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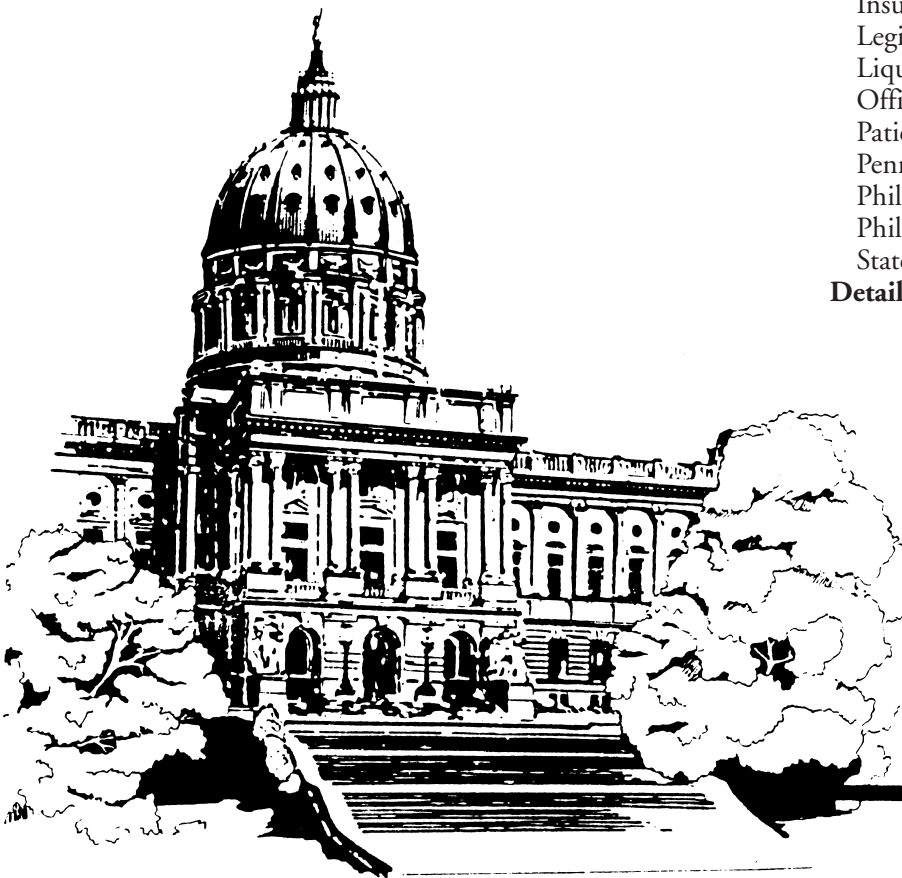
PENNSYLVANIA BULLETIN

Volume 42
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Number 8
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The Courts
Delaware River Basin Commission
Department of Environmental Protection
Department of Health
Fish and Boat Commission
Governor's Office
Health Care Cost Containment Council
Insurance Department
Legislative Reference Bureau
Liquor Control Board
Office of Open Records
Patient Safety Authority
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
Philadelphia Regional Port Authority
State Employees' Retirement Board

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

No. 447, February 2012

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us.

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 255—LOCAL COURT RULES

MERCER COUNTY

**Administrative Orders No. 1 A.D. 2012 and No. 2
A.D. 2012; No. 37 MD 2012**

Order

And Now, this 9th day of February, 2012, the court hereby *Approves, Adopts and Promulgates* Mercer County Administrative Orders 1 A.D. 2012, and #2 A.D. 2012, effective thirty (30) days after the date of publication of these Rules in the *Pennsylvania Bulletin*, pursuant to Rule 103(c) of the Pennsylvania Rules of Judicial Procedure.

It is also *Ordered and Directed* the Court Administrator of Mercer County shall file one (1) certified copy of these Rules with the Administrative Office of Pennsylvania Courts, furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and file one certified copy with the Criminal Procedural Rules Committee.

It is further *Ordered and Directed* that Local Rules shall be kept continuously available for public inspection and copying in the Office of the Prothonotary of Mercer County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of the Local Rules.

A copy of this Administrative Order shall be published in the *Mercer County Law Journal*.

By the Court

THOMAS R. DOBSON,
President Judge

[Pa.B. Doc. No. 12-327. Filed for public inspection February 24, 2012, 9:00 a.m.]

MERCER COUNTY

**Order Permitting Inactive Misdemeanor Three
Cases Over Ten Years Old to be Zero Balanced
and Archived; No. 1 A.D. 2012**

Administrative Order

And Now, this 6th day of February, 2012, pursuant to Pennsylvania Rule of Judicial Administration 1901, the Magisterial District Judges holding office in Mercer County are *Hereby Authorized to Adjust* any outstanding cost balances on Misdemeanor Three cases over ten years old to a zero balance so the case can be archived.

THOMAS R. DOBSON,
President Judge

[Pa.B. Doc. No. 12-328. Filed for public inspection February 24, 2012, 9:00 a.m.]

MERCER COUNTY

**Order Permitting Inactive Misdemeanor Three
Cases Where There is no Restitution and Less
than \$10.00 Dollars in Costs Remaining to be
Zero Balanced and Archived; No. 2 A.D. 2012**

Administrative Order

And Now, this 6th day of February, 2012, pursuant to Pennsylvania Rule of Judicial Administration 1901, the Magisterial District Judges holding office in Mercer County are *Hereby Authorized to Adjust* any outstanding cost balances on Misdemeanor Three cases with no restitution due and less than \$10.00 in costs down to a zero balance so the case can be archived.

By the Court

THOMAS R. DOBSON,
President Judge

[Pa.B. Doc. No. 12-329. Filed for public inspection February 24, 2012, 9:00 a.m.]

STATEMENTS OF POLICY

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[M-2008-2065532]

Utility Service Outage Public Notification Guidelines

The Pennsylvania Public Utility Commission (Commission) on December 15, 2011, adopted a final policy statement which establishes acceptable methods of public notification in the event of service interruptions.

Public meeting held
December 15, 2011

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

Policy Statement Regarding Utility Service Outage Public Notification Guidelines; Doc. No. M-2008-2065532

Final Policy Statement

By the Commission:

On November 10, 2009, the Commission entered a proposed policy statement order inviting comment regarding proposed amendments to the Commission's policy statements regarding utility service outage public notification guidelines at 52 Pa. Code §§ 69.1901, et seq., adding a section for electric distribution companies and inviting comment on whether this policy statement should apply to natural gas utilities as well. Based upon our review and consideration of the many comments filed in this proceeding by the industry, statutory advocates and other interested persons, we shall adopt a final policy statement regarding utility service outage public notification guidelines.

Procedural History

On September 14 and 15, 2008, Hurricane Ike swept through Pennsylvania interrupting electric service to over 450,000 customers. Prompted by this occurrence, on September 25, 2008, Vice Chairman Tyrone J. Christy and Commissioner Kim Pizzigrilli issued a Joint Motion at Docket No. M-2008-2065532, directing Law Bureau to prepare a Secretarial Letter seeking information from all jurisdictional electric distribution companies (EDCs) operating in Pennsylvania regarding their service restoration and public notice practices. On the same date, the Commission issued a Secretarial Letter and initiated an investigation into EDCs' service outage responses and restoration practices with the same information requested. EDCs filed responses. As part of this investigation, the Commission also held two public input hearings in western Pennsylvania and solicited information from EDCs regarding their current and past storm preparation and response practices.

In April, 2009, the Commission's Bureau of Conservation, Economics and Energy Planning and Office of Communications submitted a report to the Commission entitled, *Electric Distribution Company Service Outage Response and Restoration Practices Report* (Report). This report was adopted by the Commission at Public Meeting of April 30, 2009, at Docket No. M-2008-2065532. On the same date, this Commission adopted the Joint Motion of Vice Chairman Tyrone J. Christy and Commissioner Kim

Pizzigrilli to initiate a rulemaking proceeding to revise our regulations on Service Outages at 52 Pa. Code §§ 67.1, et seq., and reportable incidents at 52 Pa. Code Sections 57.11, 59.11 and 65.2. The Joint Motion directed a Policy Statement be issued regarding utilities service outage public notification guidelines.

Summary of Recommendations

The Report summarized the findings of the investigation and recommended the following future actions:

- Utilities should apply the principles of the National Incident Management System (NIMS) and its Incident Command System when managing widespread service outages. Application of NIMS would include:

1. Development of written crisis communication plans consistent with national NIMS standards.

2. Establishment of a Joint Information System/Joint Information Center to coordinate responses when multiple utilities in the same region are affected by an incident.

- Utility personnel should communicate with the news media and public in a consistent fashion. Common talking points should be distributed to all utility employees who may be in contact with the public and news media.

- During incident management, utilities should establish a schedule for the regular release of information to the news media.

- Utilities should strive to use the best available technology to facilitate the sharing of information, including automated dialing systems, electronic mail and text messaging.¹

Discussion

On November 10, 2009, we entered a Proposed Policy Statement Order inviting comment on proposed amendments to our current policy statements regarding utility service outage public notification guidelines at 52 Pa. Code §§ 69.1901, et seq., and invited comments on whether the proposed policy statement should apply to natural gas companies as well as electric companies. Our goal is to have even more effective public notification responses to future unscheduled service outages.

Based on the public's response during and immediately following the outages in 2008 and subsequent large-scale and extended duration outage events, we acknowledge that many Pennsylvania residents were frustrated with the lack of answers from their utilities regarding service restoration. In some instances, customers may have received conflicting information. These communication problems have occurred as recently as the late summer and early fall of 2011. The Commission understands that it takes time to restore power when severe storms cause significant damage to utility infrastructure. However, keeping an open, predictable line of communication with consumers eases their frustrations with the situation.

Utilities should send consistent messages to consumers, ideally using one spokesperson and should release up-

¹ This report also included the following recommendations which were addressed in a separate Final Rulemaking Order at Docket No. L-2009-2104274:

- Utilities should provide a greater level of detail in their written reports to the Commission for unscheduled service interruptions that meet the criteria under 52 Pa. Code § 67.1(b), including the level of damage to utility facilities, number of personnel utilized through mutual aid agreements, and other matters identified in the report.

- The Commission should establish a more uniform approach to reportable accidents involving utility facilities and operations.

dated information at regular intervals. The utilities should consider organizing all of the information related to restoration efforts throughout the utility in one unified message. One person should deliver that message at predictable timeframes to the public, media and others.

We understand that customer service representatives will be dealing with the public during outage situations. The message to the public and media should be the same no matter which utility representative or department of the utility residents contact. During the September 2008 incident, we found that different information was being given from different segments of the utility (consumer services representatives, linemen, field staff and media contacts). This caused confusion among consumers, media and the Commission.

A single set of talking points or informational sheets with a uniform message should be distributed to all within the utility who may have contact with the public. The uniform message should be updated regularly at predictable/scheduled times. Media releases, talking points and other information should be shared with the Commission's Office of Communications, its Emergency Preparedness Coordinator and the County Emergency Management Agencies.

Also, specific times should be established for release of information to the media with an opportunity for open dialogue and questions—possibly through an in-person media event conducted by the utility spokesperson. As a matter of practice, and pursuant to 52 Pa. Code § 67.1(b), the Commission and utilities will establish regular update times for extended service outages reporting. The Commission's Office of Communications can then share those times with the media to inform them when the next outage update will be available. The same should be done by the utilities in communicating with the public. Establishing a regular schedule for information updates allows the public and the media to know, specifically, when new, updated information will be available. Again, striving to follow the NIMS standards for release of public information would alleviate these concerns.

We see a benefit to a consistent message not just from the EDCs but from water and natural gas utilities as well. The NIMS-based Joint Information System/Joint Information Center would apply to efforts to work with other utilities in coordinating a message. According to NIMS standards, those contributing to joint public information management “do not lose their individual identities or responsibilities. Rather, each entity will contribute to the overall unified message.”

We also believe that modern technology is being underutilized by the utilities. Automated dialing systems, social media, electronic mail or text messaging could prove to be effective communication tools for customers. For example, customers could opt to provide cellular telephone or home telephone numbers for notification of outage updates. Customers who opt to participate in such a program would then know that they can receive updated information at a set interval or if their estimated restoration time has changed by more than two hours.

We understand that the success of the use of modern technologies such as social media, electronic mail, and text messaging is somewhat dependent upon the consumers' willingness to provide that secondary-contact information. However, we believe sufficient customer interest in receiving timely information during an outage exists, leading to willingness by those customers to voluntarily provide secondary-contact information such as e-mail and text-messaging addresses to the utilities.

Another potentially beneficial use of technology would be for the utilities to create and maintain a section on their websites specifically dedicated to outages. While it is admirable that some of the utilities are able to provide real-time, customer-specific outage-related data on their websites, we understand that type of specificity is too cumbersome for certain utilities. However, at a minimum, a section of the utilities' website should be dedicated to presenting outage information where customers could get regular updates of the number of customers without service by geographic area and estimated restoration times.

Policy Statement

On November 9, 2006, the Commission finalized a policy statement relating to unscheduled water service interruptions and associated actions at § 69.1602 adopted December 15, 2006, effective December 16, 2006, 36 Pa.B. 7624. The document and its advice applied only to jurisdictional water and wastewater utilities, but the information contained within the policy statement provided solid guidance for all jurisdictional utilities. While the information found during the investigation leading up to the policy statement was served on all jurisdictional utilities including EDCs, the final policy statement was not. The proposed policy statement entered on November 10, 2009, at Docket No. M-2008-2065532, was served on all EDCs operating in Pennsylvania, all jurisdictional water and wastewater companies, all natural gas distribution companies (NGDCs), all jurisdictional telephone utilities, the Office of Consumer Advocate, the Office of Small Business Advocate, the AFL-CIO Utility Caucus, the Pennsylvania Utility Contractors Association, the Energy Association of Pennsylvania, The Pennsylvania Telephone Association, and the Director of the Emergency Management Agency.

Given the communication methods and reaction of consumers from the September 2008 electric outages and subsequent large-scale and extended duration outage events, including those in the late summer and fall of 2011, we are issuing a final policy statement for our EDCs and NGDCs. It is similar to the one adopted on November 9, 2006, for our jurisdictional water utilities. Additionally, we have revised the policy statement for water to make it consistent with the electric and gas sections. For example, we have revised the water section to encourage the use of social media and other emerging technology. We have also added the section on the NIMS standards that water utilities should strive to follow.

The policy statement is intended to provide guidance to the industry regarding the types of public notice necessary to meet the reasonableness standard in the Public Utility Code at 66 Pa.C.S. § 1501. The purpose of this policy statement is to help ensure that actual, timely notice to customers is provided by utilities whenever any event disrupts service or potentially endangers public safety. Our policy statement includes a series of acceptable methods for improving the timeliness and effectiveness of notice to utility customers during an outage. In addition, the final policy statement provides guidelines for public notice templates and notice to Commission personnel.

Comments have been received from the following: National Fuel Gas Distribution Corporation (NFG), Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company (FirstEnergy), PECO Energy Company (PECO), PPL Electric Utilities (PPL), Energy Association of Pennsylvania (EAP), Pennsylvania Telephone Association (PTA), Duquesne Light Company

(Duquesne Light), West Penn Power Company d/b/a Allegheny Power (Allegheny Power), Philadelphia Gas Works (PGW), Office of Consumer Advocate (OCA), UGI Utilities, Inc., UGI Penn Natural Gas, Inc., and UGI Central Penn Gas, Inc. (UGI), Verizon Pennsylvania, Inc., Verizon North Inc. and MCImetro Access Transmission Services, LLC, d/b/a Verizon Access Transmission Services (Verizon), and the Pennsylvania Emergency Management Agency (PEMA).

We have reviewed and will address these comments below.

Comments

General Comments

OCA asserts that the policy statement should apply to all utilities to the extent possible and that doing so will provide consistency for customers of all utilities as to where and when to obtain information regarding service interruptions. OCA Comments p. 3. PEMA stated that during Hurricane Ike in September 2008, telephone service was largely affected, and contends that the policy statement should also apply to the telephone industry. PEMA Comments p. 1. PTA does not believe that the Commission should implement the policy statement for the telephone industry absent evidence of critical telephone outage interruptions. PTA Comments, p. 7. Verizon noted that the recommendations derive from a staff report on service outages and restoration practices for the electric distribution companies and that there has been no corresponding study of the outage notification practices in the communications industry. Verizon contends that there is no demonstrated need for such a policy statement in the telephone industry and that Chapter 30, at 66 Pa.C.S. §§ 3011(13), 3015(f)(1) provides a clear stated goal to avoid additional regulatory burdens on the telephone industry. Verizon comments, pp. 10, 13.

Resolution

The Commission's specific statutory authority for the amendments proposed pertaining to the telephone and the water/wastewater industry is from the Pennsylvania Public Utility Code at 66 Pa.C.S. § 1508 relating to reports of utility accidents. Additionally, the Commission has general statutory authority at § 501(a) relating to general powers, § 504 relating to reports by public utilities, § 505 relating to duty to furnish information to commission, and § 506 relating to inspection of facilities and records.

While we note that OCA and PEMA believe that the policy statement should also apply to the telephone industry, we have decided not to impose an additional policy statement for the telephone industry. However, we encourage the telephone industry to communicate consistently with the public and to follow the NIMS standards where possible.

Comments

Chapter 69. Public Notification guidelines.—Water Service § 69.1602

As discussed above, OCA submitted that the policy statement should apply to all utilities to the extent possible, and asserted that doing so will provide consistency for customers of all utilities as to where and when to obtain information regarding service interruptions. OCA Comments, p. 3. No water utilities filed comments to the proposed policy statement at this docket.

Resolution

The Commission agrees that the policy statement should apply to jurisdictional water and wastewater utilities. The Commission has revised the water service section at subsection 69.1602 to make it consistent with the policy statements for the electric and natural gas utilities. We made revisions stating that updates should be provided on a predictable, regular schedule for the duration of the event, and that these updates should be provided to the Commission's Office of Communications and its Emergency Preparedness Coordinator. Revisions also require that utilities' websites should include a section dedicated to presenting outage information with regular updates. The Commission further added a section to encourage the use of emerging technologies such as social media. We added a new section to provide that water utilities should strive to follow NIMS and its public information system to organize all information into one, unified message. Finally, the Commission provided that a single point of contact should be established in the form of a media spokesperson for each utility.

Chapter 69. Public Notification guidelines.—Natural Gas Distribution Market

§ 69.1701

OCA asserts that the policy statement should apply to all utilities to the extent possible. OCA Comments, p. 3. PEMA supported the Commission's recommendation to include not just EDCs in the policy statement. More specifically, PEMA supported the Commission's proposed requirement that utilities implement the NIMS communications Joint Information Center and requested that utilities also regularly communicate with PEMA during an emergency. PEMA Comments, pp. 1-2. EAP contended that the policy statement should not apply to natural gas distribution companies and noted that as stated in the comments filed by UGI, U.S. Department of Transportation's regulations provide requirements for an emergency plan during an outage of a natural gas system. EAP Comments, p. 5.

PGW contends that it is not necessary to include gas utilities in the policy statement since larger scale or recurrent gas outages have not been a problem. PGW believes that the burdens of the new requirements including potential monetary burdens, do not match a need from natural gas customers for this public notification guideline. PGW notes, however, that it has trained a number of its supervisors, managers, and executives in the NIMS principles and would utilize NIMS when managing a widespread service outage. PGW further contends that if gas utilities are included in the scope of the policy statement, acceptable methods of public notification should be at the discretion of the utility. PGW Comments, pp. 1-2. NFG and UGI contend that given the inherent differences between electric and gas distribution systems and the nature of natural gas service outages, the policy statement should not apply to NGDCs. NFG and UGI further assert that the potential costs of implementing the policy statement far outweigh any benefit to natural gas distribution customers. NFG Comments, p. 2. UGI Comments, pp. 7-9.

Resolution

The Commission agrees with OCA that the policy statement should also apply to NGDCs. With regard to the NIMS standards, most county and emergency management agencies are based on NIMS. In order to adequately respond to an emergency, utilities should strive to follow NIMS in order to have a uniform and consistent message.

The Commission notes that while utilities do not need to become NIMS certified, they should attempt to comply with its standards so that they can provide one, clear, consistent message during an outage. As to PGW and NFG's concerns regarding costs, we disagree that the costs outweigh the benefits. The cost impacts are minimal and mainly involve training costs for employees in NIMS standards. Again, we see a benefit to a consistent message not just from the EDCs but from water and NGDCs as well. As noted by PEMA, the NIMS-based Joint Information System/Joint Information Center would apply to efforts to work with other utilities in coordinating a message. According to NIMS standard, those contributing to joint public information management "do not lose their individual identities or responsibilities. Rather, each entity will contribute to the overall unified message." Accordingly, the Commission includes NGDCs in the scope of the policy statement on public notification guidelines.

§ 69.1702(a)(1)

OCA generally supports the acceptable methods of public notification section of the policy statement. PGW asserts that while it agrees that media updates should be provided throughout the duration of a severe outage event, instead of a fixed schedule of updating, utilities should provide updates when it obtains new, material information. PGW Comments, p. 2. UGI asserts that installing and maintaining information systems that enable the utility to collect and communicate information on the number, location, and estimated restoration times of all of its customers during a significant outage event would be costly.

Resolution

To be consistent with NIMS standards, the Commission is requesting that updates be provided as often as needed and that regular updates be provided. In regards to the cost concerns of UGI, we note that an exception is included at subsection 69.1702(a)(2) that depending on NGDC system limitations, this could be as simple as a PDF or spreadsheet file of information that is updated at regular intervals.

§ 69.1702(a)(2)

OCA submits that the Commission website and utilities' websites, in some emergency cases, should be updated more frequently than twice daily. OCA believes that more frequent updates would better provide affected customers with the most recent, timely information. OCA Comments, p. 4. PGW asserts that it does not have the current systems or capability to report interruptions on a number of customer basis. PGW states that, as an example, in the event of a low pressure system area, PGW would only have knowledge of the area affected and an estimated number of customers affected. PGW concluded that if gas interruptions are generally smaller in scale then it is likely more manageable and beneficial for the utility to provide personalized updates to customers who call in by telephone. PGW Comments, p. 2.

Resolution

With regard to cost concerns of PGW, we note that an exception is included that depending on NGDC system limitations, this could be as simple as a PDF or spreadsheet file of information that is updated at regular intervals.

§ 69.1702(a)(3), (4), (5)

PGW does not have an automated dialer system or electronic mail/text messaging notification system which could be utilized in the manner in these subsections.

PGW asserts that larger scale outages would be unusual for PGW, so it is not cost effective to implement these systems. PGW Comments, p. 3. PGW believes that door-knob fliers are generally not as effective or practical as other methods of communication, particularly given the time required for printing flyers and distributing them. PGW Comments, p. 3. UGI also contends that communications systems such as automated dialer systems and integrated response systems are costly to purchase and install for its customers. UGI Comments, p. 7-8

Resolution

In response to PGW's concern, the Commission notes that if the company believes that it is more cost-effective and efficient to notify customers one-on-one through telephone calls or other means, then they may use that option. As for the use of automated dialer systems and integrated response systems, the Commission is not requiring the use of these systems but is strongly encouraging them. The goal of the policy statement is to have even more effective public notification responses to future unscheduled service outages. Accordingly, the Commission expects utilities to do more towards increasing customer communication. If the utility views it more cost-effective and efficient to notify customers one-on-one through telephone calls or other means, utilities may use that option. However, the utility should be aware that with this final policy statement, the Commission has established an expectation of regular communication with customers with suggestions of various ways that this could be accomplished.

§ 69.1702(b)

OCA supports the proposed changes to Section 1702(b) and notes that all utilities, both small and large, could conceivably use the same sources to mitigate the costs of compiling templates. OCA Comments, p. 5. UGI agrees that a utility should strive towards providing a uniform communication of its efforts to restore service after a severe outage event. However, UGI expressed concerns that outages take time to restore and utilities do not always have an accurate estimation of this time. UGI further added its concerns that providing customers with more detailed estimates of restoration timeframes, and the number of customers restored could give some customers the impression that the utility is not working towards resolving their individual situation. UGI Comments, p. 6-7. UGI and EAP also assert that the emergency plan requirements under the U.S. Department of Transportation (U.S. DOT) regulations satisfy many elements of the proposed policy. UGI Comments, p. 9; EAP Comments, p. 5.

Resolution

The Commission notes the concerns of commenters regarding communicating outage information to customers. However, the goal of this policy statement is to have even more effective public notification responses to future unscheduled service outages. Accordingly, the Commission expects utilities to do more towards increasing customer communication. As noted above, utilities should be aware that with this final policy statement, the Commission has established an expectation of regular communication with customers with suggestions of various ways this will be accomplished.

The Commission notes UGI's concern that its plans must meet the U.S. DOT's regulations which satisfy many elements of the policy statement. Accordingly, the Commission has modified 69.1702(b)(1) stating that NGDC's that are required to have written emergency plans pursu-

ant to U.S. DOT regulations should also be familiar with NIMS standards so that NGDCs will be able to coordinate and respond pursuant to subsection 69.1702(b)(1)(2), and (3).

§ 69.1702(b)(2)

PGW asserts that while it would provide information to customer service representatives and others likely to come in contact with the public during a large scale outage, it should not provide information designed for public communication to linepersons. PGW states that these workers' focus must remain on remedying the outage on a timely basis and that it is unsafe for workers to engage in communications with consumers and media while working on an outage. PGW Comments, p. 3.

Resolution

In response to the concerns expressed by PGW, the Commission has deleted the reference at subsection 69.1702(b)(2) to linepersons. The Commission maintains that anyone who comes in contact with the general public—whether the official spokesperson for the utility or not—is a utility representative. Customers who are without service during an event will be looking to these utility representatives for answers. At a minimum, linepersons should be provided with direction from the utility to advise customers to call customer service and provide them with that number, if asked about the outage. The Commission has revised this section to state that talking points and informational sheets should be provided to customer service representatives and others who may come in contact with the public during the course of the outage to strive toward consistency of message. The Commission further states that this information should also be shared with the Commission's Office of Communications, its Emergency Preparedness Coordinator and the county emergency management agencies. The Commission notes that the talking points could be as simple as one page of bullet points that allows the utility personnel to answer more effectively.

Chapter 69. Public Notification guidelines.—Electric distribution market

§ 69.1901

OCA supports the revised policy statement for utility service outage public notification guidelines. OCA asserts that the policy statement should apply to all utilities to the extent possible and states that doing so will provide consistency for customers of all utilities as to where and when to obtain information regarding service interruptions. OCA Comments, p. 3. Both Duquesne and PPL believe that it is appropriate and reasonable for the policy statement to apply to all fixed utility services. PPL Comments, p. 4. Duquesne further notes, that while there are operational differences across the industries, unusual events occur in each industry which bring about utility service outages, so having solid processes and effective communication plans providing clear and concise communications to customers on the utility's efforts to restore disrupted service are universal. Duquesne comments, p. 2. PECO applauds the Commission's goal of fostering better communication with customers. PECO Comments, p. 2.

