval No. 67-03041E. This is Revision 1 of the permit.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

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

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

16-00010: Owens-Brockway Glass—Clarion (1 Michael Owens Way, Perrysburg, OH 43551-2999) on January 27, 2011, for revocation of their Title V Operating Permit for the glass container manufacturing facility in Clarion Borough, **Clarion County**. The last day of operation at the facility was July 31, 2011. The miscellaneous natural gas sources that remain at the facility have potential emissions less than 6.3 TPY—NO_x, 0.5 TPY—Particulate Matter, 0.3 TPY—VOC, and 5.2 TPY—CO. The sources that remain are all less than 10 mmbtu/hr and are fired with natural gas. Since these sources are exempt from plan approval pursuant to 25 Pa. Code Section 127.14(a)(3) and the emissions from the sources are less than the thresholds established in the operating permit exemption list published in the Pa Bulletin [33 Pa. B. 3676], the Title V permit is no longer required. This operating permit was therefore revoked.

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

03061301 and NPDES No. # PA0235687, TJS Mining, Inc., (2340 Smith Road, Shelocta, PA 15774), to revise the permit for the TJS No. 6 Deep Mine in Plumcreek Township, **Armstrong County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 236.8, Subsidence Control Plan Acres Proposed 236.8. No additional discharges. Application received: January 19, 2010. Permit issued: January 28, 2011

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

56090112. NPDES No. PA0262901, Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 603.0 acres. SMP No. 56090112 authorizes a variance to conduct surface mining activities within 100 feet of unnamed tributary "F" and "G" to the Stonycreek River, unnamed tributaries "D" to Fallen Timber Run and Fallen Timber Run which consist of stream crossings and stream relocations. SMP No. 56090112 authorizes to affect 0.5 acres of wetlands during active mining which will be mitigated in an area as noted in the permit along Fallen Timber Run. SMP No. 32080101 also authorizes a Chapter 105 encroachment permit to conduct the activities described in these variances. Receiving stream(s): unnamed tributaries to/and Fallentimber Run, unnamed tributaries to Stonycreek River classified for the following use(s): cold water fishery, trout stocked fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Borough. Application received: October 27, 2009. Permit issued: January 26, 2011.

32080101. NPDES No. PA0262561, P & N Coal Company, Inc., P. O. Box 332, Punxsutawney, PA 15767, permit revision of an existing bituminous surface mine to obtain a variance to conduct surface mining activities within 100 feet of unnamed tributary #3 to Cush Creek. The stream encroachment activity consists of the relocation of the stream in its original drainage path which was previously affected by mining. SMP No. 32080101 also authorizes a Chapter 105 encroachment permit to conduct

the activities described in this condition. The mining activities are in Banks Township, **Indiana County**, affecting 25.4 acres. Receiving stream(s): unnamed tributary to Cush Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 20, 2010. Permit issued: January 26, 2011.

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

65060101 and NPDES Permit No. PA0250856. Coal Loaders, Inc. (210 E. Main Street, Ligonier, PA 15658). Transfer of permit formerly issued to Gary Gioia Coal Company for continued operation and reclamation of a bituminous surface mining site located in South Huntingdon Township, **Westmoreland County**, affecting 23.2 acres. Receiving streams: Unnamed Tributary A to the Youghiogheny River. Application received: July 22, 2010. Permit transfer issued: January 25, 2011.

65-07-08 and NPDES Permit No. PA0251828. Robindale Energy Service, Inc. (244 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Government Financed Construction Contract issued for reclamation of approximately 25.3 acres of abandoned mine lands located in Loyalhanna Township, **Westmoreland County**. Receiving streams: Getty Run and Loyalhanna Creek. Application received: October 1, 2009. Contract issued: January 25, 2011.

Noncoal Permits Actions

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

26072802 GP-104. Bullsken Stone & Lime, LLC (1350 Route 30, P. O. Box 223, Laughlintown, PA 15655). General NPDES permit for stormwater discharge associated with mining activities on an existing Small Noncoal Industrial Mineral Permit No. 26072802, located in Bullsken Township, **Fayette County**. Application received: January 3, 2011. GP-104 permit issued: January 25, 2011.

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

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

08114104. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013-0608). Blasting for a pipeline located in Canton Township, **Bradford County**. Permit issued: January 24, 2011. Permit expires: January 31, 2012.

08114105. Austin Powder Northeast, LLC (25800 Science Park Drive, Beachwood, OH 44122). Blasting for a gas well pad located in Smithfield Township, **Bradford County**. Permit issued: January 27, 2011. Permit expires: January 24, 2012.

14114101. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866). Construction blasting for Penn

State Greenhouse Project located in Ferguson Township, **Centre County**. Permit issued: January 25, 2011. Permit expires: December 30, 2011.

41114101. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866). Construction blasting for Lycoming County SR 118—temporary roadway, located in Franklin Township, **Lycoming County**. Permit issued: January 24, 2011. Permit expires: December 30, 2011.

59114101. Austin Powder Northeast, LLC (25800 Science Park Drive, Beachwood, OH 44122). Blasting for a gas well pad located in Morris Township, Tioga County. Permit issued: January 26, 2011. Permit expires: January 20, 2012.

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

66114101. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Shupp's Development in Clinton Township, **Wyoming County** with an expiration date of January 31, 2012. Permit issued: January 25, 2011.

66114102. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Hayduk Enterprises site development in Lemon Township, **Wyoming County** with an expiration date of January 31, 2012. Permit issued: January 25, 2011.

66114103. Meshoppen Blasting, Inc., (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Dunny Well Access Road and Pad in Windham Township, **Wyoming County** with an expiration date of April 20, 2011. Permit issued: January 25, 2011.