FirstEnergy asserts that the Commission's existing Policy Statement at 52 Pa. Code § 69.1602 only applies to unscheduled interruptions and associated actions of jurisdictional water and wastewater utilities, and was never intended to apply to all utilities. First Energy asserts that a "one size fits all" approach to utility service outages is

not appropriate or necessary and that a policy statement for the electric utility industry is not needed. FirstEnergy Comments, p. 3.

Resolution

We do not believe that this policy statement provides a "one size fits all" approach to communicating with the public during an outage. Rather we agree with the commenters that this policy statement fosters better communication with customers. We further believe that the policy statement outlines general guidelines and ideas while also providing enough flexibility to allow the utilities to respond to each outage as the individual circumstances warrant. Accordingly, we have applied this policy statement to EDCs as well as to NGDCs and have further revised the section on water and wastewater utilities.

§ 69.1902(a)(2)

OCA generally supports the revisions to this section of the policy statement. OCA also recommends more frequent updates to the Commission's and utilities' websites than twice daily in order to provide customers with the most recent, timely information. OCA Comments, p. 4. Duquesne Light agrees with the Commission's proposed six communication methods of public notification section, and notes that it currently uses many of these methods to communicate with its customers. Duquesne Light Comments, p. 3.

Duquesne Light supports the Commission's proposed development of a web page whereby EDCs could upload outage information on a regular basis and believes this serves as an additional information source for customers experiencing an outage. Duquesne Light agrees with the Commission's recommendation that this new web page functionality should only be used for long-term outages. Duquesne Light Comments, p. 5. FirstEnergy and Allegheny believe the Commission's proposal of a web page for uploading current outage information is unnecessary and unduly burdensome, that it currently has an established process for its own website, and that this would take too much of its resources to manage and provide technical support, when its resources should be going towards promptly restoring service. FirstEnergy Comments, p. 4. Allegheny proposes instead that the Commission website be linked to the location where the Allegheny information would be available. Allegheny Comments, p. 1.

Duquesne Light has noted that it has also begun implementing its inbound-call integrated voice response (IVR) technology. Duquesne Light reports that the vast majority of its customers currently use its inbound IVR to report outages or to receive restoration time updates because it provides a quick, cost effective, and easy-to-use tool for its customers. Duquesne Light Comments, p. 4.

Resolution

The Commission understands the concerns raised by the commenters, but supports offering the information on the Commission website as another resource for consumers. Since the policy statement was issued for comment, the Commission has developed a location on its website that includes direct links to utilities' outage websites where available. This has been working well and serves as a viable alternative to developing a page where the utilities would upload data to the Commission website. Accordingly, the Commission will recommend no further action at this time.

The Commission notes OCA's concern that the websites should be updated more frequently than twice daily in

the event of a large outage event. Accordingly, the Commission has kept the language in subsection 69.1902(2) such that the updates to websites should be as often as needed.

§ 69.1902(a)(3)

OCA suggests that the use of the automated dialer system should include more than one telephone contact number to the extent that a utility has the ability to maintain this information so that there is a better chance of reaching customers with urgent messages regarding public safety. OCA Comments, p. 4. Duquesne Light reported that it does not currently have the ability to implement an outbound automated dialer system and asserts that the implementation of this new technology would be cost prohibitive with little limited benefit. Duquesne Comments, p. 4.

Resolution

If a utility views it more cost-effective and efficient to notify customers one-on-one through telephone calls or other means, utilities may use those options. The goal of the policy statement is to have even more effective public notification responses to future unscheduled service outages. Accordingly, the Commission expects utilities to do more towards increasing customer communication.

§ 69.1902(a)(5)

Duquesne Light and PPL noted that they have been exploring other communication tools such as “Twitter,” an internet-based social networking and micro-blogging service that enables its users to send and read messages and to keep customers and the local media well informed of restoration efforts. Duquesne Comments, pp. 3-4. PPL further recommended that the Commission modify Section 1902(a) to reflect a policy of encouraging EDCs to adapt their notification methods to reflect advances in technology and to implement notification practices that are best suited to the EDCs and their customers. PPL Comments, p. 4. Allegheny Power reported that it does not have the capability to use electronic mail or text messaging to communicate to its affected customers. However, the company’s current Smart Meter Implementation Plan includes modernization of its customer information system which will allow electronic notification to its customers. Allegheny Comments, p. 2.

Resolution

The Commission notes the concerns expressed by some commenters that they do not have the technology or that it is not cost effective. However, the Commission agrees with Duquesne Light and PPL’s advances towards increasing the use of emerging technology. Accordingly, we have modified subsection 6.1902(a)(5) to strongly encourage the use of emerging technology such as social media when possible.

§ 69.1902(b)(1)

OCA and Duquesne Light support subsection 1902(b)(1) that utilities should strive to adopt NIMS standards and that utilities’ crisis communication plans should be consistent with NIMS standards. OCA Comments, pp. 4-5. Duquesne Light, PPL, and FirstEnergy currently have written crisis communication plans, which closely follow approved NIMS standards. Duquesne Light Comments, p. 6; PPL Comments, p. 5; PECO Comments, p. 4.

EAP and Allegheny have requested further clarification about the proposed policy statement from the Commission regarding the training required for NIMS, whether utilities should adopt a multi-agency approach, whether utili-

ties should adopt the NIMS preparedness cycle for training and drilling, and regarding whether a utilities’ existing plans must comply with NIMS. EAP Comments, pp. 4-5; Allegheny Power Comments, pp. 2-3. PPL and PECO contend that their current systems adequately meet the purpose of the proposed subsection 1902(b) and it is not necessary to adopt NIMS standards. PPL Comments, p. 5. PPL Comments, p. 3. First Energy asserts that not all components of NIMS apply to electric utilities and that certain provisions may actually conflict with FirstEnergy’s negotiated collective bargaining agreements. FirstEnergy Comments, p. 4.

Resolution

In response to the concerns of EAP, Allegheny, PPL, and FirstEnergy the Commission has revised this subsection from the proposed policy statement removing the word “adopt” and adding that utilities should strive to “follow” NIMS and its Public Information System. The Commission further notes that utilities do not have to follow exact NIMS standards as reflected in this change—instead the Commission is requesting that every attempt should be made to be consistent with the NIMS standards. NIMS is designed to be scale-able and adaptable to each organization. At a minimum, the Commission is providing guidance that utilities should have communication plans in place to effectively communicate during an emergency with first responders, county emergency management, and the press; and to have key utility personnel take the introductory NIMS training.

This NIMS and Incident Command System (ICS) training is available online at no cost from the Federal Emergency Management Agency (FEMA) Emergency Management Institute: <http://training.fema.gov/IS/Nims.asp>. The recommended courses are IS-700.a (NIMS introduction), IS-702.a (NIMS Public Information Systems), and ICS-100.b (Introduction to the Incident Command System (ICS)). The Commission has had management and key staff complete NIMS training. The Commission’s Continuity of Operations Plan is structured on the ICS and NIMS.

§ 69.1902(b)(2)

OCA and PEMA support the Commission’s proposed coordination of messages including implementing the NIMS based Joint Information System/Joint Information Center (JIC). OCA adds that implementing this JIC would allow coordination of information, especially with regard to universal messages to customers regarding safety. OCA Comments, p. 4. PEMA also stated that this would include communicating with the county emergency management agencies and that utilities should also communicate regularly with PEMA regarding their activities during a disaster. PEMA Comments, p. 2.

EAP, Duquesne Light, PECO, FirstEnergy, and Allegheny Power expressed concerns with implementing NIMS principles and stated that to comply would require additional staffing and infrastructure, for coordination and operations through the NIMS standard with agencies such as county and township road departments. PECO Comments, p. 4; FirstEnergy Comments, p. 4; Allegheny Power Comments, pp. 3-4. EAP further indicated that implementing the JIC would require significant organization prior to the emergency. EAP Comments, p. 4. Duquesne Light further suggested that storms affect different service territories differently and in the alternative, JIC would be better implemented state-wide by an agency such as PEMA. Duquesne Light Comments, pp. 6-7. FirstEnergy and Allegheny Power expressed concern

with the need under NIMS to have staffing to support the JIC, and asserted that this need to have key resources off-site during critical times would be disruptive and counterproductive. FirstEnergy Comments, p. 5; Allegheny Power Comments, pp. 3-4.

Resolution

The Commission notes the staffing, coordination, organization, and territorial concerns of the commenters. However, we agree with OCA and PEMA that strong consideration should be given to implementing the NIMS based Joint Information System/Joint Information Center, if more than one EDC is affected in the same geographic region. Additionally, strong consideration should be given to coordinating messages on safety and other consumer information tips during outages to allow for coordination and integration of information across jurisdictions.

§ 69.1902(b)(3)

OCA and Duquesne Light support the Commission's proposed public notice templates section. OCA Comments, p. 8. OCA further notes that all utilities, both small and large, could conceivably use these same sources to mitigate the costs of compiling such templates. OCA Comments, p. 5.

PECO suggests that the Commission remove the guideline that utilities adopt public notice templates. PECO asserts that while it understands the Commission's desire to have templates prepared in advance of emergency situations, it believes that each emergency situation is unique and that the standard information contained in templates may not be helpful to each situation. PECO Comments, pp. 4-5.

Resolution

The Commission agrees with OCA and Duquesne Light that utilities should have public notice templates prepared in advance to be available when needed and avoid wasting critical time in the event of an emergency.

§ 69.1902(c)

OCA and Duquesne Light agree with the Commission's proposed subsection 1902(c) that utilities should consider having a knowledgeable contact person stationed in the area of the outage during an emergency. OCA Comments, p. 5; Duquesne Light Comments, p. 8.

PECO suggests that the Commission revise the proposed section to require a knowledgeable contact person be stationed in the area of the outage only if the event is of a serious magnitude. PECO Comments, p. 5. FirstEnergy believes that this subsection conflicts with that of subsection 1902(b)(2) regarding having someone stationed at the JIC. FirstEnergy Comments, p. 5. Allegheny Power asserts that more than one contact person may be required to respond to all of the media inquiries in a widespread outage event, due to varying levels of expertise not found in a single spokesperson, and due to its wide and diverse geographic service area. Allegheny Power, p. 4. PPL disagrees with the Commission's proposed subsection 1902(c) regarding contact information because PPL currently has a notification system in place that effectively notifies customers of service outages through the use of a unified message that has been approved by PPL. PPL Comments, pp. 5-6.

Resolution

The Commission has noted the staffing concerns of the utilities regarding the proposed requirement to have a knowledgeable contact person stationed in the area of the outage. However, we agree with OCA and Duquesne Light

and have kept the language from the proposed policy statement that, if possible, utilities should consider having a knowledgeable contact person stationed in the area of the outage during the emergency.

§ 69.1902(c)(2)

OCA supports the Commission proposed subsection 1902(c)(2) that provides for talking points or informational sheets and that this information should also be provided to the Commission's Office of Communication, its Emergency Preparedness Coordinator and the county emergency management agencies. OCA Comments, p. 5.

Duquesne Light and Allegheny Power agree with the intent of this subsection to strive toward consistency of message, however, Duquesne Light and Allegheny Power are concerned and disagree that these talking points should be provided to linepersons. Duquesne Light Comments, p. 10; Allegheny Power Comments, p. 5.

Resolution

In response to the concerns expressed by Duquesne Light and Allegheny Power, the Commission deleted the reference at subsection 69.1902(b)(2) to linepersons. The Commission maintains that anyone who comes in contact with the general public—whether the official spokesperson for the utility or not—is a utility representative. Customers who are without service during an event will be looking to these utility representatives for answers. At a minimum, linepersons should be provided with direction from the utility to advise customers to call customer service and provide them with that number, if asked about the outage. The Commission has revised this section to state that talking points and informational sheets should be provided to customer service representatives and others who may come in contact with the public during the course of the outage to strive toward consistency of message. The Commission further states that this information should also be shared with the Commission's Office of Communications, its Emergency Preparedness Coordinator and the county emergency management agencies. The Commission notes that the talking points could be as simple as one page of bullet points that allows the utility personnel to answer inquiries more effectively.

Conclusion

The policy statement is intended to provide guidance to the industry regarding the types of public notice necessary to meet the reasonableness standard in the Public Utility Code at 66 Pa.C.S. § 1501. The purpose of this policy statement is to help ensure that actual, timely notice to customers is provided by utilities whenever any event disrupts service or potentially endangers public safety. Our policy statement includes a series of acceptable methods for improving the timeliness and effectiveness of notice to utility customers during an outage. It is understood that not all of our utilities have the technological or fiscal ability to comply with all of the standards recommended in this policy statement. However, the Commission expects that when possible, utilities will attempt to follow the established guidelines. While we recognize that a policy statement is not binding on a utility in the manner of a regulation, utilities should be aware that with this final policy statement, the Commission has established an expectation of regular communication with customers with suggestions of various ways of how this could be accomplished.

Accordingly, pursuant to Sections 501, 504, 505, 506, 1501, and 2801, et seq., and the regulations promulgated thereunder at 52 Pa. Code §§ 57.191—57.197; and Sections 201 and 202 of the act of July 31, 1968 P. L. 769,

No. 240, 45 P. S. §§ 1201 and 1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; Section 204(b) of the Commonwealth Attorneys Act, 71 P. S. § 732.204(b); Section 745.5 of the Regulatory Review Act, 71 P. S. § 745.5 and Section 612 of the Administrative Code of 1929, 71 P. S. § 232, and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we will adopt as final the proposed revisions to Section 69 as set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 69, are amended by adding §§ 69.1701, 69.1702, 69.1901 and 69.1902 and by amending § 69.1602 to read as set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall duly certify this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. This policy statement shall become effective upon publication in the *Pennsylvania Bulletin*.

5. This Final Order and Annex A be posted on the Commission's web site.

6. The contact persons for this final policy statement are Jennifer Kocher, Office of Communications, (717) 783-6152 (technical), Daniel Searfoorce, Bureau of Technical Utility Services, (717) 783-6159 (technical) and Patricia T. Wiedt, Law Bureau, (717) 787-5755 (legal). Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Review Assistant, Law Bureau, (717) 772-4597.

7. A copy of this order and Annex A be served on all parties that filed comments at Docket No. M-2008-2065532 Utility Service Outage Public Notification Guidelines, the Office of Small Business Advocate, the AFL-CIO Utility Caucus, the Pennsylvania Utility Contractors Association, the Energy Association of Pennsylvania, and the Director of PEMA.

ROSEMARY CHIAVETTA,
Secretary

Fiscal Note: Fiscal Note 57-270 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

UNSCHEDULED WATER SERVICE INTERRUPTIONS AND ASSOCIATED ACTIONS

§ 69.1602. Public notification guidelines.

(a) *Acceptable methods of public notification.* In the event of an unscheduled water service interruption, the following acceptable methods of public notification should be considered and utilized as appropriate:

(1) *Mass media.* Facsimile/electronic mail notification to local radio and television stations, cable systems, newspapers and other print and news media as soon as possible after the event occurs. These notifications must

provide relevant information about the event, such as the affected locations, its potential impact including the possible duration of the outage, the possible adverse health effects and the population or subpopulation particularly at risk, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed. Updates should be provided on a predictable, regular schedule for the duration of the event. The Commission's Office of Communications and Emergency Preparedness Coordinator should also receive these notifications.

(2) *Web site.* Use of the utility's own Internet web site and 24/7 emergency phone line and integrated voice response system to provide relevant information about the event, such as the affected locations, estimated duration, its potential impact including possible adverse health effects and the population or subpopulation particularly at risk, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed. A section of the utility's web site shall be dedicated to presenting outage information where regular updates of the number of customers without service by geographic area and estimated restoration times are available. Depending on the utility's system limitations, this could be as simple as a PDF or spreadsheet file of information that is updated at regular intervals.

(3) *Automated dialer system.* Automated dialer system (outbound dialing) notification to affected ratepayers/occupants' landline or wireless phones. Updates should be provided at regular intervals or if the estimated restoration time changes by more than 2 hours.

(4) *Actual notice.* Actual notice to affected health care and child care facilities and other facilities, for example, schools and restaurants, as determined by consultation with the Department of Environmental Protection, the Department of Agriculture, the Department of Health, the Department of Aging and other State agencies as necessary.

(5) *Miscellaneous.* Other types of direct or actual notice, such as doorknob flyers distributed to affected ratepayers/occupants, when feasible.

(6) *Electronic mail and other emerging technology.* Electronic mail and text message notification to affected customers who have opted to receive notice through use of these methods. The use of emerging technology such as social media is strongly encouraged.

(7) *Emergency alert system.* Coordination with State and local emergency management agencies as needed to use the emergency alert system for qualifying situations.

(b) *NIMS standards.* Utilities should strive to follow the National Incident Management System (NIMS) and its Public Information System to organize all information throughout the utility into one unified message.

(1) *Crisis communication plans.* Utility crisis communication plans should be in writing and every attempt should be made to be consistent with Nationally-approved NIMS standards.

(2) *Coordination.* If more than one utility is affected in the same geographic region, strong consideration should be given to implementing the NIMS based Joint Information System/Joint Information Center, including coordinating messages on safety and other consumer information tips during outages. This would allow for coordination and integration of information across juris-

dictions, especially on universal messages such as actions residents should take to ensure safety.

(3) *Public notice templates.* Utilities should have public notice templates prepared in advance to be available when needed to avoid wasting critical time developing materials when confronted with an unscheduled service interruption or emergency situation. The notices should cover all possible scenarios from water conservation to boil water alerts to contaminants of concern and associated health effects, safety and shelter information, estimated restoration times and times when updated information will be provided. Smaller utilities can refer to resources that are available on the web sites of the Department of Environmental Protection, the United States Environmental Protection Agency, the Pennsylvania Section of the American Water Works Association and the Pennsylvania Chapter of the National Association of Water Companies for assistance in developing public notice templates.

(c) *Contact information.* To ensure that the public is informed, utilities should have a knowledgeable contact person stationed onsite during the emergency, if possible, to communicate to the public and media on behalf of the company. Regular media updates should be scheduled at predictable times.

(1) *Spokesperson.* A single point of contact should be established as the sole media spokesperson for the utility for that time period. During extended outages, a secondary media spokesperson could be utilized as the sole contact for a specific period of time.

(2) *Talking points and informational sheets.* Talking points or informational sheets should be provided to customer service representatives and others who may come in contact with the public during the course of the outage to strive toward consistency of message. This information should also be shared with the Commission's Office of Communications, its Emergency Preparedness Coordinator and county emergency management agencies. For employees that may have contact with the public but will not be able to receive up-to-date outage information in the course of their duties, the utility should instruct those employees to direct the public to appropriate information sources.

UTILITY SERVICE OUTAGE PUBLIC NOTIFICATION GUIDELINES—NATURAL GAS DISTRIBUTION MARKET

§ 69.1701. Scope.

This section and § 69.1702 (relating to notification guidelines) provide guidelines to the natural gas distribution market regarding the restoration practices of service.

§ 69.1702. Notification guidelines.

(a) *Acceptable methods of public notification.* In the event of a service interruption, the following acceptable methods of public notification should be considered and utilized as appropriate:

(1) *Mass media.* Facsimile/electronic mail notification to local radio and television stations, cable systems, newspapers and other print and news media as soon as possible after the event occurs. These notifications must provide relevant information about the event, such as the affected locations, its potential impact including the possible duration of the outage, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed. Updates should be provided on a predictable, regular schedule for the duration of the event. The Commission's Office of Com-

munications and Emergency Preparedness Coordinator should also receive these notifications.

(2) *Web site.* Use of the utility's own Internet web site, emergency phone line and integrated voice response system to provide relevant information about the event, such as the affected locations, its potential impact and estimated duration, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed. A section of the utility's web site shall be dedicated to presenting outage information where regular updates of the number of customers without service by geographic area and estimated restoration times are available. Depending on natural gas distribution company (NGDC) system limitations, this could be as simple as a PDF or spreadsheet file of information that is updated at regular intervals.

(3) *Automated dialer system.* Automated dialer system (outbound dialing) notification to affected ratepayers/occupants' landline or wireless phones. Updates should be provided at regular intervals or if the estimated restoration time changes by more than 2 hours.

(4) *Miscellaneous.* Other types of direct or actual notice, such as doorknob flyers distributed to affected ratepayers/occupants with actions affected ratepayers/occupants should take to ensure their safety, when feasible.

(5) *Electronic mail and other emerging technology.* Electronic mail and text message notification to affected customers who have opted to receive notice through use of these methods. The use of emerging technology such as social media is strongly encouraged.

(6) *Emergency alert system.* Coordination with State and local emergency management agencies as needed to use the emergency alert system for qualifying situations.

(b) *NIMS standards.* Utilities should strive to follow the National Incident Management System (NIMS) and its public information system to organize all information throughout the utility into one unified message.

(1) *Crisis communication plans.* NGDC crisis communications plans should be in writing and every attempt should be made to be consistent with Nationally-approved NIMS standards. NGDCs required to have written emergency plans under United States Department of Transportation regulations should also be familiar with NIMS standards so that NGDCs will be able to coordinate and respond under this paragraph and paragraphs (2) and (3).

(2) *Coordination.* If more than one NGDC is affected in the same geographic region, strong consideration should be given to implementing the NIMS based Joint Information System/Joint Information Center, including coordinating messages on safety and other consumer information tips during outages. This would allow for coordination and integration of information across jurisdictions, especially on universal messages such as actions residents should take to ensure safety.

(3) *Public notice templates.* NGDCs should have public notice templates prepared in advance to be available when needed to avoid wasting critical time developing materials when confronted with an unscheduled service interruption or an emergency situation. The notices should cover many possible scenarios from safety and shelter information, estimated restoration times and times when updated information will be provided.

(c) *Contact information.* To ensure that the public is informed, if possible, utilities should consider having a knowledgeable contact person stationed in the area of the

outage, if possible, during the emergency to communicate to the public and media on behalf of the company. Regular media updates should be scheduled at predictable times.

(1) *Spokesperson.* A single point of contact should be established as the sole media spokesperson for the utility for that time period. During extended outages, a secondary-media spokesperson could be utilized as the sole contact for a specific period of time.

(2) *Talking points and informational sheets.* Talking points or informational sheets should be provided to customer service representatives and others who may come in contact with the public during the course of the outage to strive toward consistency of message. This information should also be shared with the Commission's Office of Communications, its Emergency Preparedness Coordinator and county emergency management agencies. For employees that may have contact with the public but will not be able to receive up-to-date outage information in the course of their duties, the utility should instruct those employees to direct the public to appropriate information sources.

UTILITY SERVICE OUTAGE PUBLIC NOTIFICATION GUIDELINES—ELECTRIC DISTRIBUTION MARKET

§ 69.1901. Scope.

This section and § 69.1902 (relating to notification guidelines) provide guidelines to the electric distribution market regarding the restoration practices of service.

§ 69.1902. Notification guidelines.

(a) *Acceptable methods of public notification.* In the event of a service interruption, the following acceptable methods of public notification should be considered and utilized as appropriate:

(1) *Mass media.* Facsimile/electronic mail notification to local radio and television stations, cable systems, newspapers and other print and news media as soon as possible after the event occurs. These notifications must provide relevant information about the event, such as the affected locations, its potential impact including the possible duration of the outage, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed. Updates should be provided on a predictable, regular schedule for the duration of the event. The Commission's Office of Communications and Emergency Preparedness Coordinator should also receive these notifications.

(2) *Web site.* Use of the utility's own Internet web site, emergency phone line and integrated voice response system to provide relevant information about the event, such as the affected locations, its potential impact and estimated duration, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed. A section of the utility's web site shall be dedicated to presenting outage information where regular updates of the number of customers without service by geographic area and estimated restoration times are available. Depending on electric distribution company (EDC) system limitations, this could be as simple as a PDF or spreadsheet file of information that is updated at regular intervals.

(3) *Automated dialer system.* Automated dialer system (outbound dialing) notification to affected ratepayers'/occupants' landline or wireless phones. Updates should be provided at regular intervals or if the estimated restoration time changes by more than 2 hours.

(4) *Miscellaneous.* Other types of direct or actual notice, such as doorknob flyers distributed to affected ratepayers/occupants with actions affected ratepayers/occupants should take to ensure their safety, when feasible.

(5) *Electronic mail and other emerging technology.* Electronic mail and text message notification to affected customers who have opted to receive notice through use of these methods. The use of emerging technology such as social media is strongly encouraged.

(6) *Emergency alert system.* Coordination with State and local emergency management agencies as needed to use the emergency alert system for qualifying situations.

(b) *NIMS standards.* Utilities should strive to follow the National Incident Management System (NIMS) and its Public Information System to organize all information throughout the utility into one unified message.

(1) *Crisis communication plans.* EDC crisis communications plans should be in writing and every attempt should be made to be consistent with Nationally-approved NIMS standards.

(2) *Coordination.* If more than one EDC is affected in the same geographic region, strong consideration should be given to implementing the NIMS based Joint Information System/Joint Information Center, including coordinating messages on safety and other consumer information tips during outages. This would allow for coordination and integration of information across jurisdictions, especially on universal messages such as actions residents should take to ensure safety.

(3) *Public notice templates.* The EDCs should have public notice templates prepared in advance to be available when needed to avoid wasting critical time developing materials when confronted with an unscheduled service interruption or an emergency situation. The notices should cover many possible scenarios from safety and shelter information, estimated restoration times and times when updated information will be provided.

(c) *Contact information.* To ensure that the public is informed, if possible, utilities should consider having a knowledgeable contact person stationed in the area of the outage, during the emergency to communicate to the public and media on behalf of the company. Regular media updates should be scheduled at predictable times.

(1) *Spokesperson.* A single point of contact should be established as the sole media spokesperson for the utility for that time period. During extended outages, a secondary-media spokesperson could be utilized as the sole contact for a specific period of time.

(2) *Talking points and informational sheets.* Talking points or informational sheets should be provided to customer service representatives, and others who may come in contact with the public during the course of the outage to strive toward consistency of message. This information should also be shared with the Commission's Office of Communications, its Emergency Preparedness Coordinator and county emergency management agencies. For employees that may have contact with the public but will not be able to receive up-to-date outage information in the course of their duties, the utility should instruct those employees to direct the public to appropriate information sources.

[Pa.B. Doc. No. 12-330. Filed for public inspection February 24, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION
[52 PA. CODE CH. 69]
[M-2009-2140580]
Default Service and Retail Electric Markets

The Pennsylvania Public Utility Commission (Commission) on September 22, 2011, adopted a final policy statement which revises the Commission's current policy statement regarding default service and retail electric markets to be consistent with the act of October 15, 2008 (P. L. 1592, No. 129).

Public meeting held
September 22, 2011

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer, statement follows

Proposed Policy Statement Regarding Default Service and Retail Electric Markets; M-2009-2140580

Final Policy Statement

By the Commission:

On October 15, 2008, Governor Edward Rendell signed House Bill 2200, Act 129, into law. The Act became effective on November 14, 2008. Act 129 has several goals including reducing energy consumption and demand. Act 129 also revises the default service requirements contained in Chapter 28 of the Public Utility Code. By Order entered January 19, 2010, we issued a Proposed Policy Statement opening a proceeding to consider amendments to our current Policy Statement regarding Default Service and Retail Electric Markets at 52 Pa. Code §§ 69.1801, et seq., as required by the enactment of Act 129 so that our Policy Statement will be consistent with the Act.

Procedural History

Historically, a local electric utility company was responsible for generating or purchasing and delivering electricity to a customer's premises. However, the Electric Generation Customer Choice and Competition Act (Competition Act) of December 3, 1996 (P. L. 802, No. 138), codified at 66 Pa.C.S. §§ 2801, et seq., required electric distribution companies (EDCs) to unbundle transmission, distribution and generation rates for retail customers. The Competition Act deregulated electricity generation and provided all customers in Pennsylvania the opportunity to choose their electric generation supplier (EGS). 66 Pa.C.S. § 2806(a). The EDC is responsible for delivering the electricity to those customers who choose to buy from an EGS. Additionally, the EDC is responsible for both acquiring and delivering electricity for those customers who do not shop or buy their electricity from an EGS or when the EGS fails to provide the promised electricity.

When an EDC acquires electricity for customers not served by an EGS, the EDC is functioning as the "default service provider" (DSP). The Competition Act provided that an EDC's generation rates be capped until the EDC had completed its stranded cost recovery. Many of the larger EDCs agreed to extend rate caps as part of their electric restructuring settlements. For most of these companies, generation rate caps expired December 31, 2010. Other EDCs, most notably Duquesne Light Company (Duquesne) and several smaller EDCs had shorter stranded cost recovery periods that expired much sooner, as early as 1999 for Citizens Electric Company of Lewisburg, Inc.

Following the expiration of rate caps, the Competition Act provided that default suppliers "acquire electric energy at prevailing market prices" to serve default service customers and that default suppliers "recover fully all reasonable costs." 66 Pa.C.S. § 2807(e)(3). There has been disagreement over what "prevailing market prices" mean as applied to default service rates.

History of Default Service Regulations and Policy Statement

On February 9, 2007, the Commission issued a Proposed Policy Statement Order regarding default service at Docket No. M-00072009. On May 10, 2007, the Commission entered a Final Rulemaking Order at Docket No. L-00040169. The default service regulations became effective on September 15, 2007. The Policy Statement contained guidelines for DSPs in the areas of procurement, rate design, and cost-recovery. The default service regulations set forth detailed requirements for default service plans. The regulations require DSPs to acquire default supply at prevailing market prices. The regulations further require that electric generation supply be acquired by competitive bid solicitations, spot market purchases or a combination of both. 52 Pa. Code § 54.186(b)(4). Competitive bid processes are subject to monitoring by the Commission. 52 Pa. Code § 54.186(c)(3). The regulations allow DSPs to use automatic adjustment clauses for recovery of non-alternative energy default service costs. 52 Pa. Code § 54.187(f). The default service Policy Statement provides additional guidance to EDCs regarding energy procurement, bid solicitation processes, default service cost elements, rate design, rate change mitigation, rate and bill ready billing, purchase of receivables programs, customer referral programs and supplier tariff uniformity.

Act 129

Even though the retail provision of electric generation service has been subject to competition for nearly a decade, the vast majority of residential customers continue to obtain their generation supplies from their "default" supplier, that is, their regulated electric distribution utility. Under the 1996 Pennsylvania electric restructuring law, the electric distribution companies (or alternative Commission-approved default suppliers) were required to serve non-shopping customers after rate caps ended by acquiring electric energy "at prevailing market prices." Act 129 explicitly repealed the prevailing market prices standard and declared instead that the utilities' generation purchases must be designed to ensure adequate and reliable service at the least cost to customers over time. 66 Pa.C.S. § 2807(e)(3.4).

In reviewing a utility's default service plan, the Commission must consider "the default service provider's obligation to provide adequate and reliable service to customers and that the default service provider has obtained a prudent mix of contracts to obtain least cost on a long-term, short-term and spot market basis . . ." 66 Pa.C.S. § 2807(e)(3.7).

Another substantive change is that contracts for supply formerly were defined as being up to three years in length. Now, under Act 129, a long-term purchase contract is generally defined as a contract "of more than four and not more than 20 years." 66 Pa.C.S. § 2807(e)(3.2)(iii).

In summary, under Act 129, electric power shall be procured through competitive procurement processes and shall include one or more of the following: (1) auctions; (2) requests for proposals; or (3) bilateral agreements. 66

Pa.C.S. § 2807(e)(3.1). Additionally, the electric power that is procured shall include a prudent mix of: (1) spot market purchases; (2) short-term contracts; and (3) long-term purchase contracts of more than 4 and not more than 20 years. 66 Pa.C.S. § 2807(e)(3.2). Long-term contracts may not constitute more than 25% of projected load absent a Commission determination that good cause exists for a higher percentage to achieve least cost procurement. 66 Pa.C.S. § 2807(e)(3.2)(iii).

The “prudent mix” of contracts shall be designed to ensure: (1) adequate and reliable service; (2) the least cost to customers over time; (3) compliance with the procurement methodologies described above, i.e., through auctions, requests for proposals; or bilateral agreements. 66 Pa.C.S. § 2807(e)(3.1). “Bilateral contract” is a new term defined under 66 Pa.C.S. § 2803 (relating to definitions).

In terms of process, the DSP must file a plan for competitive procurement with the Commission and obtain Commission approval of the plan considering certain factors and standards under 66 Pa.C.S. § 2807(e) before the competitive process is implemented. The Commission shall hold hearings as necessary on the proposed plan. If the Commission fails to issue a final order on the plan within nine months of the date that the plan is filed, the plan is deemed to be approved and the default service provider may implement the plan as filed. 66 Pa.C.S. § 2807(e)(3.6).

When evaluating a default service plan, the Commission must consider the DSP’s obligation to provide adequate and reliable service to the customers and that the DSP has obtained a prudent mix of contracts to obtain the least cost on a long-term, short-term and spot market basis. The Commission is required to make specific findings that include: (1) the DSP’s plan includes prudent steps necessary to negotiate favorable generation supply contracts; (2) the DSP’s plan includes prudent steps necessary to obtain least cost generation contracts on a long-term, short-term and spot market basis; and (3) neither the DSP nor its affiliated interest has withheld generation supply from the market as a matter of federal law. 66 Pa.C.S. § 2807(e)(3.7).

Further, under Act 129, DSPs have a right to recover default service costs pursuant to a reconcilable automatic adjustment clause and residential and small commercial customers’ rates cannot change more frequently than quarterly. 66 Pa.C.S. § 2807(e)(7). Default service plans approved by the Commission prior to the effective date of Act 129 shall remain in effect through the approved term. However, the DSP may propose amendments to an approved plan. If the Commission fails to issue a final order within nine months, the amended plan shall be deemed to be approved and the default service provider may implement the amendments as filed. 66 Pa.C.S. § 2807 (e)(6).

As a result of the passage of Act 129, the Commission deemed it necessary to amend its existing Policy Statement regarding Default Service and Retail Electric Markets at 52 Pa. Code §§ 69.1801 et seq. By Order entered January 19, 2010, the Commission issued a Proposed Policy Statement at this docket seeking comments within 30 days of entry. No opportunity for Reply Comments was provided. We are now issuing amendments to the Policy Statement at 52 Pa. Code §§ 69.1801 et seq.

Parties Filing Comments

Comments were filed by a number of parties. Those parties filing separate comments under Docket No. M-2009-2140580 include: PECO Energy Company (PECO), Duquesne Light Company (Duquesne), Citizens

Electric Company/Wellsboro Electric Company (Citizens/Wellsboro), Office of Consumer Advocate (OCA), Office of Small Business Advocate (OSBA), Retail Electric Supply Association (RESA) and Industrial Customers Group (ICG). Energy Association of PA and Allegheny Power submitted letters endorsing the Proposed Policy Statement. A number of other parties filed comments under both Docket Nos. M-2009-2140580 (Policy Statement) and Docket No. L-2009-2095604 (Default Service Regulations) but did not expressly comment on the Proposed Policy Statement.

Discussion

Consistent with the language of Act 129, the Commission makes the following revisions to our Policy Statement regarding default service and retail electric markets.

52 Pa. Code § 69.1802 (Purpose)

OCA has proposed language to the Purpose section of the regulations to recognize the obligation of the default service provider to provide adequate and reliable service at the least cost over time. OCA contends this change is consistent with the intent of Act 129. The proposed language would retain the present language that states that the “goal of default service regulations is to bring competitive market discipline to historically regulated markets” but relocate this language to later in the “Purpose” provision. (See Annex A).

We have reviewed this proposed change and accept it. The OCA’s proposed language correctly recognizes the import of the new standard reflected in Act 129, specifically Section 2807(e)(3.4), that of ensuring “adequate and reliable service at the least cost to customers over time” while retaining the Commission’s parallel obligation to promote competitive market discipline.

52 Pa. Code § 69.1803 (Definitions)

We proposed adding definitions for “Bilateral contract” and amending the existing definition of “Default service provider” such that the definitions mirror 66 Pa.C.S. § 2803.

OCA proposes to remove the definition of “prevailing market prices” from the definition section as it contends the term is no longer relevant as the standard for procurement under Act 129. No other party has offered comment on this provision. We accept OCA’s suggested deletion of this definition coupled with removal of the term from later sections of the Policy Statement as we believe the term is no longer the relevant standard under Act 129. Since the standard for review of DSPs has now changed in light of Act 129, the retention of this term in our Policy Statement is unnecessary and potentially confusing.

Duquesne filed comments requesting that both the definitions for “Bilateral contract” and “Default service provider” contain the specific definitional language from Section 2803 of the Public Utility Code instead of simply incorporating the definition by reference. We decline to accept this suggested change as the convention utilized by the Commission has been to incorporate by reference the appropriate definitional language from Section 2803 in these definitions and elsewhere in the Commission’s regulations.

Citizens/Wellsboro suggests that the Commission confirm in its Policy Statement that the definition of “Bilateral contract” apply to both physical and financial transactions. These electric utilities have had default service plans approved that included financial products. No other

party suggested this change. On review, we decline to adopt this change as it injects too much specificity into what is intended to be a general definition.

DSPs, such as Citizens/Wellsboro, have the opportunity to propose financial products as part of their default service plan filings and the Commission retains the discretion to review and approve these products.

The Commission herein adopts the Definitions for “Bilateral contract” and “Default service provider” pursuant to 52 Pa. Code § 69.1803 as modified herein and as these terms appear in final form in Annex A to this Order. We also delete the term “Prevailing market prices” from the current definitions.

52 Pa. Code § 69.1805 (Electric Generation Supply Procurement)

We proposed amending this section to define long-term contracts as being “neither less than 4 years nor greater than 20 years in length.” The section already states a prudent mix of arrangements should be included in a proposed procurement plan.

This amendment generated a number of comments. Because this provision is somewhat controversial, we recite the proposed changes suggested by the Commission in its Proposed Policy Statement herein by italicizing the relevant language:

§ 69.1805. Electric generation supply procurement.

A proposed procurement plan should balance the goals of allowing the development of a competitive retail supply market and also including a prudent mix of arrangements to minimize the risk of over-reliance on any energy products at a particular point in time. In developing a proposed procurement plan, a DSP should consider including a prudent mix of supply-side and demand-side resources such as long-term, short-term, staggered-term and spot market purchases to minimize the risk of contracting for supply at times of peak prices. *Short-term contracts are contracts up to and including 3 years in length. Long-term contracts are contracts neither less than 4 years nor greater than 20 years in length.* Long-term contracts should only be used when necessary and required for DSP compliance with alternative energy requirements, and should be restricted to covering a relatively small portion of the default service load. An over-reliance on long-term contracts would mute demand response, create the potential for future default service customers to bear future above market costs and limit operational flexibility for DSPs to manage their default service supply. The plan should be tailored to the following customer groupings, but DSPs may propose alternative divisions of customers by registered peak load to preserve existing customer classes.

(1) Residential customers and nonresidential customers with less than 25 kW in maximum registered peak load. Initially, the DSP should acquire electric generation supply for these customers using a mix of resources as described in the introductory paragraph to this section. Consideration should be given to procuring most fixed-term supply through full requirements or block contracts of 1 to 3 years in duration. Contracts should be laddered to minimize risk, in which a portion of the portfolio changes at least annually, with a minimum of two competitive bid solicitations a year to further reduce the risk of acquisition at a time of peak prices. In subsequent

programs, the percentage of supply acquired through shorter duration full requirements contracts and spot market purchases should be gradually increased, depending on developments in retail and wholesale energy markets.

(2) Nonresidential customers with 25—500 kW in maximum registered peak load. The DSP should acquire electric generation supply for these customers using a mix of resources as described in the introductory paragraph to this section. Fixed-term contracts should be 1 year in length and may be laddered to minimize risk, with a minimum of two competitive bid solicitations a year to further reduce the risk of acquisition at a time of peak prices. In subsequent programs, the percentage of supply acquired through shorter duration purchases and spot market purchases should gradually be increased, depending on developments in retail and wholesale energy markets.

(3) Nonresidential customers with greater than 500 kW in maximum registered peak load. Hourly priced or monthly-priced service should be available to these customers. The DSP may propose a fixed-price option for the Commission’s consideration.

In the introductory section, OCA proposes to extend the definition of short-term contracts to include contracts of 4 years in length instead of 3 years. OCA proposes to define long-term contracts as “more than 4 years and not more than 20 years.” OCA proposes to delete the next two sentences that define when long-term contracts should be used and insert some additional language which would limit the percentage of the default service provider’s percentage load that could be represented by long-term contracts to 25% which language parallels the language used in Act 129.

PECO also addresses this issue by suggesting language that defines short-term contracts as contracts of up to and including 4 years in length and long-term contracts as contracts greater than 4 years in length but not greater than 20 years. OSBA also suggests clarification of the definition of short-term contracts.

In contrast, ICG suggests that Act 129 and the Legislature intended a 4-year contract to be a long-term contract and the Commission should clarify the ambiguity in the language.

We agree that this is a point in need of clarification. Our proposed language does not clearly state whether a 4-year contract is a short-term or long-term contract. By adopting the language of Section 2703(e)(3.2)(iii), we only perpetuated the ambiguity.

We believe the Legislature’s intent was to define 4-year contracts as short-term contracts and contracts greater than 4 years but not greater than 20 years as long-term contracts. We accept the change suggested by OCA and PECO on this point and adopt PECO’s proposed language.

We also adopt OCA’s proposed change to the language of the introductory section of Section 1805 to delete language that appears to unduly restrict the use of long-term contracts to situations involving compliance with alternative energy requirements and adoption of language that conforms with the 25% limitation on long-term contracts contained in Section 2807(e)(3.2)(iii). Under OCA’s proposed change, long-term contracts would constitute no more than 25% of the DSP’s projected load unless the Commission determines a greater portion of

load is necessary to achieve least cost procurement. These changes were also suggested by Citizens/Wellsboro and Duquesne.

The Commission continues to maintain the position that EDCs should have maximum flexibility to design their supply portfolios but should strive to utilize short duration full requirements contracts, spot market purchases, intermediate term and long-term contracts when market conditions dictate such an approach. The proposed language in Section 1805 appears to limit the use of long-term contracts only to meeting the requirements of the AEPS which is too restrictive. As Citizens/Wellsboro aptly notes in its comments, as long as a DSP's procurement portfolio includes a "prudent mix" of contracts, the DSP should be permitted to use long-term contracts to procure all products in the procurement plan.

OCA additionally proposed changes in Section 69.1805(1) as follows: (1) deletion of language specifying procurement of fixed term supply through contracts of 1 to 3 years in duration; and (2) deletion of language encouraging the increase of spot market purchases over time and inserting language that encourages EDCs to obtain a "mix of supply through long-term, short-term and spot purchases to be adjusted depending on developments in the retail and wholesale energy markets to ensure least cost to customers."

We adopt both changes. First, deletion of the reference to procuring fixed supply of contracts of 1-3 years is appropriate as the Commission believes EDCs are best suited to design their portfolios of energy supply including fixed term purchases under contracts of varied duration. Additionally, this language unnecessarily contradicts our prior interpretation of short-term contracts as extending to 4 years.

OCA's second change which removes the emphasis on increasing the percentage of supply from short-term and spot sources and substitutes language that gives DSPs the latitude to obtain a prudent mix of long-term, short-term and spot purchases is appropriate to correctly reflect the language of the Choice Act as modified by Act 129 in Section 2807(e)(3.2)(iii).

OSBA proposes to delete the language in Section 69.1805(2) requiring contracts for customers with 25kW-500kW peak load preferably be 1 year in length. OSBA argues this is inconsistent with the language in Section 69.1805(1) which recommends contracts of 1-3 years in length for fixed term supply. We have previously adopted OCA's proposed deletion of this language specifying contract length in Section 69.1805(1) as unnecessary in light of our clarification of the definition of short-term contract. Similarly, we adopt OSBA's suggested change as it appears unnecessary to specify a particular contract length. We will delete the language "should be one year in length and" while retaining the rest of the language. This parallels the deletion of the contract length language in Section 1805. In this section, we also insert the same language as in Section 1805(1) deleting that language expressing a preference for increases in short duration and spot purchases and inserting language that more clearly reflects the Act 129 language regarding "prudent mix" in Section 2807(3.2).

Citizens/ Wellsboro also suggest deleting the last sentence from Sections 69.1805(1) and (2) which recommends gradually increasing the percentage of supply obtained through short-term contracts and spot purchases. Citizens/Wellsboro suggests this change because it contends the required procurement approach has shifted

from "prevailing market price" to "least cost procurement" using a "prudent mix of contracts." We have essentially adopted this change by virtue of the language changes to these sections discussed previously.

Duquesne is generally comfortable with the Commission's proposed changes to Section 69.1805. However, Duquesne seeks to delete the language in Section 1805 that prescribes when long-term contracts should be used, e.g., when necessary to meet alternative compliance standards and be restricted to a small portion of default service load. Duquesne also proposes deleting entirely Sections 69.1805(1) through (3) entirely as they provide guidance for procurement by particular customer groups and are in conflict with the procurement requirements of Act 129.

We accept Duquesne's first proposed change as it is the same change to Section 1805 discussed above request proposed by both the OCA and Citizens/Wellsboro. We decline to accept Duquesne's other proposed changes to delete Sections 69.1805(1)—(3). We do not interpret Act 129 as limiting our ability to provide guidance to EDCs in their procurement practices for particular customer groups and will retain this language subject to other language modifications discussed previously.

ICG seeks revisions to Section 69.1805(3) (non-residential customers with greater than 500 kW peak load) to provide for language encouraging a more prudent mix of products. The current provision states that "Hourly priced or monthly priced serviced should be available to these customers. The DSP may propose a fixed price option for the Commission's consideration." ICG suggests adding language to provide for a more "prudent mix" of products and that the current language does not meet the "prudent mix" standard.

We do not read the current language as limiting the types of products which the DSP may procure on behalf of large customers. The provision merely provides guidance as to the types of products to be considered. Moreover, ICG did not provide suggested language for our consideration. We decline to accept ICG's proposed revision.

52 Pa. Code § 69.1806 (Alternative energy portfolio standard compliance)

We proposed updating this Section to reflect that the DSP should procure electric generation supply for default service customers in compliance with Act 129.

PECO suggests some minor language changes to better conform the regulation to Act 129. We adopt those changes as reflected in Annex A.

52 Pa. Code § 69.1807 (Competitive bid solicitation processes)

Both OCA and OSBA suggest that Section 69.1807 be amended to provide for the general release by DSPs of winning bid information and posting of this information on the Commission's website. FirstEnergy and other parties oppose this unilateral change insofar as no other parties had an opportunity to comment on the revision.

We note that this suggested change was not part of our Proposed Policy Statement but represents a potentially useful modification which increases transparency for customers in making retail supply choices. We do not believe it is appropriate to institute this change in this Policy Statement as we are not fully aware of the proprietary concerns of the EDCs associated with release of this

information. However, we believe this is an appropriate topic for consideration in either our current Investigation into the Operation of Retail Electric Markets or each individual EDC's default service plan proceeding. Interested parties should provide input where appropriate on this proposal.

52 Pa. Code § 69.1809

Both OCA and OSBA recommend changing the language of Section 69.1809(a) to be consistent with the Act 129 language that rates to residential and small commercial business customers may change no more frequently than on a quarterly basis for residential and small business customers. Currently, Section 69.1809 (a) permits rate changes on quarterly basis for residential customers and a monthly basis for large business customers. OCA proposes to delete this provision and offers corrective language which provides for adjustment of default service rates "no more frequently than on a quarterly basis for residential and small business customers." This change is needed, avers OCA, to accurately reflect the language of Act 129 at Section 2807(e)(7).

We have reviewed this proposed change and adopt it. OCA and OSBA are correct that an inconsistency exists with regard to rate change frequency between the current Policy Statement and Act 129 regarding the frequency when default service rate changes may occur and we have revised the language herein at Annex A to reflect that change.

OSBA suggests further changes to Section 1809(c) and Section 1810 which it purports are necessary to be consistent with Section 2807(e)(7) but offers no concrete language to support its modifications. We decline to accept OSBA's proposed changes to Sections 1809 and 1810.

Conclusion

Accordingly, pursuant to its authority under Section 501 of the Public Utility Code, 66 Pa.C.S. § 501, the Commission proposes to adopt the attached policy statement; *Therefore,*

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 69, are amended by amending §§ 69.1802, 69.1803, 69.1805, 69.1806 and 69.1809 to read as set forth in Annex A.

2. The Secretary submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. This final policy statement shall become effective upon publication in the *Pennsylvania Bulletin*.

5. A copy of this order and Annex A be filed at Docket No. M-2009-2140580 and Docket No. L-2009-2095604 and be served upon all parties of record and statutory advocates.

6. The contact person for this matter is James P. Melia, Assistant Counsel, Law Bureau, (717) 787-1859.

ROSEMARY CHIAVETTA,
Secretary

Fiscal Note: Fiscal Note 57-272 remains valid for the final adoption of the subject regulations.

Statement of Commissioner Pamela A. Witmer

Prior to joining my staff, Shelby Linton-Keddie was employed by a law firm that served as counsel to a party

in that submitted comments in the above-referenced proceeding. Therefore, to avoid any appearance of impropriety arising from her previous employment, I wish to note that I have not been advised by Shelby Linton-Keddie regarding this matter.

PAMELA A. WITMER,
Commissioner

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

DEFAULT SERVICE AND RETAIL ELECTRIC MARKETS—STATEMENT OF POLICY

§ 69.1802. Purpose.

(a) The Commission has adopted regulations governing the default service obligation in §§ 54.181—54.189 (relating to default service), as required by 66 Pa.C.S. § 2807(e) (relating to duties of electric distribution companies). The regulations address the elements of a default service regulatory framework. The goal of the default service regulations is to ensure that each DSP provides default service customers with adequate and reliable service at the least cost to customers over time. This goal can be accomplished by structuring default service in a way that brings competitive market discipline to historically regulated markets and by encouraging the entry of new retail and wholesale suppliers. Greater diversity of suppliers will benefit ratepayers and the Commonwealth. However, those rules are not designed to resolve every possible issue relating to the acquisition of electric generation supply, the recovery of reasonable costs, the conditions of service and the relationship with the competitive retail market.

(b) The Commission is very cognizant of the practical limits of regulating large, complex markets. Changes in Federal or State law, improvements in technology, and developments in wholesale energy markets may render obsolete any all-inclusive regulatory approach to this Commonwealth's retail electric market.

(c) The Commission has devised an approach that will allow this Commonwealth to adapt to changes in energy markets and the regulatory environment. The regulations in Chapter 54 (relating to electricity generation customer choice) will serve as a general framework for default service and provide an appropriate measure of regulatory certainty for ratepayers and market participants. This section and §§ 69.1801 and 69.1803—69.1817 will provide guidelines on those matters when a degree of flexibility is required to respond effectively to regulatory and market challenges. The Commission anticipates that the initial guidelines will be applied to the first set of default service plans following expiration of the generation rate caps, and that the guidelines will be reevaluated prior to the filing of subsequent default service plans.

§ 69.1803. Definitions.

The following words and terms, when used in this section and §§ 69.1801, 69.1802 and 69.1804—69.1817, have the following meanings, unless the context clearly indicates otherwise:

Alternative energy portfolio standards—A requirement that a certain percentage of electric energy sold to retail

customers in this Commonwealth by EDCs and EGSs be derived from alternative energy sources, as defined in the Alternative Energy Portfolio Standards Act (73 P.S. §§ 1648.1—1648.8).

Bilateral contract—The term has the same meaning as defined in 66 Pa.C.S. § 2803 (relating to definitions).

Competitive bid solicitation process—A fair, transparent and nondiscriminatory process by which a DSP awards contracts for electric generation to qualified suppliers who submit the lowest bids.

DSP—Default service provider—The term has the same meaning as defined in 66 Pa.C.S. § 2803.

Default service—Electric generation supply service provided pursuant to a default service program to a retail electric customer not receiving service from an EGS.

Default service implementation plan—The schedule of competitive bid solicitations and spot market purchases, technical requirements and related forms and agreements.

Default service procurement plan—The electric generation supply acquisition strategy the DSP will utilize in satisfying its default service obligations, including the manner of compliance with the alternative energy portfolio standards requirement.

Default service program—A filing submitted to the Commission by the DSP that identifies a procurement plan, an implementation plan, a rate design to recover all reasonable costs and all other elements identified in § 54.185 (relating to default service programs and periods of service).

EDC—Electric distribution company—The term has the same meaning as defined in 66 Pa.C.S. § 2803.

EGS—Electric generation supplier—The term has the same meaning as defined in 66 Pa.C.S. § 2803.

Maximum registered peak load—The highest level of demand for a particular customer, based on the PJM Interconnection, LLC, “peak load contribution standard,” or its equivalent, and as may be further defined by the EDC tariff in a particular service territory.