06114101. J Roy's, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Wyomissing Sewer Interceptor in Wyomissing and West Reading Boroughs, **Berks County** with an expiration date of January 1, 2012. Permit issued: January 26, 2011.

13114101. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for ECI Cell Tower in East Penn Township, **Carbon County** with an expiration date of January 18, 2012. Permit issued: January 26, 2011.

40114101. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting at Eagle Rock Resort in Hazle, Black Creek and North Union Townships, **Luzerne and Schuylkill Counties** with an expiration date of January 31, 2012. Permit issued: January 26, 2011.

40114102. Dyno-Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for East Mountain Corporate Center in Plains Township, **Luzerne County** with an expiration date of January 30, 2012. Permit issued: January 26, 2011.

58114002. John Brainard, (3978 SR 2073, Kingsley, PA 18826), construction blasting for the Mowry Water Containment Operation in Auburn Township, **Susquehanna County** with an expiration date of April 30, 2011. Permit issued: January 31, 2011.

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

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

E58-287. Cabot Oil & Gas Corporation. Five Penn Center West, Suite 401, Pittsburgh, PA 15276. Brooklyn, Dimmock & Springville Townships, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Susquehanna County Pipeline Project Zone 4:

1. (Crossing Z04-S700) A 10" diameter steel natural gas transmission line across an unnamed tributary to Meshoppen Creek (CWF), impacting approximately 33 linear feet of channel, by means of open trench cut (Lat: 41° 42' 53.4"; Long: -75° 51' 26.6") in Springville Township.

2. (Crossing Z04-S900) An 8" diameter steel natural gas transmission line across an unnamed tributary to Meshoppen Creek (CWF), impacting approximately 30

linear feet of channel, by means of open trench cut (Lat: 41° 41' 53.9"; Long: -75° 51' 25.9") in Springville Township.

3. (Crossing Z04-S1101) An 8" diameter steel natural gas transmission line across an unnamed tributary to Meshoppen Creek (CWF), impacting approximately 35 linear feet of channel, by means of open trench cut (Lat: 41° 41' 18.4"; Long: -75° 52' 43.2") in Springville Township.

4. (Crossing Z04-S1102) An 8" diameter steel natural gas transmission line across an unnamed tributary to Meshoppen Creek (CWF), impacting approximately 33 linear feet of channel, by means of open trench cut (Lat: 41° 40' 56.0"; Long: -75° 52' 43.1") in Springville Township.

5. (Crossing Z04-S1103) An 8" diameter steel natural gas transmission line across an unnamed tributary to Meshoppen Creek (CWF), impacting approximately 32 linear feet of channel, by means of open trench cut (Lat: 41° 40' 55.4"; Long: -75° 52' 42.9") in Springville Township.

6. (Wetland Impact Z04-W06) A 10" diameter steel natural gas transmission line crossing of approximately 50 feet of PEM wetland within the Horton Creek Watershed by means of open trench cut with temporary wetland impacts of 0.05 acre (Lat: 41° 43' 31.9"; Long: -75° 50' 44.6") in Brooklyn Township.

7. (Wetland Impact Z04-W07) A 10" diameter steel natural gas transmission line crossing of approximately 102 linear feet of PEM/PSS wetland within the Horton Creek Watershed by means of directional bore (Lat: 41° 43' 21.6"; Long: -75° 51' 05.9") in Dimock Township.

8. (Wetland Impact Z04-W20) An 8" diameter steel natural gas transmission line crossing of approximately 41 linear feet of PSS/POW wetland within the Meshoppen Creek Watershed by means of directional bore (Lat: 41° 41' 34.7"; Long: -75° 52' 27.6") in Springville Township.

9. (Wetland Impact Z04-W40) A 10" diameter steel natural gas transmission line crossing of approximately 18 linear feet of PEM wetland within the Horton Creek Watershed by means of open trench cut with temporary wetland impacts of 0.02 acre (Lat: 41° 43' 46.2"; Long: -75° 50' 37.5") in Brooklyn Township.

10. (Wetland Impact Z04-W400) A 10" diameter steel natural gas transmission line crossing of approximately 23 linear feet of PEM wetland within the Horton Creek Watershed by means of open trench cut with temporary wetland impacts of 0.03 acre (Lat: 41° 43' 46.5"; Long: -75° 50' 31.0") in Brooklyn Township.

11. (Wetland Impact Z04-W401) A 10" diameter steel natural gas transmission line crossing of approximately 19 linear feet of PEM wetland within the Horton Creek Watershed by means of open trench cut with temporary wetland impacts of 0.03 acre (Lat: 41° 43' 46.4"; Long: -75° 50' 32.4") in Brooklyn Township.

12. (Wetland Impact Z04-W906) An 8" diameter steel natural gas transmission line crossing of approximately 87 linear feet of PEM wetland within the Meshoppen Creek Watershed by means of open trench cut with temporary wetland impacts of 0.01 acre (Lat: 41° 41' 53.8"; Long: -75° 51' 28.1") in Springville Township.

13. (Wetland Impact Z04-W1101) An 8" diameter steel natural gas transmission line crossing of approximately 80 linear feet of PSS/PEM wetland within the Meshoppen

Creek Watershed by means of directional bore (Lat: 41° 41' 23.5"; Long: -75° 52' 39.7") in Springville Township.

14. (Wetland Impact Z08-W425) A 10" diameter steel natural gas transmission line crossing of approximately 282 linear feet of PEM wetland within the Meshoppen Creek Watershed by means of open trench cut with temporary wetland impacts of 0.24 acre (Lat: 41° 42' 20.4"; Long: -75° 52' 02.3") in Springville Township.

The project will temporarily impact 0.38 acre of wetlands and 1,145 square feet of stream impacts. Disturbed streambanks will be permanently stabilized with riprap or jute matting and native vegetation.