PTC—Price-to-compare—A line item that appears on a retail customer’s monthly bill for default service. The PTC is equal to the sum of all unbundled generation and transmission related charges to a default service customer for that month of service.

RTO—Regional transmission organization—A Federal Energy Regulatory Commission (FERC)-approved regional transmission organization.

Retail customer or retail electric customer—These terms have the same meaning as defined in 66 Pa.C.S. § 2803.

Spot market energy purchase—The purchase of an electric generation supply product in a FERC-approved real time or day ahead energy market.

§ 69.1805. Electric generation supply procurement.

A proposed procurement plan should balance the goals of allowing the development of a competitive retail supply market and also including a prudent mix of arrangements to minimize the risk of over-reliance on any energy products at a particular point in time. In developing a proposed procurement plan, a DSP should consider including a prudent mix of supply-side and demand-side resources such as long-term, short-term, staggered-term and spot market purchases to minimize the risk of contracting for supply at times of peak prices. Short-term

contracts are contracts up to and including 4 years in length. Long-term contracts are contracts more than 4 years in length but not more than 20 years. Long-term contracts of more than 4 years in length but not more than 20 years should not constitute more than 25% of the DSP’s projected load unless the Commission determines that a greater portion of load is necessary to achieve least cost procurement. The plan should be tailored to the following customer groupings, but DSPs may propose alternative divisions of customers by registered peak load to preserve existing customer classes.

(1) *Residential customers and nonresidential customers with less than 25 kW in maximum registered peak load.* Initially, the DSP should acquire electric generation supply for these customers using a prudent mix of resources as described in the introductory paragraph to this section. Contracts should be laddered to minimize risk, in which a portion of the portfolio changes at least annually, with a minimum of two competitive bid solicitations a year to further reduce the risk of acquisition at a time of peak prices. In subsequent programs, the mix percentage of supply acquired through long-term and short-term contracts and spot market purchases should be adjusted, depending on developments in retail and wholesale energy markets to ensure least cost to customers.

(2) *Nonresidential customers with 25—500 kW in maximum registered peak load.* The DSP should acquire electric generation supply for these customers using a mix of resources as described in the introductory paragraph to this section. Fixed-term contracts may be laddered to minimize risk, with a minimum of two competitive bid solicitations a year to further reduce the risk of acquisition at a time of peak prices. In subsequent programs, the mix percentage of supply acquired through long-term and short-term contracts and spot market purchases should be adjusted, depending on developments in retail and wholesale energy markets to ensure least cost to customers.

(3) *Nonresidential customers with greater than 500 kW in maximum registered peak load.* Hourly priced or monthly-priced service should be available to these customers. The DSP may propose a fixed-price option for the Commission’s consideration.

§ 69.1806. Alternative energy portfolio standard compliance.

In procuring electric generation supply for default service customers, the DSP shall comply with the Alternative Energy Portfolio Standards Act (73 P.S. §§ 1648.1—1648.8) and 66 Pa.C.S. § 2814 (relating to additional alternative energy sources).

§ 69.1809. Interim price adjustments and cost reconciliation.

(a) Consistent with the default service regulations, default service rates, and correspondingly the PTC, may not be adjusted more frequently than on a quarterly basis for residential and small business customers to reflect changes in and ensure the recovery of reasonable costs resulting from changes in wholesale energy prices or other costs from the introduction of new, differently priced energy supply products to the DSP’s portfolio, and to correct the under and over collection of costs. This PTC adjustment may be driven by changes in spot market prices, the use of laddered contracts, the use of seasonal rate design, and the like.

(b) The public interest may be served if default service and alternative energy compliance costs and the revenues received through default service rates are reconciled as

part of the PTC adjustment process. Reconciliation would ensure that DSPs fully recover their actual, incurred costs without requiring customers to pay more than is required. The PTC adjustment will therefore also reflect changes required due to the reconciliation of costs and revenues. Reconciliation proposals should result in a PTC adjustment that will resolve cumulative under or over recoveries by the time of the next PTC adjustment interval.

(c) It may be in the public interest to reconcile default service costs more frequently than at each PTC adjustment interval. The DSP should propose interim reconcili-

ation prior to the next subsequent PTC adjustment interval when current monthly revenues have diverged from current monthly costs, plus any cumulative over/under recoveries, by greater than 4% since the last rate adjustment. When the divergence is less than 4%, the DSP has the discretion to propose interim reconciliation prior to the next PTC adjustment interval. Interim reconciliation proposals should result in a PTC adjustment that will resolve cumulative under or over recoveries by the time of the next PTC adjustment interval.

[Pa.B. Doc. No. 12-331. Filed for public inspection February 24, 2012, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, March 7, 2012, at the West Trenton Volunteer Fire Company hall, 40 West Upper Ferry Road, West Trenton, NJ. The hearing will be part of the Commission's regularly scheduled business meeting. The conference session and business meeting are both open to the public.

The morning conference session will begin at 10:30 a.m. and will consist of presentations on: (a) the Final Report: Delaware River Priority Conservation Areas and Recommended Conservation Strategies, prepared by The Nature Conservancy under a grant from the National Fish and Wildlife Foundation; (b) the Christina River Basin water protection area ordinance and mapping project; and (c) the Commission's new web site.

Items for Public Hearing. The subjects of the public hearing to be held during the 1:30 p.m. business meeting on March 7, 2012, include draft dockets for the projects described as follows. Draft dockets also will be posted on the Commission's web site at www.nj.gov/drbc 10 days prior to the meeting date. Additional public records relating to the dockets may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

1. *Philadelphia Gas Works, D-1976-055 CP-2.* An application to renew the approval of an existing discharge of up to 6.67 million gallons per day (mgd) of noncontact cooling water (NCCW) from the Philadelphia Gas Works process compressors and heat exchangers by means of Outfall No. 004. Outfall No. 004 will continue to discharge to Water Quality Zone 3 of the Delaware River at River Mile 106.5, in the City of Philadelphia, PA.

2. *NGK Metals Corp. (NGK), D-1989-053-2.* An application to renew the approval of the existing 0.36 mgd NGK groundwater treatment plant (GTP) and its related discharge, as well as the withdrawal of up to 6.479 million gallons per month (mgm) of groundwater from the three existing onsite remediation wells (Wells Nos. DW-12, DW-13, and DW-32). The GTP has been out of operation for several years, however the Environmental Protection Agency has required the facility to reopen and resume operation. The existing project wells are located at NGK's former metal production site in Muhlenberg Township, Berks County, PA, and are completed in the Allentown Formation. The existing NGK GTP will discharge to Laurel Run by means of Outfall No. 002 at River Mile 92.47—80.4—2.3 (Delaware River—Schuylkill River—Laurel Run), in Muhlenberg Township, Berks County, PA.

3. *Warrington Township, D-1990-019 CP-3.* An application to renew the approval of an existing groundwater withdrawal (GWD) of up to 45.14 mgm to supply the applicant's public water supply system from existing Wells Nos. 1—6, 8, 9 and 11 completed in the Stockton Formation. The Warrington Township Municipal Authority serves customers in Warrington Township, Bucks County. The requested allocation is not an increase from the previous allocation. The wells are located within the

Commission's designated ground water protected area (GWPA) in Little Neshaminy Creek Watershed in Warrington Township, Bucks County, PA.

4. *JBS Souderton, Inc., D-1996-021-4.* An application to renew the approval of an existing discharge from the 1.5 mgd JBS Souderton, Inc. industrial wastewater treatment plant (IWTP). The IWTP will continue to discharge at River Mile 92.47—32.3—3.0—12.8 (Delaware River—Schuylkill River—Perkiomen Creek—Skippack Creek), in Franconia Township, Montgomery County, PA.

5. *Warminster Township Municipal Authority, D-2000-019 CP-2.* An application to renew the approval of an existing GWD of up to 128.52 mgm to supply the applicant's public water supply system from existing Wells Nos. 1—7, 9, 10, 13—15, 24, 26, 36, 37, 39, 43—45 and NATC-10 completed in the Stockton Formation. The Warminster Municipal Authority serves customers in Warminster Township, Ivyland Borough and a portion of Warwick Township in Bucks County. The requested allocation is not an increase from the previous allocation. The project is located within the Commission's designated GWPA in Little Neshaminy and Pennypack Creek Watersheds in Warminster Township, Bucks County, PA.

6. *Crayola, LLC, D-2000-033-2.* An application to approve the renewal of a GWD and injection project, to continue to withdraw 16.53 mgm from Wells Nos. 1 and 4. The withdrawal and injection support industrial processes, geothermal cooling and replenishment of an onsite landscape pond. The project wells are located in the Epler Formation in the Bushkill Creek Watershed in Forks Township, Northampton County, PA within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters (SPW).

7. *The ACE Center, D-2001-057-2.* An application to renew the approval of an existing GWD of up to 13.12 mgm to supply the applicant's golf course from existing Wells Nos. 1 and 4 completed in the Wissahickon Formation. The requested allocation is not an increase from the previous allocation. The wells are located within the Southeastern Pennsylvania GWPA in the Schuylkill River Watershed in Whitmarsh Township, Montgomery County, PA.

8. *Town of Bethel, D-2005-019 CP-2.* An application to renew the approval of an existing discharge from the 0.035 mgd Town of Bethel leachate treatment plant (LTP). The discharge is within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as SPW. The LTP will continue to discharge to an unnamed tributary (UNT) of the West Branch Mongaup River at River Mile 261.1—19.7—3.1—0.1 (Delaware River—Mongaup River—West Branch Mongaup River—UNT), in the Town of Bethel, Sullivan County, NY.

9. *TO-JO Mushrooms, Inc., D-2007-003-2.* An application to renew the approval of an existing discharge of up to 0.049 mgd of treated industrial wastewater and 0.035 mgd of contact cooling water (CCW) from Outfalls Nos. 001 and 002, respectively. The existing discharges will continue to a UNT of Trout Run at River Mile 70.7—18.5—5.2—7.4—0.8—0.1 (Delaware River—Christina River—White Clay Creek—East Branch White Clay Creek—Trout Run—UNT), in New Garden Township, Chester County, PA.

10. *East Stroudsburg Borough, D-2007-039 CP-2.* An application to renew the approval of an existing discharge of up to 0.09 mgd of filter backwash from the 2.1 mgd East Stroudsburg Borough Water Filtration Plant (WFP). The WFP is located within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as SPW. The WFP will continue to discharge to the Delaware River at River Mile 213.5—5.2—3.5 (Delaware River—Brodhead Creek—Sambo Creek), in Smithfield Township, Monroe County, PA.

11. *Camden County Municipal Utilities Authority (CCMUA), D-1971-009 CP-10.* An application to approve an expansion to the service area of the existing CCMUA Delaware No. 1 Water Pollution Control Facility (WPCF) to accept an additional 5.3 mgd of out-of-basin municipal wastewater from portions of Chesilhurst Borough and Waterford and Winslow Townships in Camden County, NJ, located in the Atlantic Ocean Basin. The project, referred to as the Atlantic Basin Interceptor Project and located in Chesilhurst Borough and Gloucester, Waterford and Winslow Townships in Camden County, includes the installation of approximately 127,000 linear feet of gravity and force main sewer, the construction of two pump stations, and the upgrade of three existing pump stations. CCMUA's existing 80 mgd WPCF has the hydraulic design capacity to accept the additional flow without modifications to the treatment processes. The WPCF is located in the City of Camden, Camden County, NJ and will continue to discharge to Water Quality Zone 3 of the Delaware River at River Mile 98.0. The Commission approved an emergency certificate for this project on December 14, 2011.

12. *New Castle County Department of Special Services, D-1972-210 CP-2.* An application to renew the approval of an existing discharge and to approve the expansion of the 0.57 mgd Delaware City wastewater treatment plant (WWTP) (also referred to as the Governor Bacon Health Center WWTP) to 0.6 mgd. The upgrade and expansion includes replacing the existing activated sludge treatment system featuring extended aeration and sand filters with an activated sludge treatment system incorporating membrane filtration. The project also includes replacing the existing chlorine contact disinfection system with UV disinfection. The WWTP will continue to discharge to Delaware River Water Quality Zone 5 at River Mile 60.6, in Delaware City, New Castle County, DE.

13. *PSEG, D-1978-057 CP-2.* An application to renew the approval of an existing discharge of treated wastewater from the 2.88 mgd Mercer Generating Station IWTP onsite by means of Outfall No. DSNWTPA, as well as a total discharge of up to 699.56 mgd of CCW, NCCW, boiler blowdown, reject water and stormwater from five other onsite outfalls (Outfalls Nos. DSN441B, DSN441C, DSN441D, DSN441E and DSN443A). The NJDEP has designated two additional monitoring locations at the end of the discharge canal and recirculation canal and has labeled them Outfalls Nos. DSN441A and DSN442A, respectively. The discharge from all sources totals up to 702.44 mgd. The eight NJDEP-designated outfalls will continue to discharge CCW, NCCW, boiler blowdown, reject water, stormwater and treated industrial wastewater to Water Quality Zone 2 of the Delaware River at or near River Mile 130.16 in Hamilton Township, Mercer County, NJ, either directly or by means of a discharge canal or recirculation canal.

14. *Bath Borough, D-1988-051 CP-2.* An application to renew the approval of an existing 1.02 mgd Bath Borough

Authority (BBA) WWTP and to approve the replacement of that facility with a new 2.0 mgd WWTP constructed on the same parcel, adjacent to the existing WWTP. The site of the existing and proposed WWTPs is located within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as SPW. Treated effluent from the existing BBA WWTP will continue to discharge to Monocacy Creek at River Mile 183.66—11.5—13.2 (Delaware River—Lehigh River—Monocacy Creek) by means of Outfall No. 001, in Bath Borough, Northampton County, PA.

15. *Upper Gwynedd Township, D-1991-088 CP-7.* An application to modify the service area of the existing Upper Gwynedd WWTP to accept an annual average flow of 0.43 mgd from the service area of the existing North Wales Water Authority (North Wales) WWTP, which is proposed to be abandoned as part of the project. The Upper Gwynedd WWTP treatment facilities will not be modified as a result of the project because the 6.5 mgd Upper Gwynedd WWTP has the capacity to treat the additional 0.43 mgd of flow from the North Wales WWTP service area without modification to the treatment facilities, however the project does include the construction of appurtenant facilities for the interconnection, including gravity sewers and redundant and emergency pumping at the Upper Gwynedd WWTP. The Upper Gwynedd WWTP will continue to discharge to the Wissahickon Creek, a tributary of the Schuylkill River, at River Mile 92.5—12.8—12.7 (Delaware River—Schuylkill River—Wissahickon Creek) in North Wales Borough and Upper Gwynedd Township, Montgomery County, PA.

16. *Bridgeport Disposal, LLC, D-1993-063-3.* An application to renew and update the approval of the existing Bridgeport Disposal IWTP approved by the Commission on July 19, 2006, D-1993-063-2, which expired on September 30, 2010. The update includes modifying the Commission approval to reflect the current projected long-term average flow of 0.61 mgd. No modifications to the IWTP facilities are proposed. The former commercial hazardous waste treatment facility currently includes an onsite biological treatment system and a groundwater and leachate treatment system. The facility discharges through a subsurface diffuser to Raccoon Creek, a tidal tributary of Water Quality Zone 4 of the Delaware River, in Logan Township, Gloucester County, NJ.

17. *Delaware Water Gap Borough, D-1997-032 CP-2.* An application to renew the approval of an existing GWD of up to 11.0 mgm to supply the applicant's public water supply system from existing Wells Nos. 4, 6 and 7 in the Poxono Island and Bloomsburg Formations. The proposed allocation is smaller than the previous allocation of 15.5 mgm. The wells are located in the Delaware River and Cherry Creek Watersheds within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which is classified as SPW, in Delaware Water Gap Borough, Monroe County, PA.

18. *Deposit Village, D-1999-064 CP-2.* An application to renew the approval of an existing groundwater withdrawal project to supply up to 15.5 mgm of water to the applicant's public water supply system from Wells Nos. 1, 2, 4 and 5. Project wells (Wells Nos. 1, 2 and 4) are screened in glacial outwash deposits and Well No. 5 is cased into the Devonian-age Upper Walton Formation. The wells are located in the West Branch Delaware River Watershed in the Village of Deposit, Broome and Delaware Counties, NY, within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as SPW.

19. *Collegetown-Trappe Joint Public Works Department, D-2000-057 CP-2*. An application to renew the approval of an existing GWD and to increase the withdrawal allocation from 31 mgm to 33.7 mgm to supply the applicant's public water supply from existing Wells Nos. CT-1, CT-3—CT-5, CT-6A, CT-7—CT-12, CT-14 and CT-15, completed in the Brunswick Formation. The Collegetown-Trappe Joint Public Works Department serves customers in the Boroughs of Collegetown and Trappe in Montgomery County. The project is located within the Commission's designated GWPA in Little Perkiomen Creek Watersheds in Collegetown and Trappe Boroughs, Montgomery County, PA.

20. *Westfall Township Municipal Authority, D-2002-023 CP-4*. An application to renew the approval of an existing discharge from the 0.374 mgd Westfall Township Municipal Authority WWTP and to approve the replacement of the six existing equalization tanks at the head of the current treatment train with a dual chamber equalization tank of equivalent capacity and to demolish the existing extended aeration tanks removed from service several years ago. The existing WWTP is located within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as SPW. The existing WWTP will continue to discharge to the Delaware River in Water Quality Zone 1C at River Mile 252.5 in Westfall Township, Pike County, PA. The Commission approved an emergency certificate for this project on December 19, 2011.

21. *Nestle Waters North America, Inc., D-2002-045-2*. An application to renew the approval of an existing GWD of up to 7.23 mgm to supply the applicant's bottled water facility from Well No. PW-1 and to include the importation of 23.219 mgm of water from three additional water sources located in the Susquehanna and Potomac River Basins. The bottled water facility and project well are located in the Iron Run Watershed within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as SPW in Upper Macungie Township, Lehigh County, PA.

22. *Riverton Borough, D-2004-014 CP-2*. An application to renew the approval of an existing discharge from the 0.22 mgd Riverton Borough WWTP. The applicant does not propose any modifications to the existing WWTP, however the Commission's approval by Docket No. D-2004-014 CP expired on May 27, 2009. The WWTP will continue to discharge to Water Quality Zone 3 at River Mile 108.76—0.1 (Delaware River—Pompeston Creek), in the Borough of Riverton, Burlington County, NJ.

23. *Cott Beverages, Inc., D-2007-006-2*. An application to renew the approval of an existing discharge and to approve the expansion of the 0.037 mgd Cott IWTP to 0.08 mgd and to eliminate the separate NCCW discharge. Treated effluent will continue to discharge to the West Branch Chester Creek at River Mile 82.93—8.37—6.30 (Delaware River—Chester Creek—West Branch Chester Creek) by means of Outfall No. 001, in Concord Township, Delaware County, PA.

24. *Mount Laurel Municipal Authority, D-2006-027 CP-1*. An application to approve a surface water withdrawal (SWWD) and treatment plant project to supply up to 186 mgm of water to the applicant's public water treatment plant and supply distribution system from new Intake No. 1 on a tidal portion of Rancocas Creek. The project is located in the North Branch Pennsauken and Rancocas Creeks watersheds in Mount Laurel Township, Burlington County, NJ.

25. *PSC Environmental Services, (PA), LLC (PSC), D-2011-009-1*. An application to approve an existing discharge from the 0.1 mgd PSC IWTP. The PSC IWTP pretreats wastewater that is conveyed to the Hatfield Township Municipal Authority WWTP for ultimate discharge to the West Branch of the Neshaminy Creek, in Hatfield Township, Montgomery County, PA.

26. *Callicoon Water Company, Inc., D-2011-012 CP-1*. An application to approve a GWD and SWWD of up to 8.46 mgm to supply the applicant's public water supply system from existing Wells Nos. Well-1 and Well-2 and existing Springs Nos. SP-1 and SP-2. The project is an existing withdrawal that was not previously reviewed and approved by the Commission. The project wells and springs are located in the Hamlet of Callicoon, Sullivan County, NY in the Callicoon Creek and Delaware River Watersheds within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as SPW.

27. *PSEG Nuclear, LLC, D-2011-017 CP-1*. An application to modify the outfall for the existing PSEG Nuclear, LLC Salem Generating Station Cooling Water Intake Screen backwash discharge, including the construction of an approximately 650-foot long 48-inch diameter high density polyethylene outfall pipe extending along the bottom of the Delaware River to a point 600 feet offshore and appurtenant structures. No modifications are proposed to the existing NCCW outfall for the generating station, which is approved by a separate Commission docket. The existing facility will continue to discharge to Water Quality Zone 5 of the Delaware River at River Mile 50, in Lower Alloways Creek Township, Salem County, NJ. The Commission approved an emergency certificate for this project on December 22, 2011.

28. *Meadowlands Country Club, D-2011-024-1*. An application to approve a GWD of up to 4.0 mgm to supply the applicant's golf course irrigation system from existing Well No. 10, Pump House Well and Maintenance Well completed in the Brunswick Formation. The wells are located within the Commission's designated GWPA in the Stony Creek Watershed in Whippany Township, Montgomery County, PA.

In addition to the hearings on draft dockets, a public hearing also will be held during the 1:30 p.m. business meeting on a resolution authorizing the Executive Director to extend the Commission's agreements with Axyx Analytical Services, Ltd. for the analysis of ambient water, wastewater and sediment samples (agreement of July 2010) and fish tissue samples (agreement of September 2006) in connection with the control of certain toxic substances in the Delaware Estuary.

Other Agenda Items. Other agenda items consist of the standard business meeting items: adoption of the Minutes of the Commission's December 8, 2011 business meeting; announcements of upcoming meetings and events; a report on hydrologic conditions; and reports by the Executive Director and the Commission's General Counsel.

Opportunities to Comment. Individuals who wish to comment for the record on a hearing item or to address the Commissioners informally during the public dialogue portion of the meeting are asked to sign up in advance by contacting Paula Schmitt of the Commission staff, at paula.schmitt@drbc.state.nj.us or (609) 883-9500, Ext. 224. Written comment on items scheduled for hearing may be submitted in advance of the meeting date to the Commission Secretary, P. O. Box 7360, 25 State Police Drive, West Trenton, NJ 08628, faxed to Commission

Secretary, DRBC at (609) 883-9522 or paula.schmitt@drbc.state.nj.us. Written comment on dockets should also be furnished directly to the Project Review Section at the previously listed address or fax number or william.muszynski@drbc.state.nj.us.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act of 1990 who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission can accommodate their needs.

Agenda Updates. Note that conference items are subject to change and items scheduled for hearing are occasionally postponed to allow more time for the Commission to consider them. Check the Commission's web site drbc.net, closer to the meeting date for changes that may be made after the deadline for filing this notice.

PAMELA M. BUSH, Esq.,
Secretary

[Pa.B. Doc. No. 12-332. Filed for public inspection February 24, 2012, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, actions and special notices

APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

I. NPDES Renewal Applications

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> |
|-----------------------------|--|---|--|----------------------------|
| PA02488452 (Sew) | Paul Gettel 1107 Enola Road Carlisle, PA 17013 | Cumberland County North Middleton Township | UNT Wertz Run / 7B | Y |
| PA084077 (Sew) | Snake Spring Township Municipal Authority 624 Pennknoll Road Everett, PA 15537-6945 | Bedford County Snake Spring Township | Raystown Branch Juniata River / 11-C | 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

PA0010961, SIC Code 3452, **SPS Technologies, LLC**, 301 Highland Avenue, Jenkintown, PA 19046-2630. Facility Name: SPS Technologies, LLC. This existing facility is located in Abington Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated ground water and storm water.

The receiving stream(s), Tacony Creek and Unnamed Tributary to Tacony Creek, is located in State Water Plan watershed 3-J 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 002, 006, 007, 008 and 009 are based on storm water are as follows:

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|------------------------|----------------------------|--------------------------|--------------------------|-----------------------------|--------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Inst. Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| pH (S.U.) | XXX | XXX | XXX | XXX | Report | XXX |
| CBOD ₅ | XXX | XXX | XXX | XXX | Report | XXX |
| Chemical Oxygen Demand | XXX | XXX | XXX | XXX | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |
| Total Aluminum | XXX | XXX | XXX | XXX | Report | XXX |
| Total Chromium | XXX | XXX | XXX | XXX | Report | XXX |
| Total Copper | XXX | XXX | XXX | XXX | Report | XXX |
| Total Iron | XXX | XXX | XXX | XXX | Report | XXX |
| Total Lead | XXX | XXX | XXX | XXX | Report | XXX |
| Total Zinc | XXX | XXX | XXX | XXX | Report | XXX |

The proposed effluent limits for Outfall 004 are based storm water as follows:

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|------------------------|----------------------------|--------------------------|-----------------------------|-----------------------------|--------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| pH (S.U.) | XXX | XXX | XXX | XXX | Report | XXX |
| CBOD ₅ | XXX | XXX | XXX | XXX | Report | XXX |
| Chemical Oxygen Demand | XXX | XXX | XXX | XXX | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | XXX | Report | XXX |
| Total Aluminum | XXX | XXX | XXX | XXX | Report | XXX |
| Total Chromium | XXX | XXX | XXX | XXX | Report | XXX |
| Total Copper | XXX | XXX | XXX | XXX | Report | XXX |
| Total Iron | XXX | XXX | XXX | XXX | Report | XXX |
| Total Lead | XXX | XXX | XXX | XXX | Report | XXX |
| Total Zinc | XXX | XXX | XXX | XXX | Report | XXX |

The proposed effluent limits for Outfall 004, at internal monitoring point are based on a design flow of 0.086 MGD of treated ground water as follows:

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------|----------------------------|--------------------------|-----------------------------|-----------------------------|--------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |

| | | | | | | |
|--------------------|-----|-----|-----|-------|-------|-------|
| Oil and Grease | XXX | XXX | XXX | 15 | 30 | 30 |
| 1,2-Dichloroethane | XXX | XXX | XXX | 0.007 | 0.011 | 0.017 |
| Trichloroethylene | XXX | XXX | XXX | 0.013 | 0.020 | 0.032 |

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

- Additional Requirement for Storm Water

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.

PA0244589, SIC Code 4952, **Linh Quang Buddhist Temple**, 821 Ridge Road, Telford, PA 18969. Facility Name: Linh Quang Buddhist Temple. This proposed facility is located in Salford Township, **Montgomery County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage from the Linh Quang Buddhist Temple

The receiving stream(s), Unnamed Tributary to Ridge Valley Creek, is located in State Water Plan watershed 3-E and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.000705 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-----------------------------|-----------------|---------------|---------------|----------------------|---------------|------------------|
| | Average Monthly | Daily Maximum | Inst. Minimum | Average Monthly | Daily Average | Instant. Maximum |
| Flow (MGD) | 0.000705 | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 6.0 | XXX | XXX | XXX |
| CBOD ₅ | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Nitrate-Nitrite as N | XXX | XXX | XXX | Report | XXX | XXX |
| Total Nitrogen | XXX | XXX | XXX | 20.0 | XXX | 40.0 |
| Ammonia-Nitrogen | XXX | XXX | XXX | 5.0 | XXX | 10.0 |
| Total Phosphorus | XXX | XXX | XXX | 2.0 | XXX | 4.0 |

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

- Compliance of O & M Agreement

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.

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

PA0031127, Sewage, SIC Code 4952, **Borough of Northampton**, 1401 Laubach Avenue, Northampton, PA 18067-1677. Facility Name: Borough of Northampton WWTP. This existing facility is located in Northampton Borough, **Northampton 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), Hokendauqua Creek, is located in State Water Plan watershed 2-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-----------------------------|-----------------|----------------|---------|----------------------|----------------|------------------|
| | Average Monthly | Weekly Average | Minimum | Average Monthly | Weekly Average | Instant. Maximum |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| | | Daily Max | | | | |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| CBOD ₅ | 312 | 500 | XXX | 25 | 40 | 50 |
| Total Suspended Solids | 375 | 563 | XXX | 30 | 45 | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | Geo Mean | XXX | 10,000 |
| Ammonia-Nitrogen | 182 | XXX | XXX | 2,000 | XXX | |
| | | | | Geo Mean | | |
| | | | | 14.5 | XXX | 29 |

The proposed effluent limits for Outfall 002 are based on a design flow of 0.000000 MGD.

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

The proposed effluent limits for Outfall 003 are based on a design flow of 0.000000 MGD.

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

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

- WETT
- Stormwater

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

The EPA Waiver is not in effect.

PA0027235, Sewage, SIC Code 4952, **Easton Area Joint Sewer Authority**, 50-A South Delaware Drive, Easton, PA 18042. Facility Name: Easton Area Joint Sewer Authority WWTP. This existing facility is located in City of Easton, **Northampton 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), Delaware River and Delaware Canal, are located in State Water Plan watershed 2-C and are 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 10.000000 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-----------------------------|------------------------|-----------------------|----------------|-----------------------------|-----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Residual Chlorine | XXX | XXX | XXX | 0.84 | XXX | 2.0 |
| CBOD ₅ | 2,085 | 3,336 | XXX | 25.0 | 40.0 | 50.0 |
| Total Suspended Solids | 2,502 | 3,753 | XXX | 30.0 | 45.0 | 60.0 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Ammonia-Nitrogen | 1,668 | XXX | XXX | Geo Mean 20.0 | XXX | 40.0 |

The proposed effluent limits for Stormwater Outfalls # 002 & #003 are based on a design flow of 0.000000 MGD*.

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

• These outfalls are also authorized to receive emergency sewage discharges during extremely high river levels that preclude usage of Outfall #001, but are subject to Outfall #001 effluent limits during that emergency discharge.

The proposed effluent limits for Stormwater-only Outfall 004 are based on a design flow of 0.000000 MGD.

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

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

- Required Chronic WET Testing prior to next permit renewal, TRC condition defining “shift” and “Plant Operator of Record”, Pretreatment Program Implementation, and Stormwater Associated with Industrial Activity.

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

The EPA Waiver is not in effect.

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

PA0261637, SIC Code 9999, **NGK Metals Corp**, 917 Highway 11 South, Sweetwater, TN 37874. Facility Name: NGK Metals Manufacturing. This facility is located in Muhlenberg Township, **Berks County**.

The following notice reflects changes to the notice published in November 26, 2011 in the *Pennsylvania Bulletin*, for an increase in design flow from 0.13 MGD to 0.17 MGD and a decrease in the Total Dissolved Solids limits.

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

The receiving stream(s), Laurel Run, is located in State Water Plan watershed 3-C and is classified for aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002:

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | Instant. Maximum |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Suspended Solids | 42.5 | 85.1 | XXX | 30 | 60 | 75 |
| Total Dissolved Solids | 1,418 | 2,836 | XXX | 1,000 | 2,000 | 2,500 |
| Total Beryllium | 0.038 | 0.077 | XXX | 0.027 | 0.054 | 0.067 |
| Total Cadmium | 0.004 | 0.008 | XXX | 0.003 | 0.006 | 0.007 |
| Hexavalent Chromium | 0.047 | 0.094 | XXX | 0.033 | 0.066 | 0.082 |
| Total Copper | 0.018 | 0.037 | XXX | 0.013 | 0.026 | 0.032 |
| Fluoride | 9.4 | 18.7 | XXX | 6.6 | 13.2 | 16.5 |
| 1,1,1-Trichloroethane | Report | Report | XXX | Report | Report | XXX |
| 1,1-Dichloroethylene | 0.0011 | 0.0023 | XXX | 0.0008 | 0.0016 | 0.002 |

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

The EPA Waiver is in effect.

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

PA0094269, Sewage, **James D. Sheridan**, 151 Adams Road, Gallitzin, PA 16641. Facility Name: Sheridan Small Flow STP. This existing facility is located in Gallitzin Township, **Cambria County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage from Sheridan Small Flow STP.

The receiving stream(s), Clearfield Creek, is located in State Water Plan watershed 8-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | Instant. Maximum |
|-----------------------------|-----------------|-----|---------|---------------------------|-----|------------------|
| | Average Monthly | | Minimum | Average Monthly | | |
| Flow (MGD) | 0.0004 | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Total Residual Chlorine | | | | Monitor and Report | | |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 as a geometric mean | XXX | 1000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 as a geometric mean | XXX | 10000 |

The EPA Waiver is in effect.

Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

PA0263940, Sewage, SIC Code 8800, **Renee Terrill**, 21466 State Highway 86, Cambridge Springs, PA 16403. Facility Name: Terrill SRSTP. This proposed facility is located in Woodcock Township, **Crawford County**.

Description of Proposed Activity: This application is for a new NPDES permit for a new discharge of treated sanitary wastewater from a single residence.

The receiving stream, an Unnamed Tributary to the Woodcock Creek, is located in State Water Plan watershed 16-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

PA0103446, Industrial Waste, SIC Code 4953, **Veolia ES Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846-1033. Facility Name: Veolia ES Greentree Landfill. This existing facility is located in Fox Township, **Elk County**.

Description of Existing Activity: This application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste. This is the third draft due to changes to the proposed effluent limitations from the second draft.

The receiving streams, Sawmill Run, Little Toby Creek, an Unnamed Tributary to Bear Run, an Unnamed Tributary to Little Toby Creek, and an Unnamed Tributary to Sawmill Run, are located in State Water Plan watershed 17-A and are classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.25 MGD.

| Parameters | Mass (lbs/day) | | | Concentration (mg/l) | | Instant. Maximum |
|------------------------|-----------------|---------------|---------|----------------------|---------------|------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6 | XXX | XXX | 10 |
| BOD ₅ | Report | Report | XXX | 53 | 163 | 163 |
| Total Suspended Solids | Report | Report | XXX | 31 | 60 | 77 |
| Total Dissolved Solids | 28,456 | 56,912 | XXX | Report | Report | Report |
| Osmotic Pressure | XXX | XXX | XXX | 1,170 | 2,340 | 2,925 |
| Oil and Grease | XXX | XXX | XXX | 50.2 | 205 | 205 |

| Parameters | Mass (lbs/day) | | | Concentration (mg/l) | | Instant. Maximum |
|-----------------------------|--------------------|------------------|---------|-------------------------------|------------------|---------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | Geo Mean 2,000 Geo Mean | XXX | 10,000 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | 52 | 104 | XXX | 25 | 50 | 62 |
| Nov 1 - Apr 30 | 156 | 312 | XXX | 75 | 150 | 186 |
| Color (Pt-Co Units) | | | | | | |
| Interim | Report | Report | XXX | Report | Report | Report |
| Final | Report | Report | XXX | 1,001 | 2,002 | 2,502 |
| Free Available Cyanide | | | | | | |
| Interim | Report | Report | XXX | Report | Report | Report |
| Final | 0.252 | 0.504 | XXX | 0.121 | 0.242 | 0.302 |
| Total Selenium | 0.241 | 0.483 | XXX | 0.116 | 0.232 | 0.290 |
| Total Arsenic | Report | Report | XXX | 0.104 | 0.162 | 0.260 |
| Total Antimony | 0.075 | 0.150 | XXX | 0.036 | 0.072 | 0.090 |
| Total Cadmium | 0.037 | 0.075 | XXX | 0.018 | 0.036 | 0.045 |
| Total Chromium | Report | Report | XXX | 3.07 | 15.5 | 15.5 |
| Total Cobalt | Report | Report | XXX | 0.124 | 0.192 | 0.310 |
| Total Copper | 1.555 | 3.110 | XXX | 0.746 | 1.492 | 1.865 |
| Total Lead | Report | Report | XXX | 0.283 | 1.32 | 1.32 |
| Total Mercury | 0.0012 | 0.0024 | XXX | 0.0006 | 0.0012 | 0.0015 |
| Total Nickel | Report | Report | XXX | 1.45 | 3.95 | 3.95 |
| Total Silver | Report | Report | XXX | 0.0351 | 0.120 | 0.120 |
| Total Tin | Report | Report | XXX | 0.12 | 0.409 | 0.409 |
| Total Titanium | Report | Report | XXX | 0.0618 | 0.0947 | 0.1545 |
| Total Vanadium | Report | Report | XXX | 0.0662 | 0.218 | 0.218 |
| Total Zinc | Report | Report | XXX | 0.42 | 0.497 | 1.05 |
| Phenol | Report | Report | XXX | 1.08 | 3.65 | 3.65 |
| 2,4,6-Trichlorophenol | Report | Report | XXX | 0.106 | 0.155 | 0.265 |
| Acetone | Report | Report | XXX | 7.97 | 30.2 | 30.2 |

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. 6788449 12-1, Sewerage, **Fairview Township**, 599 Lewisberry Road, New Cumberland, PA 17070-2399.

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

Description of Proposed Action/Activity: Application for the construction of new headworks and UV filtration system at the existing North wastewater treatment plant.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

| NPDES Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|---------------------|---|------------|-----------------------|------------------------|
| PAI01 461201 | Upper Merion Transportation Authority 175 West Valley Forge Road King of Prussia, PA 19406 | Montgomery | Upper Merion Township | Frog Run (WWF) |

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

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|------------------------|--|
| PAI024510007(1) | Wal-Mart Stores, Inc. 2001 S.E. 10th St. Bentonville, AR 72716 | Monroe | Coolbaugh Twp. | Polly's Run, HQ-CWF, MF |
| PAI024010004(4) | PPL Electric Utilities Corp. 2 N. Ninth St. Allentown, PA 18101 | Monroe | Middle Smithfield Twp. | Bushkill HQ-TSF, MF; Delaware River, WWF, MF; Sand Hill Creek, HQ-CWF, MF |

Southcentral Region: Watershed 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> |
|-------------------------|---|---------------|---------------------|-------------------------------------|
| PAI033112001 | Ian Salada The Pennsylvania State University Pennsylvania State University Office of Physical Plant, Design and Construction University Park, PA 16802 | Huntingdon | Barree Township | Shaver's Creek HQ/CWF, MF |
| PAI034412002 | William A. Capouillez McVeytown Community Local Mission Service Foundation 7630 Ferguson Valley Road McVeytown, PA 17051 | Mifflin | Oliver Township | Musser Run HQ/CWF, MF |
| PAI033612002 | Ben Stoltzfus 189 Soapstone Hill Road Peach Bottom, PA 17563 | Lancaster | Fulton Township | Little Conowingo Creek HQ/CWF |
| PAI033612001 | Keith Dussinger 142 Steinman Farm Road Pequea, PA 17565 | Lancaster | Martic Township | UNT Pequea Creek HQ/CWF |

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

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

| <i>Permit No.</i> | <i>Applicant & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Stream Name</i> |
|-------------------|---|---------------|-------------------------|-------------------------------|
| PAI056512002 | Ed Vangura JVC 10, LLC 14431 Route 30 North Huntingdon, PA 15642 | Westmoreland | Murrsville Municipality | UNT to Steels 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> |
|--|---------------|--------------------|--------------------------------|-----------------------|---|---------------------|
| Will-O-Bett Farm 137 Bomboy Lane Berwick, PA 18603 | Luzerne | 23.9 | 722.92 | Swine Beef Goat | N/A | New |

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 6412501, Public Water Supply.
 Applicant **Aqua Pennsylvania, Inc.**
 [Township or Borough] Canaan Township
Wayne County

Responsible Official Roswell S. McMullen
 Manager of Special Projects
 Aqua Pennsylvania, Inc.
 1775 North Main Street
 Honesdale, PA 18431

Type of Facility Community Water System

Consulting Engineer Douglas E. Berg, PE
 Entech Engineering, Inc.
 4 South 4th Street
 P. O. Box 32
 Reading, PA 19603
 610-373-6667

Application Received Date January 25, 2012

Description of Action Application for construction of a new well and well station with associated chemical treatment facilities to serve the Aqua Pennsylvania, Inc. SCI Waymart water system.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 6612501MA, Minor Amendment.

Applicant **Aqua Pennsylvania, Inc.**
 1 Aqua Way
 White Haven, PA 18661

[Township or Borough] Factoryville Borough
Wyoming County

Responsible Official Patrick Burke
 Regional Manager

Type of Facility Public Water Supply

Consulting Engineer Mr. Peter Lusardi, P.E.
 CET Engineering Services
 1240 N. Mountain Road
 Harrisburg, PA 17112

Application Received Date 02/06/2012

| | |
|--|--|
| Description of Action | This project provides for the removal of post phosphate treatment that was previously added for general corrosion control purposes. |
| Application No. 5812501MA, Minor Amendment. | |
| Applicant | Village of Four Seasons Association |
| [Township or Borough] | Herrick Township, Susquehanna |
| Responsible Official | Mr. John Gorel Executive Manager 199 Ralph Lomma Way Union Dale, PA 18470 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Mr. Michael Goodwin, P.E. Milnes Engineers 12 Frear Hill Road Tunkhannock, PA 18657 |
| Application Received Date | 2/2/12 |
| Description of Action | This project provides for the construction of a chlorine contact main consisting of 26 LF of 24-in diameter pipe to provide additional detention time to meet the requirements of the Ground Water Rule. |

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

Pike County Public Library, 150 East Harford Street, Milford Borough, **Pike County**. Martin P. Gilgalon, Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 has submitted a Notice of Intent to Remediate on behalf of his client, Pike County Public Library, 201 Broad Street, Milford, PA 18337, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 2,000-gallon underground storage tank, which was discovered when constructing building footers/foundations for the new library. The site formerly housed a hotel/restaurant, which burned down. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standard for soil. A summary of the Notice of Intent to Remediate is expected to be published in the *Pocono Record* sometime in the near future.

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

Ruth Gingrich Residence, 610 North Lincoln Street, Palmyra, PA 17078, Borough of Palmyra, **Lebanon County**. ARM Group, Inc., PO Box 797, Hershey, PA 17033, on behalf of Ruth Gingrich, c/o Carol Gabriel, POA, 42 Valley Stream Place, Barnegat, NJ 08005, submitted a Notice of Intent to Remediate site soils contaminated with heating oil. The site will be remediated to the Residential Statewide Health Standard.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application 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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit Application No. 101680. Waste Management Disposal Service of Pennsylvania Inc., 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification application seeks approval for an alternate leachate sump house design as well as alternate methods to access the leachate sump house at the GROWS North Landfill, a municipal waste landfill located in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on January 30, 2012.

Permit Application No. 101680. Waste Management Disposal Services of Pennsylvania, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification application seeks approval for perimeter berm and tank area access ramp design changes at the GROWS North Landfill, a municipal waste landfill located in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on January 30, 2012.

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

58-329-037: Tennessee Gas Pipeline Co., 1001 Louisiana Street, Houston, TX 77002, for construction and operation of a natural gas fired simple cycle combustion turbine for their facility in Clifford Township, **Susquehanna County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue Plan Approval No. 58-329-037 to Tennessee Gas Pipeline Co., 1001 Louisiana Street, Houston, TX 77002, for their facility located in Clifford Township, Susquehanna County. The facility currently is minor facility operating under Permit No. 58-00001. This plan approval will be incorporated into the 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. 58-329-037 is for the construction and operation of a natural gas fired simple cycle combustion turbine at the facility located in Clifford Township, Susquehanna County. This combustion turbine will be used to move gas through the pipeline system. The proposed new turbine will be manufactured by Solar having model no. Taurus 70 capable of producing maximum output of 9,565 horsepower at ISO conditions (sea level elevation, 60% humidity, and 59 degrees F) with a corresponding heat input rating of 99.2 MMBtu/hr (at 1,050 Btu/Scf HHV natural gas). This turbine is a simple cycle gas combustion turbine and will utilize natural gas as a fuel.

The company has proposed to use Solar's lean-premixed dry low emissions system (SoLoNO_x) to provide the lowest NO_x emissions possible during normal operating conditions as a best available technology (BAT). The combustion and fuel systems are designed to reduce NO_x, CO and unburned hydrocarbons to attain NO_x emission level of 15 PPM and CO emission level of 25 PPM, corrected to 15% oxygen, and hydrocarbon at 25 PPM when burning natural gas. The company will operate the turbine for 8,760 hours annually.

The proposed source is subject to the various state and federal New Source Performance Standard (NSPS) requirements.

A review of the information submitted by the Tennessee gas Pipeline Co. indicates that the proposed project will meet all applicable state and federal NSPS air quality requirements. Based upon these findings, DEP plans to approve the application and issue a permit for the facility.

The following table summarizes the potential emissions from maximum operation of the turbine according to the application submitted and the Department's own analysis;

| <i>Pollutant</i> | <i>Total Project (TPY)</i> |
|---------------------|----------------------------|
| NO _x | 20.45 |
| CO | 27.81 |
| VOC | 11.85 |
| SO ₂ | 1.19 |
| PM/PM ₁₀ | 2.31 |
| Formaldehyde | 0.5 |
| Total HAPs | 0.56 |

The emissions of these pollutants are within all applicable emissions limitations and will not cause an exceedance of the National Ambient Air Quality Standards.

In order to assure compliance with the applicable standards, DEP will place conditions in the plan approval.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701.

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.: 58-329-037

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

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, P.E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, 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, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

29-05001B JLG Industries, Inc. (1 JLG Drive, McConnellsburg, PA 17233) for installation of a zeolite wheel concentrator and regenerative thermal oxidizer (RTO) at their McConnellsburg Lift Truck Plant in Ayr Township, **Fulton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project.

Plan Approval No. 29-05001B is for the installation of a zeolite wheel concentrator and a regenerative thermal oxidizer to replace an existing zeolite wheel concentrator and a recuperative thermal oxidizer to control the volatile organic compound (VOC) emissions generated from the operation of the Boom Line Spray Paint Booths (Sources 114 and 115). The spray booths have a potential to emit of 22.55 tons of VOC per year with a one-time increase of 5.63 tons of VOC per year as a result of the installation. The plan approval will contain monitoring, recordkeeping & work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

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

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

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

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

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

67-03132B: Voith Hydro, Inc. (P. O. Box 712, York, PA 17405) for construction of a surface coating operation consisting of two (2) spray paint areas at its facility in West Manchester Township, **York County**.

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

Plan Approval No. 67-03132B authorizes the construction of the abovementioned sources. Particulate matter (PM) emissions from the two (2) spray paint areas will be controlled by dedicated dry panel filters. The Plan Approval and Operating Permit will contain emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality

requirements. Estimated actual VOC, xylene and total HAP emissions from the proposed sources will be 8 TPY, 1 TPY and 3 TPY, respectively.

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

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

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

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

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

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

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

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

30-00109: Equitrans, LP, Rogersville Compressor Station (625 Liberty Ave., Pittsburgh, PA, 15222) located in Center Township, **Greene County**. The permittee has submitted an application for administrative amendment of its operating permit to revise the responsible official and permit contact information.

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

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

25-025S: General Electric Transportation—Erie Plant (2901 East Lake Road, Building 9-201, Erie, PA 16531) for construction of a new paint booth in Building 6 in Lawrence Park Township, **Erie County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the Title V operating permit at a later date.

This construction will result in emissions of ~ 0.035 tpy PM₁₀/PM_{2.5} and 6.06 tpy VOC. This Plan Approval will contain emission restriction, recordkeeping, reporting, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:

- Subject to 40 CFR 63 Subpart MMMM (National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products)
- Subject to 25 Pa. Code § 129.52
- Use of previously approved alternate recordkeeping requirements in lieu of 25 Pa. Code § 129.52(c)

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the following:

- Name, address and telephone number of the person submitting the comments
- Identification of the proposed plan approval [25-025S]
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

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

OPERATING PERMITS

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

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

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

09-00027: Fres-Co System USA, Inc. (3005 State Road, Telford, PA 18969) for renewal of the Title V Operating Permit in West Rockhill Township, **Bucks County**. The facility is primarily involved in commercial printing. Fres-Co operates boilers, Rotogravure and Flexographic presses. The renewal contains all applicable requirements including monitoring, recordkeeping and

reporting. The sources at this facility are subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64.

46-00047: Mueller Streamline Co.—dba Precision Tube Co. (287 Wissahickon Avenue, North Wales, PA 19454) for renewal of the Title V Operating Permit which will expire on April 24, 2012 in Upper Gwynedd Township, **Montgomery County**. This facility has been identified as a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments. The facility is major for Hazardous Air Pollutants (HAP) and Carbon Monoxide (CO). Facility wide HAP emissions from the use of methylene chloride (CAS No. 75-09-2 or dichloromethane) in two (2) batch vapor degreasers located at the plant exceed the 10 tons per year individual HAP threshold, and facility wide CO emissions created in atmosphere generators associated with two (2) annealing furnaces located at the plant exceed the 100 tons per year criteria pollutant threshold. The facility is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code, Chapter 127, Subchapter G. The two (2) emergency generators listed in Source ID 110 are subject to the requirements of 40 CFR Part 63 Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The two (2) batch vapor degreasers are subject to the requirements of 40 CFR Part 63 Subpart T—National Emission Standards for Halogenated Solvent Cleaning. Sources at the facility are not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64, and the facility is not subject to the Greenhouse Gas Requirements pursuant to the GHG Tailoring Rule, 40 CFR Parts 51, 52, 70, and 71, et al. There are no new sources at this facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

09-00089: American Cremation Services, Inc. (1859 Stout Drive, Warminster, PA 18974) for operation of two units of propane-fired human crematories located in Warwick Township, **Bucks County**. The permit is for a non-Title V (State only) facility. The renewal contains conditions including monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

38-05038: Grosfillex, Inc. (230 Old West Penn Ave, Robesonia, PA 19551-8904) for operation of three (3) automated paint lines and one R&D spray booth at their facility in North Lebanon Township, **Lebanon 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.

Potential emissions from the facility will be capped below major source levels for all criteria pollutants. 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.

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

36-03152A: Wenger's Feed Mill, Inc. (101 West Harrisburg Avenue, Rheems, PA 17570) for the operation of their soybean processing plant in West Donegal Township, **Lancaster County**. This is a renewal of their State-Only Operating Permit issued in 2007.

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

The subject facility has the potential to emit 2.1 tpy of CO, 3.6 tpy NO_x, 8.5 tpy PM₁₀, & 0.3 tpy VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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.

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

21-05050: Department of Navy (5450 Carlisle Pike, Building 305, Mechanicsburg, PA 17050) for operation of their Naval Support Activity Mechanicsburg facility in Hampden Township, **Cumberland County**.

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

The subject facility has actual annual emissions based on year 2010: 7.6 tons per year CO; 25.3 tons per year NO_x; 0.1 tons per year HAPs; 7.3 tons per year PM₁₀; 26.1 tons per year SO_x; & 1.5 tons per year VOCs. This synthetic minor facility has emission limits requiring actual emissions to remain below Title -V permitting thresholds. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

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

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

67-05115: ECORE International, Inc. (76 Acco Drive, York, PA 17404) for operation of their tire shredder and associated conveyor at their waste tire processing facility in York Township, **York County**.

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

The subject facility has potential annual emissions below Title-V permitting thresholds. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

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

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

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

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

04-00675: Aliquippa Terminals—Aliquippa River Terminal (100 Woodlawn Road, Aliquippa, PA 15001) for operation of a barge and rail unloading, loading and bulk commodity storage facility in Aliquippa (D) City, **Beaver County**.

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

The subject facility consists of a single dock for unloading barges with one excavator. Material is transferred by excavator bucket to a 400 ton per hour hopper where it is conveyed by a partial covered belt into a building; to trucks; or to an outside stockpile. Material transferred into the building or stockpiles is then transferred by excavator into trucks for delivery. The potential emissions from this type of operating are strongly dependent on the amount of material and its physical condition when handled. Implementation of good work practice standards will minimize the potential for fugitive emissions and remain under State Only Operating Permit limitations. The facility is required to conduct surveys of the site for fugitive emissions and malodors and must take all actions to prevent particulate matter from becoming airborne. The drop height from front-end loaders and clam shell bucket being used to stockpile, transfer, and load material

must be kept as short as possible to minimize dust emissions. Stockpiles must be kept as compact as possible to limit exposure to the wind. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

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

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

Identification of the proposed Operating Permit (04-00675).

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

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

32-00101: Halliburton Energy Services, Inc. (PO Box 42810, Houston, TX 77242) for oil and gas mining operations and support activities at the Indiana Plant in Homer City Borough, **Indiana County**. This is a State Only Operating Permit Renewal Application submittal.

03-00206: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201), Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Tracy Lynne Mine Coal Preparation Plant, located in Kiskiminetas Township, **Armstrong County**.

The facility contains air contamination sources consisting of screens, conveyers, storage piles, and one 755-bhp emergency diesel generator engine. Processed coal throughput of the facility is limited to 1,000,000 tons per year. Facility emissions are 6.69 tons per year of PM₁₀, 1.25 tons per year of NO_x, 0.15 tons per year of CO. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to state requirements as well as 40 CFR 60, Subpart Y—Standards of Performance for Coal Preparation, Processing Plants and 40 CFR 60, Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, and 40 CFR 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this State Only Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

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

Identification of the proposed Operating Permit (specify Operating Permit OP-03-00206), and

Concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

65-00630: Mine Safety Appliances (MSA) Company (P. O. Box 426 Pittsburgh, PA 15230-0426). On February 8, 2012, the Pennsylvania Department of Environmental Protection (DEP) issued State Only Operating Permit SOOP-65-00630 to authorize the continued operation of safety product manufacturing operations at the MSA Murrysville facility, located at 3880 Meadowbrook Road, Murrysville, **Westmoreland County**.