The project begins on the west side of Bailey Road approximately 0.70 southwest from its intersection of State Route 2024 (Hop Bottom, PA Quadrangle Lat: 41° 44' 28"; Long: -75° 50' 17), runs in a southwesterly direction through Dimock Township and ends on the north side of El Johnson Road approximately 0.50 mile northeast from its intersection from State Route 2001 (Springville, PA Quadrangle Lat: 41° 40' 30"; Long: -75° 52' 41) in Springville Township, Dimock Township and Brooklyn Township, Susquehanna County.

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

E06-660: Grande Construction, 2213 Quarry Road, West Lawn, PA 19609 in Lower Heidelberg Township, Berks County, ACOE Philadelphia District

To construct and maintain dual open bottom concrete arch structures having normal spans of 36.0 feet, a width of 32.0 feet, and an underclearance of 7.0 feet across the Little Cacoosing Creek (WWF) impacting 0.50 acre of exceptional value PEM wetland, for the purpose of providing access to a residential subdivision. The project is located off of Green Valley Road, approximately 1.5 miles from the intersection of State Route 422 (N: 13.8 inches, W: 4.5 inches; Latitude: 40°20'20", Longitude: 76°1.0'54") in Lower Heidelberg Township, Berks County. Wetland mitigation in the amount of 0.60 acre will occur onsite.

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

E5729-003: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Cherry, Forks, and Overton Townships, Sullivan and Bradford County, ACOE Baltimore District.

To construct and maintain:

(1) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across an unnamed tributary to Black Creek (EV,MF). Impacted Area: 53 square feet; (Dushore Quadrangle 41° 34' 19.67"N 76° 29' 27.64"W).

(2) two 16.0 inch diameter temporary water lines over an existing culvert across an unnamed tributary to Black Creek (EV,MF). Impacted Area: 0 square feet; (Dushore Quadrangle 41° 33' 37.05"N 76° 29' 13.51"W).

(3) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across an unnamed tributary to Black Creek (EV,MF). Impacted Area: 125 square feet; (Dushore Quadrangle 41° 33' 12.33"N 76° 29' 3.31"W).

The project will result in 11 linear feet of temporary stream impacts from water line and temporary mat crossings. These crossings will accumulate a total of 0.004 acres of watercourse impacts all for the purpose of installing temporary water lines with associated access roadways.

E5729-002: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Fox and Elkland Townships, Sullivan County, ACOE Baltimore District.

To construct and maintain:

(1) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across Porter Creek (EV,MF). Impacted Area: 132 square feet; (Shunk Quadrangle 41° 32' 12.30"N 76° 42' 30.30"W).

(2) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across an unnamed tributary to Elk Creek (EV,MF). Impacted Area: 131 square feet; (Shunk Quadrangle 41° 32' 54.74"N 76° 41' 11.82"W).

(3) two 16.0 inch diameter temporary water lines and a 16ft wide equipment mat across an unnamed tributary to Elk Creek (EV,MF). Impacted Area: 88 square feet; (Shunk Quadrangle 41° 32' 54.23"N 76° 41' 12.53"W).

(4) two 16.0 inch diameter temporary water lines along an access road across an unnamed tributary to Elk Creek (EV,MF). Associated Impacts to be permitted under E5729-001; (Shunk Quadrangle 41° 33' 23.02"N 76° 40' 57.31"W).

The project will result in 22 linear feet of temporary stream impacts from water line and temporary mat crossings. These crossings will accumulate a total of 0.008 acres of watercourse impacts all for the purpose of installing temporary water lines with associated access roadways.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

12/23/2010

ESCGP-1 No.: ESX10-125-0094 Major Revision

Applicant Name: Range Resources—Appalachia LLC

CONTACT: Carla Suszkowski

Address: 380 Southpointe Boulevard

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): Donegal
 Receiving Stream(s) And Classifications: UNT to Buck
 Run and Buck Run, HQ
 Secondary Water: Buck Run

12/22/10

ESCGP-1 No.: ESX10-129-0043
 Applicant Name: Atlas Energy Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Westmoreland Township(s): South Huntingdon
 Receiving Stream(s) and Classifications: UNT to
 Youghiogheny River, Other

12/23/10

ESCGP-1 No.: ESX10-125-0072
 Applicant Name: Range Resources—Appalachia, LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Boulevard, Suite 300
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): South Franklin
 Receiving Stream(s) and Classifications: UNT to Fork of
 Bane Creek and Fork of Bane Creek/Tenmile Creek,
 Other

12/17/2010

ESCGP-1 No.: ESX10-059-0090
 Applicant Name: Coal Gas Recovery LLC
 Contact Person: Joanne Reilly
 Address: 158 Protal Road P O Box 1020
 City: Waynesburg State: PA Zip Code: 15370
 County: Gene Township(s): Franklin and Jefferson
 Receiving Stream(s) and Classifications: Muddy Creek
 Tributaries to & including S Fork Tenmile Creek/
 Monongahela River
 Secondary Water: South Fork Tenmile Creek

12/13/2010

ESCGP-1 No.: ESX10-005-0010
 Applicant Name: EXCO Resources (PA) LLC
 Contact Person: Larry Sanders
 Address: 3000 Ericsson Drive Suite 200
 City: Warrendale State: PA Zip Code: 15086
 COUNTY Township(s):
 Receiving Stream(s) and Classifications: UNT to
 Cowanshannock Creek, Other

12/07/2010

ESCGP-1 No.: ESX10-063-0010
 Applicant Name: Phillips Exploration Inc
 Contact Person: Gary Clark
 Address: 502 Keystone Drive
 City: Warrendale State: PA Zip Code: 15086
 County: Indiana Township(s): West Mahoning
 Receiving Stream(s) and Classifications: UNT to Little
 Mahoning Creek HQ CWF, HQ
 Secondary Water: Little Mahoning Creek—HQ-CWF