Facility-wide annual emissions are limited to 23.43 tons VOC, 7.64 tons combined HAPs, 3.9 tons PM₁₀, 9.01 tons NO_x, 1.7 tons CO and lesser quantities of other regulated pollutants. The facility is subject to the applicable requirements of 40 CFR 63, Subpart HHHHHH: NESHAP for Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources and 25 Pa. Code Chapters 121—145. The SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

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

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

25-01000: Advanced Mold Tech (2011 East 30th Street, Erie, PA 16510) for renewal of the State Only Operating Permit for the plating operations facility at 2004 West 16th Street in Erie City, **Erie County**. The sources at the facility include, decorative chrome electroplating (subject to 40 CFR Part 64 Subpart N), nickel electroplating (subject to 40 CFR Part 63 Subpart WWWWWW), copper electroplating, copper cyanide electroplating, metal preparation area and shotblast preparation (each preparation area controlled by its own dust collector). 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.

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

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

S12-039: Arway Linen and Uniform Rental. (1696 Foulkrod Street, Philadelphia, PA 19124) for operation of an industrial laundry facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 300 Horsepower Boilers, two (2) Clothes Dryers less than 3 MMBTU/hr, and one 300,000 BTU/hr Garment Tunnel.

The operating permit will be issued under 25 Pa. Code, 3 Philadelphia Code and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University

Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

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

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

Coal Applications Received

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

03961302 and NPDES No. PA0214990. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit for the TJS No. 4 Deep Mine in Plumcreek Township, **Armstrong County** to Rosebud Mining Company from TJS Mining, Inc. No additional discharges. The application was considered administratively complete on February 7, 2012. Application received: January 30, 2012.

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

11773037 and NPDES No. PA0069159. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a surface and auger mine in Conemaugh Township, **Cambria County**, affecting 358.7 acres. Receiving stream(s): UTS to/and Little Conemaugh classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 31, 2012.

11070101 and NPDES No. PA0262285. Bedrock Mines, LP, 111 Freeport Road, Pittsburgh, PA 15215, permit renewal for reclamation only of a bituminous surface mine in Elder Township, **Cambria County**, affecting 24.2 acres. Receiving stream(s): Chest Creek; Brubaker Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 27, 2012.

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

03070101 and NPDES Permit No. PA0251089. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Renewal application for reclamation only to an existing bituminous surface mine, located in Burrell Township, **Armstrong County**, affecting 120.1 acres. Receiving streams: unnamed tributaries to Crooked 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: February 2, 2012.

65-11-05 and NPDES Permit No. PA0252174. David L. Patterson, Jr. (12 Short Cut Road, Smithfield, PA 15478). Application for commencement, operation and reclamation of a Government Financed Construction Contract, located in Loyalhanna Township, **Westmoreland County**, affecting 9.5 acres. Receiving streams: Getty Run and unnamed tributaries to Getty Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: February 2, 2012.

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

22851304R5. S & M Coal Company, (1744 East Grand Avenue, Tower City, PA 17980), renewal of an existing anthracite underground mine operation in Wiconisco Township, **Dauphin County** affecting 4.98 acres, receiving stream: Wiconisco Creek, classified for the following use: cold water fishes. Application received: February 6, 2012.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

* The parameter is applicable at all times.

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

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

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

* The parameter is applicable at all times.

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

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

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit

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

Effluent Limits for Coal Mining Activities

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

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

limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

Effluent Limits for Noncoal Mining Activities

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

when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

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

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

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

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or

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

Coal NPDES Draft Permits

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

NPDES No. PA-0257818 (Mining permit no. 17110109), King Coal Sales, Inc., PO Box 172, Philipsburg, PA 16866, new NPDES permit for coal surface mine in Morris Township, **Clearfield County**, affecting 85.7 acres. Receiving stream(s): Hawk Run, classified for the following use(s): CWF. [Moshannon Creek TMDL] Application received: August 22, 2011.

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

The outfall(s) listed below discharge to: Hawk Run

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| SB-1 | Yes |
| SB-2 | Yes |
| SB-3 | Yes |
| TP-A | Yes |
| TP-B | Yes |

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

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|----------------|-----------------------|----------------------|-------------------------|
| pH ¹ (S.U.) | 6.0 | | | 9.0 |
| Iron (mg/l) | | XXX | XXX | XXX |
| Manganese (mg/l) | | XXX | XXX | XXX |
| Aluminum (mg/l) | | 0.75 | 1.5 | 1.9 |
| Alkalinity greater than acidity ¹ | | | | |
| Total Suspended Solids (mg/l) | | XXX | XXX | XXX |
| Osmotic Pressure (milliosmoles/kg) | | | | 50.0 |

¹ The parameter is applicable at all times.

Noncoal NPDES Draft Permits

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

NPDES No. PA0227293 (Permit No. 37960303), B & P Slag Corp. (19 Lattavo Drive, New Castle, PA 16105-3624) Renewal of an NPDES permit for a large industrial minerals surface mine in Union Township, **Lawrence County**, affecting 146.0 acres. Receiving streams: Mahoning River, classified for the following uses: WWF. TMDL: None. Application received: December 20, 2011.

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

The outfall(s) listed below discharge to Mahoning River:

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

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

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

NPDES No. PA0241792 (Permit No. 10000305). Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15212) Renewal of an NPDES permit for a large industrial minerals surface mine in Worth Township, **Butler County**, affecting 111.0 acres. Receiving streams: Black Run, classified for the following uses: CWF. TMDL: None. Application received: January 12, 2012. Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Black Run:

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

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

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

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

NPDES No. PA0257745 (Mining permit no. 59110301), Atlas Land & Royalty, Inc., 95 W. Wellsboro St., PO Box 467, Mansfield, PA 16933, new NPDES permit for Noncoal Surface Mine in Lawrence Township, **Tioga County**, affecting 17.1 acres. Receiving streams: Unnamed Tributary to the Tioga River and Tioga River, classified for the following uses: WWF, MF. Application received: June 29, 2011. Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfalls listed below discharge to Unnamed Tributary to the Tioga River and Tioga River:

| Outfall No. | New Outfall (Y/N) |
|-------------|-------------------|
| A | Y |
| B | Y |

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

NPDES No. PA0225240 on Surface Mining Permit No. 64122501. Tim Kohrs, (1031 Bethany Turnpike, Honesdale, PA 18431), new NPDES Permit for a sandstone operation in Texas Township, **Wayne County**, affecting 10.0 acres. Receiving streams: Orchard Brook, classified for the following use(s): HQ-cold water fishes and migratory fishes. Application received: December 28, 2011.

Non-discharge BMP's will apply to this site.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E40-724. Joe Thomas Construction, Inc., 57 North Mountain Boulevard, Mountaintop, PA 18707, in Fairview Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Taylor Estates Residential Development Project:

1. A road crossing of 0.20 acre of PFO wetlands within the Big Wapwallopen Creek Watershed (HQ-CWF) (Lat: 41° 09'32.5"; Long: -75°53'28.9").

2. A 325-foot long stream enclosure consisting of a 24-inch diameter smooth-lined corrugated polyethylene pipe (Lat: 41°09'32.5"; Long: -75°53'28.9").

3. An 8-inch diameter sanitary sewer line crossing of approximately 35 feet of wetlands (Lat: 41°09'38.8"; Long: -75°53'32.6").

4. A 15-inch diameter smooth-lined corrugated polyethylene stormwater pipe crossing of approximately 25 feet of wetlands (Lat: 41° 09'38.8"; Long: -75°53'32.6").

The project is located immediately north of the intersection of Woodland Avenue and Woodcrest Avenue (Wilkes-Barre West, PA Quadrangle Latitude: 41° 09' 33"; Longitude: -75° 53' 34") in Fairview Township, Luzerne County.

E45-569. RPM Realty Company, 410 Analomink Road, East Stroudsburg, PA 18301, in Hamilton Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the construction of a commercial development known as RPM Auto Park:

1. To construct and maintain a stormwater outfall to a tributary to McMichael Creek (EV, MF) consisting of a 24-inch diameter pipe, concrete headwall, riprap plunge pool and a 6-foot wide by 100-foot long riprap level spreader with a concrete weir.

2. To construct and maintain a stormwater outfall to a tributary to McMichael Creek (EV, MF) consisting of a 36-inch diameter pipe, concrete headwall and riprap outlet protection.

3. To construct and maintain a sanitary sewer line crossing of a tributary to McMichael Creek (EV, MF) consisting of two concrete encased pipes.

4. To remove the existing structure and to construct and maintain a road crossing of a tributary to McMichael Creek (EV, MF) consisting of an open-bottom concrete arch culvert having a 14-foot span and a 6-foot underclearance. Three utility line crossings of the stream, including a water main, a sanitary force main and an electrical duct, will be constructed over the culvert.

The project is located immediately southwest of the intersection of Business Route 209 (SR 2012) and SR 0033 (Saylorsburg, PA Quadrangle Latitude: 40° 57' 34"; Longitude: 75° 17' 15") in Hamilton Township, Monroe County.

E58-294. Buckeye Partners, L.P., 5002 Buckeye Road, Emmaus, PA 18049, in Lathrop Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To restore, stabilize and maintain a 90-foot reach of an UNT to Field Brook (CWF, MF) with the placement of articulating concrete revetment mats and five in-stream boulder structures creating a step-pool channel for the purpose of protecting an existing exposed 8-inch diameter petroleum pipeline.

The project is located approximately 800 feet southwest of the intersection of SR 2002 and Polovitch Road (Hop Bottom, PA Quadrangle Latitude: 41° 39' 19.4"; Longitude: -75° 49' 58.7") in Lathrop Township, Susquehanna County.

E13-170. Pennsylvania Game Commission, 2001 Elmerton Ave., Harrisburg, PA 17110-9797, in Penn Forest Township, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 14-foot wide steel beam bridge with a timber deck across an UNT to the Lehigh River (a/k/a Jimmy's Run) (HQ-CWF, MF), having a 31-foot span and a 4-foot underclearance. The project is located in State Game Lands No 141 approximately 1.8 miles northeast of the intersection of US Route 209 and SR 93 (Weatherly, PA Quadrangle Latitude: 40° 53' 24.5"; Longitude: -75° 46' 05.5") in Lehigh Township, Carbon County.

E45-572. Pocono Mountains Municipal Airport Authority, P. O. Box 115, Mount Pocono, PA 18344-0115, in Coolbaugh Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To fill 0.22 acre of wetlands (EV) within the Red Run Watershed (HQ-CWF, MF) for the purpose of extending an airport runway. The project is located approximately 4,900 feet northwest of the intersection of SR 0940 and SR 0611 (Buck Hill Falls, PA Quadrangle Latitude: 41° 08' 03.1"; Longitude: -75° 22' 26.0") in Coolbaugh Township, Monroe County.

E52-234. Fran Stoveken, 104 Court Lane, Dingmans Ferry, PA 18328, in Delaware Township, **Pike County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 12-foot wide steel beam private bridge with a timber deck across Dingmans Creek (HQ-CWF, MF), having a 52-foot span and a 5-foot underclearance.

The project is located on the south side of SR 2004 (Silver Lake Road) near its intersection with Woodpecker Lane (Lake Maskenozha, PA-NJ Quadrangle Latitude: 41° 14' 52"; Longitude: -74° 56' 00") in Delaware Township, Pike County.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E17-470. Lawrence Township, PO Box 508, Clearfield, PA 16803. Mon 40, 41, and 42 Abandoned Mine Drainage Passive Treatment System and Reclamation Project, Lawrence Township, **Clearfield County**, ACOE Baltimore District (Clearfield, PA Quadrangle Latitude: 41° 1' 16"; Longitude: 78° 29' 24").

The applicant proposes to treat Abandoned Mine Drainage (AMD) from three seeps (Mon 40, 41, and 42) that are tributary to Montgomery Creek (Cold Water and Migratory Fishery). Montgomery Creek in this location is impaired due to low pH and high metals. As proposed, the system will collect the flows from the seeps in a mixing/equalization basin prior to flowing through a limestone channel. The water will then be treated in a sulfate reducing bioreactor, a settling basin, a horizontal flow limestone cell, and a final settling basin before being discharged to a mitigation wetland. The system will have a design flow of 125 gallons per minute and is designed to remove 280 lbs/day of acidity, 1 lb./day of iron, and 55 lbs/day of aluminum. The metals removed will be retained in the settling ponds and treated water should be able to support an aquatic community. The project is anticipated to result in downstream water quality improvements by reducing acidity, iron, and aluminum loadings. The project, as it stands, will result in 1.93 acres of wetlands to be permanently impacted during the construction of the system. Mitigation proposed includes onsite wetland creation and restoration totaling 0.13 acre. The total impact to the AMD channels is estimated to be 2,677 linear feet. Mitigation for the stream channel impact is improved water quality downstream of the treatment system. There will be approximately 9.54 acres of total earth disturbance. Reclamation of an unreclaimed highwall will take place upgradient of the Mon 40 discharge. Excess material from the construction of the treatment system will be used in the reclamation area resulting in a balance of cut and fill.

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

E02-1659. Allegheny County Sanitary Authority, 3300 Preble Avenue, Pittsburgh, PA 15233, Grand View Golf Associates, LP, 1000 Clubhouse Drive, North Braddock, PA 15104, and North Braddock Borough, 600 Anderson Street, North Braddock, PA 15104, North Braddock Borough, **Allegheny County**. ACOE Pittsburgh District.

Applicant proposes to construct, operate and maintain an abandoned mine discharge (AMD) collection and passive treatment system consisting of an AMD collection channel of approximately 350 ft., approximate 2650 ft. of discharge pipe, a treated AMD force main approximately 3,400 ft, and an AMD treatment system of approximately 0.61 acre with a stream impact of 630 ft. and 0.07 acre of wetland impacts. The proposed structures will be constructed in UNT's to Turtle Creek (TSF). The project is located at the Grandview Golf Club and in North Braddock along O'Connell Blvd (Braddock, PA quadrangle; N: 4.7 inches, W: 13.4 inches; Latitude: 40° 24' 02"; Longitude: 79° 50' 46").

E04-340. BAR Riverside, LLC., 1307 Third Street, Beaver, PA 15009. Bridgewater Borough, **Beaver County**. ACOE Pittsburgh District.

Applicant proposes to remove the existing docks and to construct and maintain a new dock along the right bank side of the Beaver River (WWF). The proposed docks will be approximately 900 feet long and approximately 175 feet wide. The docks are located approximately 4,500 feet upstream from the confluence of the Beaver River with the Ohio River (Beaver PA Quadrangle; N: 6.7 inches; W: 6.7 inches; Latitude: 40° 42' 36"; Longitude: 80° 17' 55")

E11-344. Patton Borough, PO Box 175, Patton, PA 16668. Borough of Patton, **Cambria County**. ACOE Pittsburgh District.

Applicant proposes to construct and maintain Phase III of the stream channel improvement project for the purpose of improving fish habitat and reduce stream bank erosion, by constructing a low flow channel and gravel bar removal in Chest Creek (CWF). The project includes construction of log faced stone deflectors, log deflectors, and modified mud sills. The project begins approximately 2100 feet downstream of S.R. 36 bridge and extends downstream for approximately 4000 linear feet within the limits of an existing flood control project. (Hastings, PA Quadrangle N: 2.35 inches; W: 2.0 inches; and Latitude: 40°38'17" ; Longitude: 78°38'22").

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335. Telephone: 814-332-6860

E62-08-003 Bear Lake Properties, Inc., 3000 Village Run Road, Wexford, PA 15090. Waterline and Brine Unloading Facility, in Columbus Township, **Warren County**, United States Army Corps of Engineers Pittsburgh District.

The applicant proposes to construct and maintain a 3-inch brine water line which will cross four (4) Palustine Emergent (PEM) wetlands and an Unnamed Tributary to Brokenstraw creek (CWF) in order to transport brine water from an offloading facility located at the corner of Stateline Road and Cornish Hill Road to two (2) injection wells located approximately 6,000 feet to the east and southeast (Columbus, PA Quadrangle N: 41° 59' 42"; W: -79° 31' 58.8") in Columbus Township, Warren County. The project will temporarily impact 0.93 acre of PEM wetland and 65 linear feet of stream channel.

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

E5729-022: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 85 linear feet of an unnamed tributary to Mill Creek (EV) (Overton, PA Quadrangle 41°33'22"N, 76°35'37"W);

(2) a 16 inch diameter gathering line impacting 36 linear feet of Mill Creek (EV) (Overton, PA Quadrangle 41°32'19 "N, 76°32'42"W);

The project will result in 121 linear feet of temporary stream impacts for the purpose of installing a gathering line for Marcellus well development.

E5829-018 Williams Field Services Company, LLC., 2800 Post Oak Blvd, Houston, TX 77056; Brooklyn and Dimock Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a natural gas gathering pipeline and timber mat crossing impacting 158 square feet of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle: Latitude 41° 45' 17"; Longitude -75° 51' 54"),

2. a natural gas gathering pipeline and timber mat crossing impacting 842 square feet of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle: Latitude 41° 45' 12"; Longitude -75° 51' 45"),

3. a natural gas gathering pipeline crossing impacting 4 lineal feet of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle: Latitude 41° 45' 12"; Longitude -75° 51' 03"),

4. a natural gas gathering pipeline crossing impacting 15 lineal feet of an unnamed tributary to Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle: Latitude 41° 45' 11"; Longitude -75° 51' 03"),

5. a natural gas gathering pipeline and timber mat crossing impacting 2,265 square feet of the Meshoppen Creek (CWF-MF) (Montrose East, PA Quadrangle: Latitude 41° 45' 13"; Longitude -75° 50' 53"),

6. a natural gas gathering pipeline and timber mat crossing impacting 0.09 acre of Palustrine Forested Wetlands (PFO) (Montrose East, PA Quadrangle: Latitude 41° 45' 12"; Longitude -75° 51' 43"),

7. a natural gas gathering pipeline and timber mat crossing impacting 0.26 acre of Palustrine Emergent Wetlands (PEM) (Montrose East, PA Quadrangle: Latitude 41° 45' 18"; Longitude -75° 50' 55"),

8. a natural gas gathering pipeline and timber mat crossing impacting 0.02 acre of Palustrine Emergent Wetlands (PEM) (Montrose East, PA Quadrangle: Latitude 41° 45' 13"; Longitude -75° 50' 53"),

9. a natural gas gathering pipeline and timber mat crossing impacting 0.13 acre of Palustrine Forested Wetlands (PFO) (Montrose East, PA Quadrangle: Latitude 41° 45' 13"; Longitude -75° 50' 46").

All for the purpose of constructing, operating, and maintaining approximately 0.1 mile of eight-inch and 1.9 miles of ten-inch diameter steel natural gas pipeline; within a 75 foot right of way (50 foot permanent). The project will impact 3,265 square feet of temporary stream impacts and 19 lineal feet of stream crossing width. The project will impact 0.28 acre of temporary wetlands impacts and 0.22 acre of permanent forested wetlands conversion. Wetlands mitigation will be determined by the Department during the review of the project.

E5829-019 Williams Field Services Company, LLC., 2800 Post Oak Blvd, Houston, TX 77056; Brooklyn Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a natural gas gathering pipeline and timber mat crossing impacting 2,621 square feet of an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle: Latitude 41° 46' 05"; Longitude -75° 49' 24"),

2. a natural gas gathering pipeline and timber mat crossing impacting 2,005 square feet of the Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle: Latitude 41° 45' 59"; Longitude -75° 49' 05"),

3. a natural gas gathering pipeline and timber mat crossing impacting 620 square feet of an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle: Latitude 41° 45' 57"; Longitude -75° 48' 32"),

4. a natural gas gathering pipeline crossing impacting 50 lineal feet of an unnamed tributary to Hop Bottom Creek (CWF-MF) (Montrose East, PA Quadrangle: Latitude 41° 45' 48"; Longitude -75° 48' 08"),

5. a natural gas gathering pipeline and timber mat crossing impacting 0.32 acre of Palustrine Emergent Wetlands (PEM) (Montrose East, PA Quadrangle: Latitude 41° 46' 15"; Longitude -75° 49' 41"),

6. a natural gas gathering pipeline and timber mat crossing impacting 0.83 acre of Palustrine Emergent Wetlands (PEM) (Montrose East, PA Quadrangle: Latitude 41° 46' 00"; Longitude -75° 49' 08"),

7. a natural gas gathering pipeline and timber mat crossing impacting 0.12 acre of Palustrine Scrub Shrub Wetlands (PSS) (Montrose East, PA Quadrangle: Latitude 41° 43' 57"; Longitude -75° 49' 40"),

8. a timber mat crossing impacting 0.04 acre of Palustrine Emergent Wetlands (PEM) (Montrose East, PA Quadrangle: Latitude 41° 43' 57"; Longitude -75° 49' 29"),

9. a natural gas gathering pipeline and timber mat crossing impacting 0.02 acre of Palustrine Emergent Wetlands (PEM) (Montrose East, PA Quadrangle: Latitude 41° 44' 08"; Longitude -75° 48' 59").

All for the purpose of constructing, operating, and maintaining approximately 1.7 mile of ten-inch and 0.3 miles of twelve-inch diameter steel natural gas pipeline; within a 75 foot right of way (50 foot permanent). The project will impact 5,296 square feet of temporary stream impacts and temporarily impact 1.33 acres of wetlands.

E5829-020 Williams Field Services Company, LLC., 2800 Post Oak Blvd, Houston, TX 77056; Harford and Lenox Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a natural gas gathering pipeline and timber mat crossing impacting 210 square feet of an unnamed tributary to Martins Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 51"; Longitude -75° 44' 43"),

2. a timber mat crossing impacting 212 square feet of an unnamed tributary to Martins Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 51"; Longitude -75° 44' 44"),

3. a natural gas gathering pipeline and timber mat crossing impacting 588 square feet of an unnamed tributary to Millard Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 36"; Longitude -75° 44' 27"),

4. a natural gas gathering pipeline and timber mat crossing impacting 380 square feet of an unnamed tributary to Millard Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 40"; Longitude -75° 44' 09"),

5. a natural gas gathering pipeline and timber mat crossing impacting 190 square feet of an unnamed tributary to Millard Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 27"; Longitude -75° 44' 12"),

6. a natural gas gathering pipeline and timber mat crossing impacting 180 square feet of Millard Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 17"; Longitude -75° 44' 01"),

7. a natural gas gathering pipeline and timber mat crossing impacting 306 square feet of Millard Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 07"; Longitude -75° 43' 54"),

8. a natural gas gathering pipeline and timber mat crossing impacting 0.12 acre of Palustrine Emergent Wetlands (PEM) (Lenoxville, PA Quadrangle: Latitude 41° 43' 52"; Longitude -75° 44' 31"),

9. a timber mat crossing impacting 0.03 acre of Palustrine Emergent Wetlands (PEM) (Lenoxville, PA Quadrangle: Latitude 41° 43' 35"; Longitude -75° 44' 31"),

10. a natural gas gathering pipeline and timber mat crossing impacting 0.03 acre of Palustrine Emergent Wetlands (PEM) (Lenoxville, PA Quadrangle: Latitude 41° 43' 40"; Longitude -75° 44' 09"),

11. a natural gas gathering pipeline and timber mat crossing impacting 0.08 acre of Palustrine Forested Wetlands (PFO) (Lenoxville, PA Quadrangle: Latitude 41° 43' 36"; Longitude -75° 43' 51"),

12. a natural gas gathering pipeline and timber mat crossing impacting 0.02 acre of Palustrine Emergent Wetlands (PEM) (Lenoxville, PA Quadrangle: Latitude 41° 43' 33"; Longitude -75° 43' 41"),

13. a natural gas gathering pipeline and timber mat crossing impacting 0.08 acre of Palustrine Emergent Wetlands (PEM) (Lenoxville, PA Quadrangle: Latitude 41° 43' 38"; Longitude -75° 43' 20"),

14. a timber mat crossing impacting 0.01 acre of Palustrine Emergent Wetlands (PEM) (Lenoxville, PA Quadrangle: Latitude 41° 43' 11"; Longitude -75° 43' 55").

All for the purpose of constructing, operating, and maintaining approximately 0.5 mile of eight-inch and 1.3 miles of ten-inch diameter steel natural gas pipeline; within a 75 foot right of way (50 foot permanent). The project will impact 2,066 square feet of temporary stream impacts, temporarily impacting 0.29 acre of wetlands, and permanently impacting 0.27 acre of wetlands. The Department will review wetland mitigation requirements.

E5829-021. Williams Field Services Company, LLC., 2800 Post Oak Blvd, Houston, TX 77056; Harford and Lenox Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a natural gas gathering pipeline and timber mat crossing impacting 78 square feet of an unnamed tributary to Partners Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 56"; Longitude -75° 42' 28"),

2. a natural gas gathering pipeline and timber mat crossing impacting 400 square feet of Partners Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 55"; Longitude -75° 42' 22"),

3. a natural gas gathering pipeline and timber mat crossing impacting 333 square feet of an unnamed tributary to Sterling Brook (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 58"; Longitude -75° 41' 42"),

4. a natural gas gathering pipeline and timber mat crossing impacting 324 square feet of an unnamed tributary to Sterling Brook (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 58"; Longitude -75° 41' 37"),

5. a natural gas gathering pipeline crossing impacting 22 lineal feet of Nine Partners Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 53"; Longitude -75° 40' 36"),

6. a timber mat crossing impacting 110 square feet of an unnamed tributary to Butler Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 53"; Longitude -75° 40' 36"),

7. a timber mat crossing impacting 22 square feet of an unnamed tributary to Partners Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 43' 53"; Longitude -75° 40' 33"),

8. a natural gas gathering pipeline and timber mat crossing impacting 0.31 acre of Palustrine Emergent Wetlands (PEM) (Lenoxville, PA Quadrangle: Latitude 41° 43' 57"; Longitude -75° 42' 24"),

9. a timber mat crossing impacting 0.01 acre of Palustrine Emergent Wetlands (PEM) (Lenoxville, PA Quadrangle: Latitude 41° 43' 57"; Longitude -75° 41' 42"),

10. a natural gas gathering pipeline and timber mat crossing impacting 0.04 acre of Palustrine Emergent Wetlands (PEM) (Lenoxville, PA Quadrangle: Latitude 41° 43' 58"; Longitude -75° 41' 37"),

11. a natural gas gathering pipeline crossing impacting 0.02 acre of Palustrine Emergent Wetlands (PEM) (Lenoxville, PA Quadrangle: Latitude 41° 43' 54"; Longitude -75° 40' 41"),

12. a natural gas gathering pipeline crossing impacting 0.01 acre of Palustrine Emergent Wetlands (PEM) (Lenoxville, PA Quadrangle: Latitude 41° 43' 55"; Longitude -75° 40' 39"),

13. a natural gas gathering pipeline crossing impacting 0.05 acre of Palustrine Emergent Wetlands (PEM) (Lenoxville, PA Quadrangle: Latitude 41° 43' 55"; Longitude -75° 40' 32").

All for the purpose of constructing, operating, and maintaining approximately 0.2 mile of eight-inch and 2.5 miles of twenty-inch diameter steel natural gas pipeline; within a 75 foot right of way (50 foot permanent). The project will impact 1,267 square feet of temporary stream impacts and 22 lineal feet of temporary stream impacts. The project will temporarily impact 0.44 acre of wetlands.

E0829-035: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Canton and Leroy Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 12 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 3,069 square feet (Dushore, PA Quadrangle, Latitude: 41°35'05", Longitude: -76°23'24"),

2. a 12 inch diameter natural gas line and a timber mat bridge impacting 40 linear feet of an unnamed tributary to South Branch Towanda Creek (CWF, MF) and adjacent Palustrine Emergent Wetland impacting 1,207 square feet (Dushore, PA Latitude: 41°35'10", Longitude: -76°23'28"),

3. a 12 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 656 square feet (Dushore, PA Quadrangle, Latitude: 41°35'10", Longitude: -76°23'33"),

4. a 12 inch diameter natural gas line and a timber mat bridge impacting 40 linear feet of an unnamed tributary to South Branch Towanda Creek (CWF, MF) and adjacent Palustrine Emergent Wetland impacting 1,997 square feet (Dushore, PA Latitude: 41°34'29", Longitude: -76°24'50"),

5. a 12 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 20,746 square feet (Dushore PA Quadrangle, Latitude: 41°34'27", Longitude: -76°24'49"),

6. a 12 inch diameter natural gas line and a timber mat bridge impacting 40 linear feet of South Branch Towanda Creek (CWF, MF) (Dushore, PA Latitude: 41°34'09" Longitude: -76°24'51"),

7. a 12 inch natural gas line and a timber mat bridge across a Palustrine Forested Wetland. Impacted Area: 523 square feet (Dushore, PA Quadrangle, Latitude: 41°34'07", Longitude: -76°24'52"),

8. a 12 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 720 square feet (Dushore, PA Quadrangle, Latitude: 41°34'04", Longitude: -76°24'52"),

9. a 6 inch diameter natural gas line and a timber mat bridge impacting 88 linear feet of an unnamed tributary to South Branch Towanda Creek (CWF, MF) (Dushore, PA Latitude: 41°33'56", Longitude: -76°24'58"),

10. a 6 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 720 square feet (Dushore, PA Quadrangle, Latitude: 41°34'04", Longitude: -76°24'52"),

11. a 6 inch diameter natural gas line and a timber mat bridge impacting 40 linear feet of an unnamed tributary to Lick Creek (EV, MF) (Dushore, PA Latitude: 41°33'47", Longitude: -76°25'49"),

12. a 6 inch natural gas line and a timber mat bridge across a Palustrine Forested Wetland (EV). Impacted Area: 494 square feet (Dushore, PA Quadrangle, Latitude: 41°33'48", Longitude: -76°25'53"),

13. a 6 inch diameter natural gas line and a timber mat bridge impacting 40 linear feet of an unnamed tributary to Lick Creek (EV, MF) (Dushore, PA Latitude: 41°33'47", Longitude: -76°26'01"),

14. a 6 inch diameter natural gas line and a timber mat bridge impacting 40 linear feet of an unnamed tributary to Lick Creek (EV, MF) (Dushore, PA Latitude: 41°33'46", Longitude: -76°26'01"),

15. a 6 inch diameter natural gas line and a timber mat bridge impacting 40 linear feet of an unnamed tributary to Lick Creek (EV, MF) (Dushore, PA Latitude: 41°33'36", Longitude: -76°26'12"),

16. a 6 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland (EV). Impacted Area: 791 square feet (Dushore, PA Quadrangle, Latitude: 41°33'36", Longitude: -76°26'14"),

The project will result in 368 linear feet or 8,509 square feet of temporary stream impacts, 32,805 square feet (0.75 acre) of PEM, and PFO temporary wetland impacts and 494 square feet (0.01 acre) of PFO permanent wetland impacts all for the purpose of installing a natural gas line with associated access roadways.

95-16-65420-018. Williams Production Appalachia, LLC, 1000 Town Center, Suite 130, Canonsburg, PA 15317. Project proposes to operate and maintain the Colwell Centralized Impoundment Dam as a centralized impoundment to collect and store flow-back water, for the use and re-use of hydraulic fracturing water, from wells in the area. (Franklin Forks, PA Quadrangle; Latitude: N 41° 55' 38", Longitude: W 75° 49' 47"), Franklin and Liberty Townships, **Susquehanna County**.

95-16-65420-017. Williams Production Appalachia, LLC, 1000 Town Center, Suite 130, Canonsburg, PA 15317. Project proposes to operate and maintain the Fiondi Centralized Impoundment Dam as a centralized impoundment to collect and store flow-back water, for the use and re-use of hydraulic fracturing water, from wells in the area. (Lawton, PA Quadrangle; Latitude: N 41° 50' 13", Longitude: W 76° 03' 22"), Middletown Township, **Susquehanna County**.

95-29-65420-016. Southwestern Energy Production Company, 2350 N. Sam Houston Parkway East, Suite 125, Houston, TX 77032. Project proposes to operate and maintain the Ransom Water Impoundment No. 2 as a centralized impoundment to collect and store flow-back water, for the use and re-use of hydraulic fracturing water natural gas wells in the area. (Lenoxville, PA Quadrangle; Latitude: N 41° 40' 19", Longitude: W 75° 40' 15"), Lenox Township, **Susquehanna County**.

95-29-65420-015. Southwestern Energy Production Company, 2350 N. Sam Houston Parkway East, Suite 125, Houston, TX 77032. Project proposes to operate and maintain the Ransom Water Impoundment No. 1 as a centralized impoundment to collect and store flow-back water, for the use and re-use of hydraulic fracturing water natural gas wells in the area. (Lenoxville, PA Quadrangle; Latitude: N 41° 40' 15", Longitude: W 75° 40' 13"), Lenox Township, **Susquehanna County**.

WATER QUALITY CERTIFICATIONS REQUESTS

Requests for Certification under section 401 of the Federal Water Pollution Control Act

Southeast Regional Office: Regional Water Management Program Manager, 2 East Main Street, Norristown, PA 19401, telephone (484) 250-5970.

Certification Request Initiated By: Department of the Army, Philadelphia District, Corps of Engineers, Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3391

Project Description/Location: This project involves the discharge of supernatant from the Fort Mifflin Confined Disposal Facility to the Schuylkill River. The project includes maintenance dredging of the Delaware River Main Channel, Philadelphia to the Sea, in areas between Allegheny Avenue (Philadelphia) and the Delaware Memorial Bridge. Dredging of spot shoals along the channel will be performed using the Federal dredge McFarland, and dredged material will be hydraulically offloaded to the Fort Mifflin Confined Disposal Facility. The requested approval will be in effect for five years, and will cover activities to be carried out at various times during that period.

Certification Request Initiated By: Sunoco, Inc. Marketing Headquarters, 10 Industrial Highway (3rd Floor), Lester, PA

Project Description/Location: This project involves the discharge of supernatant from the dewatering of dredged material to the Schuylkill River. The project includes maintenance dredging of fire water intake areas and service water intake areas. Approximately 2,000 cubic yards of sediment will be removed and dewatered at the Sunoco Philadelphia Refinery site, prior to being properly disposed. Sediments will settle and separate from water to make a dry bulk material, and the supernatant will be returned to the Schuylkill River.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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> |
|-----------------------------|---|--------------------------------------|--------------------------------------|-----------------------------|
| PA0085910 (Sew) | Beth A. Yohe 1050 Drager Road Columbia, PA 17512 | Lancaster County Rapho Township | Little Chickies Creek / 7-G | Y |
| PA0087378 (IW) | Randall Quinn Letterkenny Army Depot 1 Overcash Avenue Chambersburg, PA 17201 | Franklin County Greene Township | Conodoguinet Creek / 7-B | Y |
| PAS203503 (Stormwater) | Greg Holland Mueller Water Products 1200 Abernathy Road NE Suite 1200 Atlanta, GA 30328 | Franklin County Antrim Township | UNT Muddy Run / 13-C | Y |

| <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> |
|---|---|---|--------------------------------------|-----------------------------|
| PA0014621 (IW) | United Water PA, Inc. (Sixth Street Water Plant) 4211 E. Park Circle Harrisburg, PA 17111-2806 | Dauphin County Susquehanna Township | Susquehanna River / 3-C | Y |
| <i>Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745</i> | | | | |
| <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> |
| PA0093718 Sewage | Sugarcreek Elementary School RR 1, Box 261 Cowansville, PA 16218 | Armstrong County Sugarcreek Township | UNT to Huling Run | Y |
| PA0046906 Sewage | Flaugherty Run STP 1000 Stoops Ferry Road Moon Township, PA 15108 | Allegheny County Moon Township | Ohio River | N |

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. PA0244198, Sewage, **Sang M. and Hasook Ha**, 2565 Wayland Road, Berwyn, PA 19312-2146.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 500 gpd of treated sewage from a facility known as Ha SRSTP to Unnamed Tributary to Crum Creek in Watershed 3-G.

NPDES Permit No. PA0056545, IW, **Huhtamaki Films, Inc.**, 2400 Continental Boulevard, Malvern, PA 19355-2326.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge stormwater from a facility known as Huhtamaki Films Malvern Facility to Little Valley Creek and an Unnamed Tributary to Little Valley Creek in Watershed 3-F.

NPDES Permit No. PA0051985, Sewage, **Horsham Water & Sewer Authority**, 617 Horsham Road, Horsham, PA 19044.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge an average annual flow of 1.0 mgd of treated effluent from a facility known as Park Creek STP to Park Creek in Watershed 2-F.

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

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

WQM Permit No. 0611403, Sewerage, **Exeter Township, Berks County**, Authority, 4975 DeMoss Road, Reading, PA 19606.

This proposed facility is located in Exeter Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction/replacement of 3,850 feet of existing 12-inch interceptor with an 18-inch interceptor between Manholes 204 and 219.

WQM Permit No. 2105402, Amendment 11-1, Sewerage, **Shippensburg Borough Authority**, PO Box 129, Shippensburg, PA 17257-0129.

This proposed facility is located in Shippensburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: This permit amendment approves the modification of sewage facilities consisting of: Upgrading the hydraulic capacity of the influent pumping, the addition of two influent screening systems, the upgrade of the 5 stage BNR to include integrated fixed film activated sludge (IFAS) system, upgrade of the tertiary filtration, upgrade to the ultraviolet disinfection system and miscellaneous sludge handling upgrades.

WQM Permit No. 6793408, Transfer No. 2, Sewerage, **Bret Goliheew**, 115 Griffith Lane, Manchester, PA 17435.

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

Description of Proposed Action/Activity: Transfer of Permit.

WQM Permit No. 2111403, Sewerage, **East Pennsboro Township**, 98 South Enola Drive, Enola, PA 17025.

This proposed facility is located in East Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the modification of sewage facilities consisting of the Southwest pumping station and force main and the South East Trunk Line.

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

WQM Permit No. WGG026134, Sewerage, **Hempfield Township Municipal Authority**, 1146 Woodward Drive, Greensburg, PA 15601

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

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

WQM Permit No. 6311401, Sewerage, **Consol PA Coal Co., LLC**, 1525 Pleasant Grove Rd., Claysville, PA 15323

This proposed facility is located in E. Finley Twp., **Washington Cnty.**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of an STP.

WQM Permit No. 0303403, Sewerage, **Rayburn Twp. Jt. Muni. Auth.**, PO Box 776, Kittanning, PA 16201

This proposed facility is located in Rayburn Twp., **Armstrong Cnty.**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of an expansion to STP and Sani. Sewers.

WQM Permit No. 6511405, Sewerage, **City of Jeannette Muni. Auth.**, PO Box 294, Penn, PA 15675

This proposed facility is located in the City of Jeannette, **Westmoreland Cnty.**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sewer lines.

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

WQM Permit No. 1679401, Sewage, **Amendment No. 1, Lake Lucy Sewage Association**, 1439 Lake Lucy Road, Tionesta, PA 16353-2409.

This existing facility is located in Washington Township, **Clarion County**.

Description of Proposed Action/Activity: Issuance of a permit amendment to modify the existing Sewerage treatment.

WQM Permit No. 1611401, Sewage, **Washington Township Municipal Authority**, PO Box 124, Fryburg, Pa 16326.

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

Description of Proposed Action/Activity: This permit approves the construction/operation of a new wastewater treatment plant. This will replace the existing treatment plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

| NPDES Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|------------------|---|----------|-------------------|--------------------------|
| PAI012306009-R | Halcyon Construction Co, Inc. PO Box 200 Chadds Ford, PA 19317-0200 | Delaware | Edgmtont Township | Rocky Run (HQ-CWF-MF) |

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 |
|------------------|---|--------|--------------------------------------|-------------------------------|
| PAI024504009R | LTS Development, LLC Seven Bridge Road RR 5, Box 5348 East Stroudsburg, PA 18301 | Monroe | Stroud Township | Brodhead Creek, HQ-CWF, MF |
| PAI024511017 | Arrowhead Sewer Company H.C. 88 Pocono Lake, PA 18347 | Monroe | Coolbaugh Twp. and Tobyhanna Twp. | Trout Creek, HQ-CWF, MF |

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717-705-4802.

| NPDES Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|------------------|--|--------|-------------------|-------------------------|
| PAI2030608019(1) | Bryan Miller East Penn Manufacturing Deka Road, PO Box 147 Lyon Station, PA 19536 | Berks | Richmond Township | Moselem Creek/HQ-CWF |

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

Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------------|---|
| PAI041711005 | PA DCNR Moshannon State Forest 3372 State Park Rd Penfield, PA 15849 | Clearfield | Lawrence & Pine Townships | Moose Creek HQ-CWF Lick Run HQ-CWF Fork Run HQ-CWF |
| | EOG Resources Inc 191 Beaver Dr DuBois PA 15801 | | | |

Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI046011001 | James W. Showers 767 Gray Hill Rd New Columbia, PA 17856 | Union | White Deer Township | White Deer Creek HQ-CWF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|--|---|
| PAI052611004 | National Pike Water Authority PO Box 10 Markleysburg, PA 15459 | Fayette | Stewart, Wharton, & Henry Clay Townships | Meadow Run, Deadman Run, Braddock Run, Fike Run, Pinkham Run (HQ-CWF) |

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

| | |
|-------------|--|
| PAG-1 | General Permit for Discharges from Stripper Oil Well Facilities |
| PAG-2 | General Permit for Discharges of Stormwater Associated with Construction Activities (PAR) |
| PAG-3 | General Permit for Discharges of Stormwater from Industrial Activities |
| PAG-4 | General Permit for Discharges from Small Flow Treatment Facilities |
| PAG-5 | General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems |
| PAG-6 | General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application |
| PAG-8 | General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage |
| PAG-9 | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site |
| PAG-9 (SSN) | Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage |
| PAG-10 | General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines |
| PAG-11 | (To Be Announced) |
| PAG-12 | CAFOs |
| PAG-13 | Stormwater Discharges from MS4 |

General Permit Type—PAG-02

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|----------------------------------|--------------------|--|----------------------------------|---|
| Falls Township Bucks County | PAG0200 0911033 | 8829 New Falls Road, LP 5 Daniel Road East Fairfield, NJ 07004 | Delaware River south (WWF-MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |

| <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> |
|---|-------------------|---|--|---|
| City of Philadelphia Philadelphia County | PAG0201 511126 | Philadelphia Water Department Aramark Tower— 2nd Floor 1101 Market Street Philadelphia, PA 19107 | Gorgas Run/ Wissahickon Creek Watershed (TSF-MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Smithfield Twp., Monroe County | PAG02004511002 | Westfield North, LLC Yasin Khan 4815 Tilghman St. Allentown, PA 18101 | Brodhead Creek, TSF, MF | Monroe Co. Cons. Dist. 570-629-3060 |
| City of Allentown, Lehigh County | PAG02003911009 | Scott Unger Allentown Economic Development Corp. 435 W. Hamilton Suite 331 Allentown, PA 18101 | Jordan Creek, TSF, MF | Lehigh Co. Cons. Dist. 610-391-9583 |
| West Penn Twp., Schuylkill County | PAG02005406021R | GSP Management Co. Attn: Frank Perano P. O. Box 677 Morgantown, PA 19543 | Lizard Creek, CWF, MF | Schuylkill Co. Cons. Dist. 570-622-3742 |
| Blakely Borough, Lackawanna County | PAG02003511009 | Patrick McMackin PPL Electric Utilities Corp. Two North Ninth Street Allentown, PA 18101 | Hull Creek, CWF, MF | Lackawanna Co. Cons. Dist. 570-281-9495 |
| Greenwich Twp. Berks County | PAG02000611046 | Al Picca PennDOT District 5-0 1002 Hamilton Street Allentown, PA 18101 | UNT to Maiden Creek (TSF; MF) | Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142 |
| Altoona City Blair County | PAG02000711019 | Ralph DeFazio & Bonnie Carothers 170 Settlers Landing Road Warsaw, VA 22572 | Brush Run/ WWF | Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877 |
| Logan Township Blair County | PAG02000711013 | Donald A. DeGol 3229 Pleasant Valley Boulevard Altoona, PA 16602 | Brush Run/ WWF | Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877 |
| Lower Paxton Twp. Dauphin County | PAG02002211045 | Lower Paxton Twp. Authority 425 Prince Street, Suite 139 Harrisburg, PA 17109 | Paxton Creek/ WWF | Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100 |
| Swatara Township Dauphin County | PAG02002204064R | FWK, LLC 813R East Chocolate Avenue Hershey, PA 17033 | Swatara Creek/ WWF | Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100 |
| West Hanover Twp. Dauphin County | PAG02002211033 | Brian Kobularcik, P.E. Metropolitan Development Group 1030 Reed Avenue, Suite 100 Wyomissing, PA 19610 | Manada Creek/ WWF | Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100 |
| Fairview Township York County | PAG02006706059R | Lora Willi 11 Briar Lane Camp Hill, PA 17011 | Tributary to Yellow Breeches/CWF | York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430 |

*Facility Location:
Municipality &
County*

| <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> |
|---|--------------------|---|----------------------------------|---|
| Fairview Township York County | PAG02006709005R(1) | Ajesh Patel 3737 Route 46 East Parsippany, NJ 07054 | Yellow Breeches/ CWF | York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430 |
| West Manchester Township York County | PAG02006711058 | Clint Sheffer 730 New Road York, PA 17404 | UNT to Oil Creek/ WWF | York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430 |

Northcentral Region: Watershed Management Program Manager, 208 W Third Street, Williamsport, Pa 17701

*Facility Location:
Municipality &
County*

| <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> |
|---|-------------------|--|--|--|
| Wayne Township Clinton County | PAG02001811005 | Wayne Township Landfill 264 Landfill Ln PO Box 209 McElhattan PA 17748 | UNT to West Branch Susquehanna River WWF | Centre County Conservation District 414 Holmes Ave Suite 4 Bellefonte PA 16823 Phone: (814) 355-6817 |
| Penn Township Snyder County | PAG02005511004 | Jason Carpenter Christ United Methodist Church 429 N 8th St Selinsgrove PA 17870 | UNT to Penns Creek CWF | Snyder County Conservation District 10541 Route 522 Middleburg PA 17842 (570) 837-3000 |

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

*Facility Location:
Municipality &
County*

| <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> |
|---|-------------------|--|--|---|
| Armstrong County Plumcreek Township Elderton Borough | PAG0200306004(1)R | Northeastern Energy Consulting, Inc. 865 State Route 210 Shelcota, PA 15774 | Plum Creek (TSF) | Armstrong County CD Armsdale Administrative Building 124 Armsdale Road Kittanning, PA 16201 (724) 548-3435 |
| Cambria County Adams Township | PAG02001111021 | Adams Township Water Authority PO Box 89 Salix, PA 15952 | UNT to Otto Run (CWF) | Cambria County CD 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 (814) 472-2120 |
| Washington County Smith Township | PAG02006312004 | Burgettstown-Smith Township Joint Sewerage Authority 377 Joffre Bulger Road Burgettstown, PA 15021 | UNT to Burgetts Fork (WWF) | Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098 |
| Adams Township Butler County | PAG02001011015 | PADOT, District 10 2550 Oakland Avenue PO Box 429 Indiana PA 15701 | Breakneck Creek WWF & UNT Breakneck Creek WWF | Butler Conservation District 724-284-5270 |
| Madison Township Clarion County | PAG02001612001 | Armstrong Charitable Trust PO Box 777 Kittanning PA 16201 | Allegheny River WWF | Clarion Conservation District 814-297-7813 |

General Permit Type—PAG-03

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant's Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|---|--|
| Bristol Township Bucks County | PAR230029 | Northtec, LLC 411 Sinclair Street Bristol, PA 19007 | Neshaminy Creek— 2F | Southeast Region Clean Water Management 484.250.5970 |
| Douglass Township Montgomery County | PAR220006 | Mountain Mulch Co. 1102 Marshwood Road Throop, PA 18512 | Unnamed Tributary to Schlegel Run—3-E | Southeast Region Clean Water Management 484.250.5970 |
| Tullytown Borough and Falls Township Bucks County | PAR800105 | Waste Management of PA, Inc. 1000 New Ford Mill Road Morrisville, PA 19067 | Manor and Van Sciver Lakes to Delaware River—2E | Southeast Region Clean Water Management 484.250.5970 |
| S. Abington Twp. Lackawanna County | PAR112225 | Flowserve Corp 942 Griffin Pond Rd Clarks Summit PA 18411 | UNT Ackerly Creek (TSF, MF) | PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511 |

General Permit Type—PAG-8

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Site Name & Location</i> | <i>Contact Office & Phone No.</i> |
|---------------------------------------|-------------------|---|---|--|
| New Oxford Borough Adams County | PAG083600 | New Oxford Municipal Authority 409 Water Works Road New Oxford, PA 17350 | New Oxford Municipal Authority WWTP 409 Water Works Road New Oxford, PA 17350 | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707 |

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

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

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

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

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET
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> |
|--|---------------|--------------------|--------------------------------|--------------------|---|--------------------------------|
| Presque Isle Downs 8199 Perry Highway Erie, PA 16509 | Erie | 213 | 369.36 | Horse | CWF/MF | Application |

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. Minor Amendment—Operation Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Benton Municipal Water & Sewer Authority |
| [Township or Borough] | Benton Township |
| County | Columbia |
| Responsible Official | Mr. John Watson, Chairman Benton Municipal Water & Sewer Authority P. O. Box 516 Benton, PA 17814 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Edward Pietroski, Project Manager Entech Engineering, Inc. 685 South Mountain Blvd., Suite A Mountaintop, PA 18707 |
| Permit Issued | February 9, 2012 |
| Description of Action | Operation of the steel filter vessels. |

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Karl Striner Arts Trail, along the Bushkill Creek, between 13th Street and Bushkill Drive, Easton City, **Northampton County**. Elizabeth Schamberger, Moonstone Environmental, LLC, 1150 Glenlivet Drive, Suite C31, Allentown, PA 18106 has submitted a combined Remedial Investigation/Final Report on behalf of her client, the City of Easton, 1 South Third Street, Easton, PA 18042, concerning the remediation of soil found to have been impacted by heavy metals and semi-VOCs as a result of historical rail line operations at the site. The combined report was submitted to document attainment of the Site-Specific Standard for soil. A public notice regarding the submission of the combined Remedial Investigation/Final Report was published in *The Express Times* on January 6, 2012 and was also published in *The Morning Call* on January 7, 2012.

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

Fort Indiantown Gap Building 11-89, Asher Miner Road (State Route 934), Annville, East Hanover Township, **Lebanon County**. PA Dept. of Military and Veterans Affairs, Bureau of Environmental Management, Environmental Compliance Division, Building 0-11, Fort Indiantown Gap, Annville, PA 17003-5002, submitted a Final Report concerning remediation of site soils and groundwater contaminated with heating oil and diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Ruth Gingrich Residence, 610 North Lincoln Street, Palmyra, PA 17078, Borough of Palmyra, **Lebanon County**. ARM Group, Inc., PO Box 797, Hershey, PA 17033, on behalf of Ruth Gingrich, c/o Carol Gabriel, POA, 42 Valley Stream Place, Barnegat, NJ 08005, submitted a Final Report concerning remediation of site soils contaminated with heating oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Lebanon Seaboard Corporation, 1600 East Cumberland Street, Lebanon, PA 17042, South Lebanon Township, **Lebanon County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Lebanon Seaboard Corporation, 1600 East Cumberland Street, Lebanon, PA 17042, submitted a Final Report concerning remediation of site soils and groundwater contaminated with pesticides and volatile organic compounds. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Kenneth Bonnell, Avis Borough, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Kenneth Bonnell, 817 Boulevard Avenue, Avis PA 17721 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with #2 heating oil. The applicant proposes to remediate the site to meet the 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 dem-

onstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Katz Property, Leamour Court, Stroud Township, **Monroe County**. Timothy Pilcher, B & B Diversified Enterprises, Inc., P. O. Box 188, Gwynedd, PA 19436 submitted a Final Report on behalf of his client, Lea Z. Katz, P. O. Box 510, Stroudsburg, PA 18360, concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a release from a 500-gallon, non-regulated underground storage tank, which contained holes in it. The report documented attainment of the Residential Statewide Health Standard for soil and groundwater and was approved on February 7, 2012.

PPL Distribution Pole #63000S45375, 2303 31st Street, Allentown City, **Lehigh County**. Jennifer Sedora, PPL Electric Utilities Corp., 1639 Church Road (WAL), Allentown, PA 18104-9342 submitted a Final Report on behalf of PPL Electric Utilities Corporation, 2 North Ninth Street, Allentown, PA 18101, concerning the remediation of soil found to have been impacted by PCB oil due to a release from a PPL transformer. The report documented attainment of the Statewide Health Standard and was approved on February 9, 2012. The report was originally submitted within 90 days of the release.

Bethlehem Commerce Center-Undeveloped Portions of the Saucon Tract (owned by LVIP), Bethlehem City, **Northampton County**. Kenneth G. Robbins, HDR Engineering, 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 submitted a Final Report

(on behalf of his client, Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164), concerning the remediation of soil found to have been impacted by VOCs, Semi-VOCs and Inorganic constituents as a result of historical operations at the former Bethlehem Steel Plant. The report met the requirements of the Site-Specific Standard and was approved by Central Office on February 1, 2012.