12/22/2010

ESCGP-1 No.: ESX10-059-0093
 Applicant Name: Laurel Mountain Midsteam, LLC
 Contact Person: Lisa Reeves
 Address: 1550 Coraopolis Rd Suite 140
 City: Moon Township State: PA Zip Code: 15108-2973
 County: Greene Township(s): Greene & Dunkard
 Receiving Stream(s) and Classifications: Unt TO Whiteley
 Creek TSF to Meakown Run WWF
 Secondary Water: Whiteley Creek TSF

12/28/2010

ESCGP-1 No.: ESX10-125-0080 Major Revision
 Applicant Name: Burnett Oil Co
 Contact Person: Robert Hilliard

Address: 601 Technology Dr PT Plaza Ste 120
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Independence
 Receiving Stream(s) and Classifications: Indian Camp
 Run and Sugar Camp Run, HQ
 Secondary: Sugar Camp Run

1/03/2011

ESCGP-1 No.: ESX10-051-0035 Major Revision
 Applicant Name: Range Resources—Appalachia LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Blvd
 City: Canonsburg State: PA Zip Code: 15317
 County: Fayette Township(s): Springhill
 Receiving Stream(s) and Classifications: Rubles Run—
 CWF, Other
 Secondary Water: Cheat River/Cheat Lake WWF

12/09/2011

ESCGP-1 NO.: ESX10-051-0051
 Applicant Name: Atlas Energy Resources, LLC
 CONTACT PERSON: Jeremy Hirtz
 ADDRESS: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette Township(s): Redstone
 Receiving Stream(s) and Classifications: UNT to Dunlap
 Creek & UNT to Lilly Run/Monongahela River, Other
 Secondary Water: Dunlap Creek & Lilly Run

12/30/2010

ESCGP-1 NO.: ESX10-129-0032 Major Revision
 Applicant Name: Longfellow Energy LP
 CONTACT: Sean Gabel
 ADDRESS: 4801 Gaillardia Parkway Suite 225
 City: Oklahoma City State: OK Zip Code: 73142
 County: Westmoreland & Fayette Township(s): Donegal &
 Saltlick/Springfield
 Receiving Stream(s) and Classifications: UNT to Indian,
 Poplar Run, Wash Run, Champion Creek, Fulton Run
 and Mill Run and Minnow Run HQ, Other
 Secondary Water: Youghiogheny River

01/03/2011

ESCGP-1 NO.: ESX09-125-0016 Major Revision
 Applicant Name: Range Resources—Appalachia LLC
 CONTACT: Carla Suszkowski
 ADDRESS: 380 Southpointe Boulevard
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Mount Pleasant
 Receiving Stream(s) and Classifications: UNT to Millers
 Run, Other
 Secondary Water: Millers Run

1/07/2011

ESCGP-1 NO.: ESX11-059-0001
 Applicant Name: Coal Gas Recovery LLC
 CONTACT: Joanne Reilly
 ADDRESS: 158 Portal Road, P O Box 1020
 City: Waynesburg State: PA Zip Code: 15370
 County: Greene Township(s): Wayne
 Receiving Stream(s) and Classifications: UNT to Pursley
 Creek, All flow to Southfork Tenmile Creek/
 Monongahela River, HQ

1/3/2011

ESCGP-1 NO.: ESX11-063-0001
 Applicant Name: CONSOL Gas Co
 CONTACT: Craig Neal
 ADDRESS: 280 Indian Springs Road Suite 333
 City: Indiana State: PA Zip Code: 15701

County: Indiana Township(s): Young
 Receiving Stream(s) and Classifications: Nesbit Run &
 Trib 43217 to Whisky Run/ Nesbit & Whisky Run
 Watersheds, Other CWF
 Secondary Water: Kiskiminetas River

12/15/2010

ESCGP-1 NO.: ESX10-129-0040
 Applicant Name: Atlas Energy Resources, LLC
 CONTACT: Jeremy Hirtz
 ADDRESS: 800 Mountain View Drive
 City: Smithfield State: PA 15478 PA Zip Code: 15701
 County: Westmoreland Township: Sewickley Young
 Receiving Stream(s) and Classifications: UNT's to
 Youghiogheny River, Other

10/22/2010

ESCGP-1 NO.: ESX10-059-0060 Major and Minor Revi-
 sion
 Applicant Name: Coal Gas Recovery LLC
 CONTACT: Joanne Reilly
 ADDRESS: 158 Portal Road P O Box 1020
 City: Waynesburg State: PA 15370 PA Zip Code: 15701
 County: Greene Township: Center Young
 Receiving Stream(s) and Classifications: UNT To Hargus
 Creek/Monongahela River, HQ

01/18/2011

ESCGP-1 NO.: ESX11-059-0004
 Applicant Name: Chesapeake Appalachia, LLC
 CONTACT: Tal Oden
 ADDRESS: 179 Chesapeake Drive, PO Box 1300
 City: Jane Lew State: WV 26378 PA Zip Code: 15701
 County: Greene Township: Center Young
 Receiving Stream(s) and Classifications: UNT to Mc-
 Courtney Run/Ohio River Basin, HQ

11/02/2010

ESCGP-1 NO.: ESX10-059-0084
 Applicant Name: Energy Corporation of America
 CONTACT:
 ADDRESS: 1380 Route 280 Highway East Suite 221
 City: Indiana State: PA PA Zip Code: 15701
 County: Greene Township: Cumberland
 Receiving Stream(s) and Classifications: UNT to Muddy
 Creek Stone Coal Run WWF/Lower Monongahela

10/13/2010

ESCGP-1 NO.: ESX10-125-0089
 Applicant Name: Range Resources—Appalachia LLC
 CONTACT: Laura Rusmisl
 ADDRESS: 380 South Pointe Blvd
 City: Canonsburg State: PA 15317 PA Zip Code: 15701
 County: Washington Township: Hopewell and Indepen-
 dence
 Receiving Stream(s) and Classifications: Buffalo Creek
 HQ
 Secondary Water; Bush Run

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

ESCGP-1 # ESX11-115-0004
 Applicant Name Cabot Oil & Gas Corp.
 Contact Person Kenneth Marcum
 Address 5 Penn Center West, Ste 401
 City, State, Zip Pittsburgh, PA 15276
 County Susquehanna
 Township(s) Brooklyn Twp.
 Receiving Stream(s) and Classification(s) UNT to Hop
 Bottom Creek

ESCGP-1 # ESX11-081-0001
 Applicant Name Seneca Resources
 Contact Person Mike Clinger

Address 51 Zents Blvd
 City, State, Zip Brookville, PA 15825
 County Lycoming
 Township(s) McIntyre and Cogan House Twps.
 Receiving Stream(s) and Classification(s) Trib. of Pigeon
 Hollow, Yoder Hollow, Fourmile Hollow, Long Run

ESCGP-1 # ESX11-015-0011
 Applicant Name Chief Oil & Gas LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road Ext., Ste 210
 City, State, Zip Wexford, PA 15090
 County Bradford
 Township(s) Wilmot Twp.
 Receiving Stream(s) and Classification(s) UNT to North
 Branch Mehoopany Cr and North Branch Mehoopany
 Cr/N. Branch Susquehanna

ESCGP-1 # ESX10-131-0041
 Applicant Name Chief Oil & Gas LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road Ext., Ste 210
 City, State, Zip Wexford, PA 15090
 County Wyoming
 Township(s) Lemon Twp.
 Receiving Stream(s) and Classification(s) UNT to Meshop-
 pen Cr, Meshoppen Cr

ESCGP-1 # ESG10-115-0075
 Applicant Name Chief Gathering LLC
 Contact Person Ted Wurfel
 Address 6051 Wallace Road
 City, State, Zip Wexford, PA 15090
 County Susquehanna and Wyoming
 Township(s) Springville and Lemon Twps.
 Receiving Stream(s) and Classification(s) UNT to Meshop-
 pen Cr, Meshoppen Cr, UNT to White Cr, White Cr,
 UNT to Thomas Cr

ESCGP-1 # ESX11-015-0005
 Applicant Name Talisman Energy USA Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Warren Twp.
 Receiving Stream(s) and Classification(s) UNT to Wap-
 pasening Cr, Wappasening Cr

ESCGP-1 # ESX11-015-0004
 Applicant Name Talisman Energy USA Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Columbia Twp.
 Receiving Stream(s) and Classification(s) UNT to Sugar
 Creek, Sugar Creek

ESCGP-1 # ESX11-015-0007
 Applicant Name Talisman Energy USA Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Windham Twp.
 Receiving Stream(s) and Classification(s) Parks Cr, W. Br.
 Parks Cr

ESCGP-1 # ESX11-015-0006
 Applicant Name Talisman Energy USA Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845

County Bradford
Township(s) Windham Twp.
Receiving Stream(s) and Classification(s) Parks Cr, W. Br.
Parks Cr

ESCGP-1 # ESX11-015-0070(01)
Applicant Name Talisman Energy USA Inc.
Contact Person Tracy Gregory
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Columbia Twp.
Receiving Stream(s) and Classification(s) Trib. to N. Br.
Sugar Cr, N. Br. Sugar Cr

ESCGP-1 # ESX11-117-0003
Applicant Name SWEPI LP
Contact Person Richard Lewis
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga
Township(s) Charleston Twp.
Receiving Stream(s) and Classification(s) UNT to Hills Cr,
Susquehanna River Basin in PA, Hills Cr

ESCGP-1 # ESX11-117-0005
Applicant Name SWEPI LP
Contact Person Richard Lewis
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga
Township(s) Middlebury Twp.
Receiving Stream(s) and Classification(s) UNT of Crooked
Cr/Susquehanna River Basin in PA, Crooked Cr

ESCGP-1 # ESX11-117-0006
Applicant Name SWEPI LP
Contact Person Richard Lewis
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga
Township(s) Middlebury Twp.
Receiving Stream(s) and Classification(s) Crooked Cr/
Susquehanna River Basin in PA, Tioga River

ESCGP-1 # ESX10-115-0077
Applicant Name Appalachia Midstream Services, LLC
Contact Person Patrick Myers
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Susquehanna
Township(s) Auburn and Rush Twps.
Receiving Stream(s) and Classification(s) UNT to
Tuscarora Cr and UNT to Deer Lick Cr, Susquehanna
River, Wyalusing Cr

ESCGP-1 # ESX10-015-0145(01)
Applicant Name Appalachia Midstream Services, LLC
Contact Person Patrick Myers
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) W. Burlington Twp.
Receiving Stream(s) and Classification(s) Tribs. to the
Sugar Creek

ESCGP-1 # ESX10-113-0033
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Sullivan
Township(s) Forks Twp.
Receiving Stream(s) and Classification(s) UNT to Black
Creek, Black Creek

ESCGP-1 # ESX10-015-0384
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Albany Twp.
Receiving Stream(s) and Classification(s) Ladds Creek, S.
Br. Towanda Cr.

ESCGP-1 # ESX10-105-0040
Applicant Name Triana Energy, LLC
Contact Person Rachel King
Address 900 Virginia St East, Ste 400
City, State, Zip Charleston, WV 25301
County Potter
Township(s) Hector Twp.
Receiving Stream(s) and Classification(s) Dry Run, UNT
to of Genessee Forks, Genessee Forks

ESCGP-1 # ESX11-015-0003
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Litchfield Twp.
Receiving Stream(s) and Classification(s) Little Wapessen-
ing Cr, W. Br. Parks Cr, UNT of Satterlee Cr, Satterlee
Cr

ESCGP-1 # ESX11-015-0009
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford
Township(s) Wysox Twp.
Receiving Stream(s) and Classification(s) Wysox Cr, Fall
Run, UNT to Fall Run

ESCGP-1 # ESX10-015-0386
Applicant Name EOG Resources, Inc.
Contact Person William Burket
Address 400 Southpoint Blvd, Plaza 1, Ste 300
City, State, Zip Canonsburg, PA 15317
County Bradford
Township(s) Ridgebury Twp.
Receiving Stream(s) and Classification(s) Buck Cr,
Bentley Cr/Chemung River

ESCGP-1 # ESX11-117-0004
Applicant Name Seneca Resources
Contact Person Mike Clinger
Address 51 Zents Blvd
City, State, Zip Brookville, PA 15825
County Tioga
Township(s) Covington Twp.
Receiving Stream(s) and Classification(s) Elk Run, Trib to
Tioga River

*Northwest Region: Oil and Gas Program Manager, 230
Chestnut St, Meadville PA 16335*

ESCGP-1 # ESX11-019-0055 David A. Fyock, et ux No.
1H, 2H
Applicant Phillips Exploration, Inc
Contact Mr. Gary Clark
Address 502 Keystone Drive
City Warrendale State PA Zip Code 15086
County Butler Township(s) Forward
Receiving Stream(s) and Classification(s) Connoqueness-
ing Creek—WWF

ESCGP-1 #ESX10-073-0002 Patterson Unit 1
 Applicant Swepi LP
 Contact Richard Lewis
 Address 190 Thorn Hill Road
 City Warrendale State PA Zip Code 15086
 County Lawrence Township(s) Little Beaver (s)
 Receiving Stream(s) and Classification(s) UNT to Jenkins
 Run/Ohio River Basin in PA—Ohio R (List W)-WWF,
 Beaver River

ESCGP-1 #ESX11-083-0038—MROC Pad D
 Applicant Triana Energy, LLC
 Contact Rachelle King
 Address 900 Virginia Street, East
 City Charleston State WV Zip Code 25301
 County McKean Township(s) Lafayette(s)
 Receiving Stream(s) and Classification(s) East Branch of
 Tunungwant Creek & Unnamed Tributary to East
 Branch Tunungwant Creek (HQ-CWF)

ESCGP-1 #ESX10-083-0035—Westline 2010 Oil Well
 Development
 Applicant Enervest Operating
 Contact Randall Spence
 Address 22811 Titusville Road
 City Pleasantville State PA Zip Code 16341
 County McKean Township(s) Lafayette Township(s)
 Receiving Stream(s) and Classification(s) Kinzua Creek,
 Wintergreen Run, Unnamed Tribs

ESCGP-1 #ESX11-019-0056—Kriley Farm No. 1H
 Applicant Phillips Exploration
 Contact Mr. Gary Clark
 Address 502 Keystone Drive
 City Warrendale State PA Zip Code 15086
 County Buter Township(s) Summit(s)
 Receiving Stream(s) and Classification(s) Thorn Creek—
 CWF

SPECIAL NOTICES

DRINKING WATER STATE REVOLVING FUND SPECIAL NOTICE

Special Notice Under the Federal Safe Drinking Water Act

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

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
East Allen Township Municipal Authority	5340 Nor-Bath Blvd Northampton, Pa	Northampton

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The East Allen Township Municipal Authority proposes an interconnection, water mains and pump station in the East Allen Gardens section of the water system. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 11-257. Filed for public inspection February 11, 2011, 9:00 a.m.]

Marsh/Rock Creek Critical Area Advisory Committee Meetings

The Marsh/Rock Creek Critical Area Advisory Committee, associated with the Department of Environmental Protection (Department), will hold a meeting on the following dates from 1 p.m. to 3 p.m. at the Adams County Ag Center, 670 Old Harrisburg Road, Gettysburg, PA 17325:

April 13, 2011
 July 13, 2011
 October 12, 2011

The regional water resources committees were created under 27 Pa.C.S. Chapter 31 (relating to water resources planning) to help guide the development of the State Water Plan and the designation of Critical Water Planning Areas (CWPA) for this Commonwealth. The Department has designated Marsh and Rock Creeks as a CWPA. The Department will work with a local critical area advisory committee and the regional water resources committee to develop a voluntary critical area resource plan for both watersheds.

Questions concerning these meetings should be directed to Heidi Moltz at (301) 274-8116 or hmoltz@icprb.org. This schedule, an agenda and meeting materials for these meetings will be available through the Public Participation Center on the Department's web site at www.depweb.state.pa.us (select "Public Participation").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2402 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,
Acting Secretary

[Pa.B. Doc. No. 11-258. Filed for public inspection February 11, 2011, 9:00 a.m.]

Pennsylvania Sewage Advisory Committee Meeting Cancellation

The Pennsylvania Sewage Advisory Committee (Committee) meeting scheduled for March 9, 2011, has been cancelled. The next meeting is scheduled for June 8, 2011, at 10:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the next scheduled meeting of the Committee can be directed to John McHale at (717) 783-2290 or jomchale@state.pa.us. The agenda and meeting materials for the June 8, 2011, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (Select "Public Participation").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2290 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,
Acting Secretary

[Pa.B. Doc. No. 11-259. Filed for public inspection February 11, 2011, 9:00 a.m.]

Pennsylvania State Clean Diesel Grant Program; Grant Application Acceptance Period

The Department of Environmental Protection (Department) announces an opportunity to apply for \$588,235 awarded to the Commonwealth by the United States Environmental Protection Agency (EPA) under the Diesel Emission Reduction Act (42 U.S.C.A. §§ 16131—16137). This funding is available for eligible diesel grants under the Pennsylvania State Clean Diesel Grant Program to improve air quality and protect public health and the environment in this Commonwealth by reducing emissions from diesel-powered vehicles.

The Department is seeking applications to replace, repower or retrofit fleet diesel-powered school or transit buses. Funding is available for public and private entities that operate diesel-powered fleets of school and/or transit buses throughout this Commonwealth. These entities may include school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth to replace, repower or retrofit diesel-powered school or transit buses with technologies certified or verified by the EPA or the California Air Resources Board to lower diesel emissions. The technology may be a single technology or a combination of available technologies. The majority of the fleet's annual operation time must occur within this Commonwealth.

The Department will not reimburse grant recipients for project costs incurred prior to the grant performance period set forth in the applicable grant agreement.

The application package including guidance, instructions and application forms is available by contacting Martin T. Felion, Department of Environmental Protection, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-9702. The application package is also available electronically on the Department's web site at www.depweb.state.pa.us (DEP Keywords "Clean Diesel").

The Department will begin accepting applications on February 14, 2011. Applications must be received by 4:30 p.m. on April 14, 2011, or postmarked on or before April 14, 2011. Faxes and electronic copies will not be accepted.

MICHAEL L. KRANCER,
Acting Secretary

[Pa.B. Doc. No. 11-260. Filed for public inspection February 11, 2011, 9:00 a.m.]

Submission Deadline for Application for Reimbursement for Certified Host Municipality Inspectors

The Department of Environmental Protection (Department) announces the submission deadline for 2010 Host Municipality Inspector Program (Program) reimbursement applications as March 31, 2011. Reimbursements are available to municipalities under the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) and the Hazardous Sites Cleanup Act (Act 108). Municipalities include cities, boroughs, incorporated towns, townships and home-rule municipalities.

Reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities or

from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to any municipality that has a municipal waste landfill, resource recovery facility, or commercial hazardous waste storage, treatment and disposal facility located within its geographic borders. Upon application from any host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified Host Municipality Inspectors. The reimbursement shall not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for Host Municipality Inspectors trained and certified by the Department.

The application for reimbursement contains tables for specifying the itemized expenses for certified inspectors and for calculating the total reimbursement request. Complete instructions are included with the application, which is being distributed to all municipalities that have participated in the Program. If a municipality does not receive but requires an application, or for persons with any questions about this Program, contact the Program Development Section, Department of Environmental Protection, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9870 or visit the Department's web site at www.depweb.state.pa.us (PA Keyword: "Host Municipality Inspector").

The deadline for submitting applications is 4:30 p.m. on March 31, 2011. Applications post marked after the deadline will not be considered.

MICHAEL L. KRANCER,
Acting Secretary

[Pa.B. Doc. No. 11-261. Filed for public inspection February 11, 2011, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Erie County

The Department of General Services (Department) will accept bids for the purchase of 0.1837-acre ± of land located at 110 West Normal Street, Edinboro, Erie County. Bids are due Tuesday, March 1, 2011. Interested parties wishing to receive a copy of Solicitation No. 94410 should view the Department's web site at www.dgs.state.pa.us or call Jayne Fitzpatrick at (717) 787-2834.

SHERI L. PHILLIPS,
Acting Secretary

[Pa.B. Doc. No. 11-262. Filed for public inspection February 11, 2011, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(b) (relating to toilet facilities):

Millcreek Community Hospital Transitional Care Unit
5515 Peach Street
Erie, PA 16509-2603
FAC ID 57010201

The request is on file with the Department of Health (Department). Persons may receive a copy of the request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-263. Filed for public inspection February 11, 2011, 9:00 a.m.]

Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, March 23, 2011, from 9 a.m. to 12 p.m., at the Giant Super Food Store Community Center, 2nd Floor, 2300 Linglestown Road, Harrisburg, PA 17110.

For additional information contact Kathleen A. Zitka, Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA, (717) 787-5251.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Kathleen A. Zitka at (717) 787-5251, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-264. Filed for public inspection February 11, 2011, 9:00 a.m.]

Preventive Health and Human Services Block Grant Advisory Committee Meeting

The Preventive Health and Human Services Block Grant Advisory Committee will hold a WebEx teleconfer-

ence (public) meeting on Friday, February 25, 2011, from 2 p.m. to 4 p.m., at 132 Kline Plaza, Suite F, Harrisburg, PA 17104.

For additional information contact Terry L. Walker, Administrative Officer, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Terry L. Walker, Administrative Officer at (717) 787-6214, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Acting Secretary

[Pa.B. Doc. No. 11-265. Filed for public inspection February 11, 2011, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Prevailing Wage Appeals Board Public Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Tuesday, February 15, 2011, at 10 a.m. in the Capitol Associates Building, 901 North Seventh Street, 3rd Floor Conference Room, Harrisburg, PA.

The Americans with Disabilities Act contact is Gina Meckley, (717) 783-9276.

PATRICK BEATTY,
Acting Secretary

[Pa.B. Doc. No. 11-266. Filed for public inspection February 11, 2011, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Fayette and Greene Counties

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Director of the Bureau of Project Delivery makes the following written finding:

The Department of Transportation is planning to replace the bridge carrying SR 0021 over the Upper Monongahela River bordering Masontown Borough, Fayette County and Monongahela Township, Greene County.

Information describing the project, with the associated environmental analysis, is contained in the Environmental Document, Section 2002 Evaluation that was prepared for this project. The project will require temporary construction easements in the Upper Monongahela River, which is open for use by the public as River Water Trail and qualifies as a Section 2002 resource.

Based upon studies, there is no prudent and feasible alternative to the proposed action.

The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929, have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P.E.,
Director
Bureau of Project Delivery

[Pa.B. Doc. No. 11-267. Filed for public inspection February 11, 2011, 9:00 a.m.]

GAME COMMISSION

Voluntary Public Access-Habitat Incentives Program; Draft Environmental Assessment

The Game Commission (Commission) in partnership with the United States Department of Agriculture, Farm Service Agency announces the availability of a Draft Environmental Assessment (EA) for the Voluntary Public Access-Habitat Incentives Program. The primary objective of the activity is to provide private landowners various incentives to open their land to public hunting and wildlife related recreation and to improve conditions for wildlife and their habitats.

The Commission is accepting comments on the draft EA through February 28, 2011. The draft EA can be reviewed online at www.pgc.state.pa.us (VPA-HIP link), or in person at the Commission headquarters office in Harrisburg and its six regional offices located as follows:

Game Commission
 Headquarters Office
 2001 Elmerton Avenue
 Harrisburg, PA 17110-9797

Northwest Region
 1415 Pittsburgh Road
 Franklin, PA 16323
 (814) 432-3187

Northcentral Region
 1566 South Route 44
 Highway
 P. O. Box 5038
 Jersey Shore, PA
 17740-5038
 (570) 398-4744

Northeast Region
 Intersection of Routes 415
 and 118,
 P. O. Box 220
 Dallas, PA 18612-0220
 (570) 675-1143

Southwest Region
 4820 Route 711
 Bolivar, PA 15923
 (724) 238-9523

Southcentral Region
 8627 William Penn
 Highway
 Huntingdon, PA 16652
 (814) 643-1831

Southeast Region
 448 Snyder Road
 Reading, PA 19605
 (610) 926-3136

Comments should be submitted to Michael Pruss, Chief, Private Lands Section at the previously listed Harrisburg address or by e-mail to mpruss@state.pa.us.

CARL G. ROE,
Executive Director

[Pa.B. Doc. No. 11-268. Filed for public inspection February 11, 2011, 9:00 a.m.]

INSURANCE DEPARTMENT

Teachers Protective Mutual Insurance Company; Rate Increase Filing for Several Long-Term Care Policies

Teachers Protective Mutual Insurance Company is requesting an average increase of 25% on the following LTC Series: 8800, 8810, 9600, 9610, 2000 and 4000.

This increase will impact 2,350 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to April 28, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.insurance.pa.gov. To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL CONSEDINE,
Acting Insurance Commissioner

[Pa.B. Doc. No. 11-269. Filed for public inspection February 11, 2011, 9:00 a.m.]

PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by the Pennsylvania Municipal Retirement Law (53 P. S. §§ 881.101—888.413), in connection with the Pennsylvania Municipal Retirement Board's (Board) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102.

March 10, 2011	William T. Dach (Denial of Benefit)	1:30 p.m.
April 07, 2011	Eugene L. Orlandi (Denial of Benefit)	1:30 p.m.
April 28, 2011	Sherry Clabaugh (Request to Include Service as Tax Collector)	1:30 p.m.

Persons with a disability, who wish to attend a previously-listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Tina Eisenhart at (717) 787-2065 to discuss how the Board may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under

16 Pa. Code § 91.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JAMES B. ALLEN,
Secretary

[Pa.B. Doc. No. 11-270. Filed for public inspection February 11, 2011, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

American Recovery and Reinvestment Act of 2009 Investigation; Doc. No. I-2009-2099881

The Pennsylvania Public Utility Commission (Commission) has issued a report regarding energy conservation and utility ratemaking policies that can be found at <http://www.puc.state.pa.us/general/regulatoryinfo/arra.aspx>. The American Recovery and Reinvestment Act of 2009 (ARRA) Working Group Final Report is part of the Commission's ARRA Investigation at Doc. No. I-2009-2099881. The report provides the positions of working group members regarding the requirements of the ARRA, as well as extensive analysis regarding aligning energy conservation goals with utility ratemaking policies. The public is invited to comment on the report as part of the ARRA Investigation. Comments are due on Wednesday, February 23, 2011. Reply comments are due Thursday, March 10, 2011. Comments should be filed with the Secretary of the Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Reference Doc. No. I-2009-2099881 as comments or reply comments to the ARRA Working Group Final Report.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-271. Filed for public inspection February 11, 2011, 9:00 a.m.]

Transfer of Control

A-2011-2223355. Voiccom Telecommunications, Inc., Voiccom Telecommunications, LLC and Amvensys Telecom Holdings, LLC. Application of Voiccom Telecommunications, Inc., Voiccom Telecommunications, LLC and Amvensys Telecom Holdings, LLC for approval of the transfer of control of Voiccom Telecommunications, LLC to Amvensys Telecom Holdings, LLC.

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 28, 2011. 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, and at the applicant's business address.

Applicant: Voiccom Telecommunications, LLC

Through and By Counsel: Charles A. Hudak, Esquire, Jon C. Martin, Esquire, Friend, Hudak & Harris, LLP, Three Ravinia Drive, Suite 1450, Atlanta, GA 30346

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-272. Filed for public inspection February 11, 2011, 9:00 a.m.]

Water Service

A-2011-2223344. Pennsylvania American Water Company. Application of Pennsylvania American Water Company for approval of the right to offer, render, furnish or supply water service to the public in an additional portion of West Caln Township, Chester 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 28, 2011. 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, and at the applicant's business address.

Applicant: Pennsylvania American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-273. Filed for public inspection February 11, 2011, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 11-006.1, Install Perimeter Barrier to PRPA Piers Parallel to South Columbus Boulevard, until 2 p.m. on Thursday, March 10, 2011. Information concerning this project can be obtained from the PRPA web site www.philaport.com under Procurement, or call the Procurement Department at (215) 426-2600.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 11-274. Filed for public inspection February 11, 2011, 9:00 a.m.]