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

Allen Krauss Residence, 3208 Lincoln Highway East, Paradise, PA 17562, Paradise Township, **Lancaster County**. GemChem Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Allen Krauss, 3208 Lincoln Highway East, Paradise, PA 17562, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on February 6, 2012.

T.W. Ponessa & Associates Corporate Offices, 414 North Prince Street, Lancaster, PA 17603, Lancaster City, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Triple J Associates, Ltd., 160 Valley Road, Lancaster, PA 17601, submitted a Final Report concerning site soils contaminated with fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on February 9, 2012.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Well No. 1475 Warrant 5211, Hickory Township, **Forest County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 has submitted a Final Report concerning the remediation of site soil contaminated with hydraulic fluid impacted soil. The site was remediated within 90 days of the release. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 8, 2012.

Warrant 3410 Well P24, Lafayette Township, **McKean County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of Cataylst Energy, Inc., 424 South 27th Street, Suite 304, Pittsburgh, PA 15203 has submitted a Final Report concerning the remediation of site soil contaminated with crude oil impacted soils. The site was remediated within 90 days of the release. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 8, 2012.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. 101680. Waste Management Disposal Service of Pennsylvania Inc., 1000 Bordentown Road, Morrisville PA 19067. This permit amendment is for

removing the requirement for a 10oz/sy nonwoven geotextile beneath the 50-mil combination geomembrane/drainage layer of the Alternative Geosynthetic Final Cover System and revises some of the Geosynthetic Clay Liner (GCL) specifications to reflect current industry standards for the GROWS North Landfill located in Falls Township. The permit was issued by the Southeast Regional Office on February 7, 2012.

Permit No. 101494. Waste Management of Pennsylvania Inc., 1000 New Ford Mill Road, Morrisville PA 19067. This permit amendment is for removing the requirement for a 10oz/sy nonwoven geotextile beneath the 50-mil combination geomembrane/drainage layer of the Alternative Geosynthetic Final Cover System and revises some of the Geosynthetic Clay Liner (GCL) specifications to reflect current industry standards for the Tullytown Resource Recovery Facility Landfill located in the Borough of Tullytown and Falls Township, **Bucks County**. The permit was issued by the Southeast Regional Office on February 7, 2012.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

GP14-46-0277: Montgomery County Crematory, LLC. (516 Fayette Street, Conshohocken, PA 19428) on February 7, 2012, to operate a 150 lbs human cremation unit in Upper Conshohocken Borough, **Montgomery County**.

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

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

52-301-003GP14: Pyre Inc.—dba Tyler's Treasures Pet Crematory and MacLennan Hall Crematory (405 West Harford Street, Milford, PA 18337) on January 30, 2012, to install and operate two (2) human remains cremation units and one pet cremation unit at their site in Milford Township, **Pike County**.

58-310-053GP3: F.S. Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732) on January 31, 2012, to construct and operate a Portable Crushing Operation with watersprays at their site Forest Lake Township, **Susquehanna County**.

58-310-054GP3: F.S. Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732) on January 31, 2012, to construction and operate a Portable Crushing Operation with watersprays at their site in Auburn Township, **Susquehanna County**.

58-329-046GP3: F.S. Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732) on January 31, 2012, to construct and operate of diesel engines at their site in Forest Lake Township, **Susquehanna County**.

58-329-047GP3: F.S. Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732) on January 31,

2012, to construct and operate diesel engines at their site in Auburn Township, **Susquehanna County**.

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

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

GP1-21-03050A: Dickinson College (PO Box 1773, Carlisle, PA 17013) on February 6, 2012, for the boilers, under GP1, at Dickinson College in Carlisle Borough, **Cumberland County**. The GP1 authorization was renewed.

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, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

28-03025C: Wenger's Feed Mill, Inc. (101 W. Harrisburg Avenue, Rheems, PA 17570) on February 7, 2012, to modify the existing feed mill operation in Southampton Township, **Franklin County**, to include installation of a pellet cooler and a high-efficiency cyclone.

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

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

08-00044B: Barefoot Pellets Co. (PO Box 96, Troy, PA 16947) on February 8, 2011, to construct a biomass drying system at their facility in Troy Township, **Bradford County**.

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

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

AMS 11195: Honeywell International—Frankford Plant (Margaret & Bermuda Street, Philadelphia, PA 19137) on February 10, 2012, to permanently route the aldehyde drum (VT-401) vent to the inlet to the CADs 401/402/403 in the City of Philadelphia, **Philadelphia County**. The project will have a zero tpy VOC emissions. The plan approval will contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

AMS 11184: Kinder Morgan (3300 North Delaware Avenue, Philadelphia, PA 19134) on February 13, 2012, to install internal floating roofs on and be able to store ethanol and other materials with the same vapor pressure in three (3) storage tanks; replace the internal floating roofs on two (2) storage tanks; and install a Vapor Combustion Unit to control Marine Cumene Loading emissions and enable increased cumene loading in the City of Philadelphia, **Philadelphia County**. The project will increase potential annual emissions by 1.5 tons of Volatile Organic Compounds (VOC), 6.2 tons of Nitrogen Oxides (NO_x), 9.2 tons of Carbon Monoxide (CO), and less than 0.5 tons for all other pollutants.

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.

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

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

22-05012C: ArcelorMittal Steelton, LLC (215 South Front Street, Steelton, PA 17113-2538) on February 7, 2012, to construct a natural gas-fired walking beam reheat furnace to replace three soaking pit batteries and a heated roller table at their steel manufacturing facility in Steelton Borough, **Dauphin County**.

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

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

AMS 10307: Kinder Morgan Liquid Terminals (3300 North Delaware Avenue, Philadelphia, PA 19134) on February 13, 2012 for reactivation and operation of 11 storage tanks. Hazardous Air Pollutants (HAP) emissions from their facility are limited to less than 10 tons per rolling 12-month period for each individual HAP and less than 25 tons per rolling 12-month period for combined HAPs. Volatile Organic Compound emissions from the 19 activated storage tanks and 20 existing storage tanks at the facility is limited to 103 tons per rolling 12 month period.

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

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

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

28-05011: Waste Management Disposal Services of PA, Inc. (9446 Letzburg Road, Greencastle, PA 17225-9317) on February 3, 2012, for their Mountain View Reclamation Landfill in Antrim Township, **Franklin County**. The Title V Permit was renewed.

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 19428

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

23-00113: AT&T Communications of Pennsylvania, LLC. (60 West Avenue, Wayne, PA 19087) on February 7, 2012, for a non-Title V, initial State Only Operating Permit in Radnor Township, **Delaware County**. AT&T Communications of Pennsylvania operates two (2) kerosene-fired, combustion turbine electric generators, which are used to provide emergency and demand response power generation for the facility. The primary pollutant of concern is nitrogen oxides (NO_x) as a result of the combustion process. The facility is categorized as a natural minor facility. The permit includes monitoring,

recordkeeping and reporting requirements designed to address all applicable air quality requirements.

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

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

65-00630: Mine Safety Appliances—MSA Co. (P. O. Box 426, Pittsburgh, PA 15230-0426) on February 8, 2012, to authorize the continued operation of safety product manufacturing operations at the MSA Murrysville facility, at 3880 Meadowbrook Road, Murrysville, **Westmoreland County**.

Facility-wide annual emissions are limited to 23.43 tons VOC, 7.64 tons combined HAPs, 3.9 tons PM₁₀, 9.01 tons NO_x, 1.7 tons CO and lesser quantities of other regulated pollutants. The facility is subject to the applicable requirements of 40 CFR 63, Subpart HHHHHH: NESHAP for Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources and 25 Pa Code §§ 121–145. The SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

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.

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

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

46-00166: Harleysville Materials, LLC (460 Indian Creek Road, Harleysville, PA 19438) on February 8, 2012, for a non-Title V, Natural Minor facility in Lower Salford Township, **Montgomery County**. This action is an administrative amendment to the State Only Operating Permit for a change of ownership of the quarry and batch asphalt plant from M & M Stone Company to Harleysville Materials, LLC. Responsible Office Contact and Permit Contact information was changed to reflect the new ownership. Language was also added to the operating permit to address a lease agreement between Harleysville Materials, LLC and Independent Construction Materials for the operation of the batch asphalt plant at Harleysville Materials, LLC. The changes to the State Only Operating Permit were performed in accordance with 25 Pa. Code § 127.450(a). The original State Only Operating Permit was issued May 5, 2009.

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

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

26-00413: Texas Eastern Transmission, LP—Uniontown Compressor Station (2601 Market Place, Suite 400, Harrisburg, PA, 17110) located in North Union Township, **Fayette County**. The facility's major source of emissions include two (2) natural gas turbines, two (2) emergency generators, and fugitive VOC emissions from pipeline connections and storage tanks. In addition to VOC, the primary pollutants emitted from this facility include NO_x and CO from the combustion sources. The permit has been amended to incorporate the applicable requirements of Plan Approval #PA-26-00413A in accordance with the administrative amendment provisions of 25 Pa. Code Section 127.450.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

67-05063: York Building Products Co., Inc. (P. O. Box 1708, York, PA 17405) Pursuant to 25 Pa. Code § 127.449(i), this *PA Bulletin* Notice is for the following de minimis emissions increase resulting from the construction of a 255 TPH Metso HP 400 cone crusher at its Roosevelt Stone and Blacktop Plant located in West Manchester Township, **York County**: 0.60 TPY PM₁₀. This is for a replacement of an existing crusher at the facility. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

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

30950701 and NPDES No. PA0215619, Consolidation Coal Company, (1 Bridge Street, Monongah, WV 26554), to renew the permit for the Hughes Hollow Slurry Impoundment in Wayne and Gilmore Townships, **Greene County** and related NPDES permit. No NPDES outfalls associated with this permit. The application was considered administratively complete on May 13, 2010. Application received: December 18, 2009. Permit issued: February 8, 2012.

30841312 and NPDES No. PA0013790, Consolidation Coal Company, (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville Mine No. 2 in Jackson Township, **Greene County** and related NPDES permit to add surface activity site acreage to install 29 degasification boreholes. Surface Acres Proposed 25.5. No additional discharges. The application was considered administratively complete on October 19, 2010. Application received: July 1, 2010. Permit issued: February 7, 2012.

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

32060102 and NPDES No. PA0249939. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface and auger mine in South Mahoning Township, **Indiana County**, affecting 50.3 acres. Receiving stream(s): UNTs to Little Mahoning Creek classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 5, 2011. Permit issued: February 3, 2012.

32090101 and NPDES No. PA0262731. Britt Energies, Inc., P. O. Box 515, Indiana, PA 15701, revision of an existing bituminous surface mine to add mining of the Sewickley coal seam on a portion of the permit area in Conemaugh Township, **Indiana County**, affecting 43.3 acres. Receiving stream(s): Sulfur Run to Kiskiminetas Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 25, 2010. Permit issued: February 6, 2012.

32110104 and NPDES No. PA0263303. Simpson Coal Company, 1003 Bush Road, New Alexandria, PA 15670, commencement, operation and restoration of a bituminous surface mine in Young Township, **Indiana County**, affecting 38 acres. Receiving stream(s): Nesbit Run and UTS to Whisky Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 20, 2011. Permit issued: February 6, 2012.

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

26960101 and NPDES Permit No. PA0201600. Daniel J. Patterson (20 Elizabeth Drive, Smithfield, PA 15478). Renewal permit for reclamation only issued to an existing bituminous surface mine, located in Georges Township, **Fayette County**, affecting 48 acres. Receiving streams: unnamed tributaries to York Run. Application received: August 2, 2011. Permit issued: February 8, 2012.

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

16110101 and NPDES Permit No. PA0259021. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242) Commencement, operation and restoration of a bituminous surface and auger mine in Porter Township, **Clarion County** affecting 114.5 acres. Receiving streams: Jack Run, Long Run and Leisure Run. Application received: March 3, 2011. Permit Issued: February 7, 2012.

33960108 and NPDES Permit No. PA0227315. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215) Revision to an existing bituminous surface mine to change the post-mining land use from forestland to unmanaged natural habitat on the Ronald J. & Kathryn McConnell property in Ringgold Township, **Jefferson County**. Receiving streams: Unnamed tributaries to Painter Run. Application received: December 19, 2011. Permit Issued: February 9, 2012.

61970101 and NPDES Permit No. PA0227358. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215) Renewal of an existing bituminous surface mine in Irwin Township, **Venango County** affecting 71.5 acres. Receiving streams: Four unnamed tributaries to Scrubgrass Creek. Application received: September 20, 2011. Permit Issued: February 9, 2012.

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

19-305-001GP12. Blaschak Coal Company, (P. O. Box 12, Mahanoy City, PA 17948), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 19050101 in Conyngham Township, **Columbia County**. Application received: August 30, 2011. Permit issued: February 7, 2012.

54060102R and NPDES Permit No. PA0224524. Kuperavage Enterprises, Inc., (P. O. Box 99, Middleport, PA 17953), renewal of an anthracite surface mine, coal refuse disposal operation and NPDES Permit for discharge of treated mine drainage in Blythe Township, **Schuylkill County** affecting 66.0 acres, receiving stream: Bushy Creek. Application received: June 2, 2011. Renewal issued: February 8, 2012.

40900204R4. Silverbrook Anthracite, Inc., (1 Market Street, Laflin, PA 18702), renewal of an existing anthracite coal refuse reprocessing operation in Newport Township and the City of Nanticoke, **Luzerne County** affecting 80.0 acres, receiving stream: Newport Creek Watershed. Application received: July 26, 2011. Renewal issued: February 10, 2012.

40900204GP104. Silverbrook Anthracite, Inc., (1 Market Street, Laflin, PA 18702), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40900204 in Newport Township and the City of Nanticoke, **Luzerne County**, receiving stream: Newport Creek Watershed. Application received: July 26, 2011. Permit issued: February 10, 2012.

Noncoal Applications Returned

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

34102803, National Quarries, LLC, 470 Norristown Road, Suite 201, Blue Bell, PA 19422, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Milford Township, **Juniata County**, affecting 5.0 acres. Receiving stream(s): unnamed tributary to Juniata River. Application received: October 12, 2010. Permit returned: February 6, 2012.

34102802, National Quarries, LLC, 470 Norristown Road, Suite 201, Blue Bell, PA 19422, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Milford Township, **Juniata County**, affecting 5.0 acres. Receiving stream(s): unnamed tributary to Juniata River. Application received: October 12, 2010. Permit returned: February 6, 2012.

Noncoal Permits Actions

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

66100301 and NPDES Permit No. PA0224839. Meshoppen Stone, Inc., (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a bluestone quarry operation in Meshoppen Township, **Wyoming County** affecting 220.0 acres, receiving stream: Meshoppen Creek and Little Meshoppen Creek. Application received: April 16, 2010. Permit issued: February 10, 2012.

**ACTIONS ON BLASTING ACTIVITY
APPLICATIONS**

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

08124110. Maurer & Scott Sales Inc. (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for construction of a natural gas well pad located in Wilmot Township, **Bradford County**. Permit issued: February 8, 2012. Permit expires: October 30, 2012.

57124104. Meshoppen Blasting Inc. (Frantz Road, P. O. Box 127, Meshoppen, PA 18630). Blasting for Eagle Rock access road and gas well pad located in Cherry Township, **Sullivan County**. Permit issued: February 8, 2012. Permit expires: July 31, 2012.

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

15124101. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Valley Farm Estates in Valley Township, **Chester County** with an expiration date of January 27, 2013. Permit issued: February 8, 2012.

15124102. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Applecross County Club in East Branywine Township, **Chester County** with an expiration date of February 1, 2013. Permit issued: February 8, 2012.

36124106. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for The East Meadows at Wetherburn in Manheim Township, **Lancaster County** with an expiration date of December 31, 2012. Permit issued: February 8, 2012.

40124104. Silver Valley Drilling & Blasting, Inc., (RR 4 Box 4196, Saylorburg, PA 18353), construction blasting for Warrior Run Sewer Project in Warrior Run Borough and Hanover Township, **Luzerne County** with an expiration date of February 13, 2013. Permit issued: February 8, 2012.

58124110. Maurer & Scott Sales, Inc., (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Pennsy Supply Lawton Quarry in Middleton Township, **Susquehanna County** with an expiration date of September 1, 2012. Permit issued: February 10, 2012.

**FEDERAL WATER POLLUTION
CONTROL ACT SECTION 401**

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A.

§§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E0829-018: Angelina Gathering Company, LLC, 2350 N. Sam Houston Parkway Houston, TX 77032, Herrick Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Cold Creek (WWF-MF) impacting 72 linear feet of stream (Le Raysville, PA Quadrangle, Latitude: 41° 47'55", Longitude: -76° 15'19");

2. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Cold Creek (WWF-MF) impacting 57 linear feet of stream (Le Raysville, PA Quadrangle, Latitude: 41° 48'44", Longitude: -76° 13'42");

3. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Cold Creek

(WWF-MF) impacting 55 linear feet of stream (Le Raysville, PA Quadrangle, Latitude: 41° 48'44", Longitude: -76° 13'42");

4. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Cold Creek (WWF-MF) impacting 63 linear feet of stream (Le Raysville, PA Quadrangle, Latitude: 41° 48'45", Longitude: -76° 13'44");

5. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Cold Creek (WWF-MF) impacting 50 linear feet of stream (Le Raysville, PA Quadrangle, Latitude: 41° 48'45", Longitude: -76° 13'45");

6. Two 12 inch diameter natural gas line, a 16 inch diameter natural gas line and a 16 foot wide equipment mat impacting 75 linear feet of an unnamed tributary to Cold Creek (WWF, MF) and adjacent Palustrine Forest Wetland (PFO) impacting 5 square feet (Le Raysville, PA, Latitude: 41°45'14", Longitude: -76°23'06");

7. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across an unnamed tributary to Cold Creek (WWF-MF) impacting 36 linear feet of stream (Le Raysville, PA Quadrangle, Latitude: 41° 49'11", Longitude: -76° 14'03");

8. Two 12 inch diameter natural gas line, a 16 inch diameter natural gas line and a 16 foot wide equipment mat impacting 24 linear feet of an unnamed tributary to Cold Creek (WWF, MF) and adjacent Palustrine Forest Wetland (PFO) impacting 566 square feet (Le Raysville, PA, Latitude: 41°49'13", Longitude: -76°14'05");

9. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 610 square feet of Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 49'21", Longitude: -76° 14'11");

10. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 3,398 square feet of Palustrine Emergent Wetland (PEM) (Le Raysville, PA Quadrangle, Latitude: 41° 49'22", Longitude: -76° 14'16");

11. Two 12 inch diameter natural gas line, a 16 inch diameter natural gas line and a 16 foot wide equipment mat impacting 60 linear feet of an unnamed tributary to Cold Creek (WWF, MF) and adjacent Palustrine Emergent Wetland (PEM) impacting 392 square feet (Rome, PA, Latitude: 41°48'57", Longitude: -76°14'59");

12. Two 12 inch diameter natural gas line, a 16 inch diameter natural gas line and a 16 foot wide equipment mat impacting 78 linear feet of Cold Creek (WWF, MF) and adjacent Palustrine Forest Wetland (PFO) and Palustrine Emergent Wetland impacting 479 square feet (Rome, PA, Latitude: 41°48'53", Longitude: -76°15'00");

13. Two 12 inch diameter natural gas line, a 16 inch diameter waterline and a temporary 16 foot wide equipment mat across impacting 3,659 square feet of Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41° 48'15", Longitude: -76° 15'41");

The project will result in 570 linear feet of temporary stream impacts and 9,104 square feet (0.209 acre) of PEM and PFO wetland impact all for the purpose of installing a natural gas pipeline and a waterline with associated access roadways.

E0829-017: Chief Gathering, LLC, 6051 Wallace Road, Suite 210, Wexford, PA 15090, Burlington and Towanda Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. One 8 inch diameter natural gas line impacting 39 linear feet of an unnamed tributary to Bailey Run (WWF, MF), an adjacent Palustrine Scrub-Shrub Wetland impacting 21,365 square feet and an adjacent Palustrine Forested Wetland impacting 6,659 square feet (Powell, PA Quadrangle, Latitude: 41°44'46", Longitude: -76°32'03").

2. One 8 inch diameter natural gas line impacting 15 linear feet of an unnamed tributary to Bailey Run (WWF, MF), and an adjacent Palustrine Forested Wetland impacting 2863 square feet (Powell, PA Quadrangle, Latitude: 41°44'39", Longitude: -76°32'03").

3. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 6 linear feet of an unnamed tributary to Bailey Run (WWF, MF) (Powell, PA Quadrangle, Latitude: 41°44'34", Longitude: -76°32'00").

4. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 8,914 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°44'36", Longitude: -76°31'51").

5. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 7 linear feet of an unnamed tributary to Bailey Run (WWF, MF), an adjacent Palustrine Scrub-Shrub Wetland impacting 1,489 square feet and an adjacent Palustrine Forested/Scrub-Shrub Wetland impacting 2.5 square feet (Powell, PA Quadrangle, Latitude: 41°44'39", Longitude: -76°31'46").

6. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 3 linear feet of an unnamed tributary to Bailey Run (WWF, MF) (Powell, PA Quadrangle, Latitude: 41°44'44", Longitude: -76°31'40").

7. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 6 linear feet of an unnamed tributary to Bailey Run (WWF, MF) (Powell, PA Quadrangle, Latitude: 41°44'49", Longitude: -76°31'19").

8. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 3,494 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°44'49", Longitude: -76°31'17").

9. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 3,494 square feet of a Palustrine Emergent Wetland (Powell, PA Quadrangle, Latitude: 41°44'45", Longitude: -76°31'14").

10. One 8 inch diameter natural gas line and a 16 foot wide equipment mat impacting 3 linear feet of an unnamed tributary to Bailey Run (WWF, MF) (Powell, PA Quadrangle, Latitude: 41°44'34", Longitude: -76°31'18").

The project will result in 86 linear feet and 3,383 square feet of temporary stream impacts and 72,677.5 square feet (1.67 acres) of PEM/PSS and PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways.

E4129-021: Chief Gathering LLC, 6051 Wallace Road, Suite 210, Wexford, Pa 15090, Franklin & Penn Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one 8 inch natural gas pipeline bored to avoid impacting 60 linear feet of Marsh Run (CWF MF) and

19439 square feet of an adjacent palustrine forested (PFO) wetland (Sonestown PA Quadrangle 41°17'00"N 76°34'17"W),

2) one 8 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 69 linear feet of an unnamed tributary to Marsh Run (CWF, MF) (Sonestown PA Quadrangle 41°17'17"N 76°34'54"W),

3) one 8 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 78 linear feet of an unnamed tributary to Marsh Run (CWF, MF) (Sonestown PA Quadrangle 41°17'17"N 76°34'57"W),

4) one 8 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 2275 square feet of a palustrine emergent (PEM) wetland (Sonestown PA Quadrangle 41°17'13"N 76°35'8"W),

5) one 8 inch natural gas pipeline and a temporary road crossing using a timber mat bridge impacting 80 linear feet of an unnamed tributary to Marsh Run (CWF, MF) (Sonestown PA Quadrangle 41°17'04"N 76°35'13"W),

6) one 8 inch natural gas pipeline impacting 281 square feet of a palustrine emergent (PEM) wetland (Sonestown PA Quadrangle 41°17'02"N 76°35'15"W).

The project will result in 287 linear feet of temporary stream impacts and 0.50 acre of temporary wetland impacts all for the purpose of installing a natural gas and water pipelines with associated access roadways for Marcellus well development.

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

E5829-011: Williams Production Appalachia, LLC, 1000 Town Center, Suite 130, Canonsburg, PA 15317-5834, Liberty Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 12.0-inch diameter freshwater line impacting 120 square feet of unnamed tributary to Silver Creek (EV-CWF) (Laurel Lake, PA Quadrangle, Latitude: 41° 55' 58", Longitude: 75° 52' 05").

The project will result in 20 lineal feet of temporary stream impacts for the purpose of installing a freshwater line for Marcellus gas well development.

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4802.

E07-440: Williamsburg Municipal Authority, 305 East 2nd Street, Williamsburg, Pennsylvania 16693-1041, in Catharine Township, **Blair County**, no ACOE

To demolish the existing structures and construct and maintain: 1) three sequencing batch reactor (SBR) tanks approximately 78.0 feet by 49.0 feet and having a height of 12.0 feet; 2) digester tank approximately 52.0 feet by 27.0 feet and having a height of 15.0 feet; 3) digester control house 52.0 feet by 25.0 feet and having a height of 22.0 feet; 4) SBR equipment building 88.0 feet by 34.0 feet and having a height of 32.0 feet; and 5) U.V. system building 78.0 feet by 42.0 feet and having a height of 16.0 feet, and associated volume of fill (approximately 9,000.0 cubic yards) and volume of excavation (approximately 6,500.0 cubic yards), all within the 100-year floodplain of the Frankstown Branch of the Juniata River (TSF, MF) for the purpose of upgrading the existing wastewater treatment plant. The treatment plant is located adjacent

to Recreation Drive (Williamsburg, PA Quadrangle; N: 15.96 inches, W: 10.07 inches; Latitude: 40°27'46.4", Longitude: -78°11'50.5") in Catharine Township, Blair County.

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

E19-284. Christine Kutza, 243 Park Street, Mount Carmel, PA 17851-2243. Small Projects Water Obstruction and Encroachment Joint Permit, in Cleveland Township, **Columbia County**, ACOE Susquehanna River Basin District (Danville, PA Quadrangle N: 40° 52' 35.6"; W: -76° 30' 21.4").

To construct and maintain an existing residential structure measuring 35' by 32'. The existing structure and improvements are to be elevated above the 100-year flood elevation. The proposed improvements are located within the floodway of Roaring Creek off SR 0487 in Cleveland Township, Columbia County. This project does not propose to impact any wetlands. This permit was issued under Section 105.13(e) "Small Projects."

E49-317. Borough of Watsontown, PO Box 273, Watsontown, PA 17777-0273. Small Projects Water Obstruction and Encroachment Joint Permit, in Watsontown Borough, **Northumberland County**, ACOE Susquehanna River Basin District (Milton, PA Quadrangle N: 41° 04' 53.45"; W: 76° 51' 46.18").

To construct and maintain an open sided pavilion measuring 52 feet long by 13 feet wide in the delineated floodway of the Susquehanna River, which is located along Canal Street in the Borough of Watsontown, Northumberland County. There are no proposed wetland impacts. This permit was issued under Section 105.13(e) "Small Projects."

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

E02-1655. Frank and Lisa Falcione, 1907 Greystone Drive, Coraopolis, PA 15108. Marshall Township, **Allegheny County**. ACOE Pittsburgh District.

Has been given consent to construct and maintain a bridge consisting of a bottomless con-span arch culvert having a span of 26.0 feet with an underclearance of 8.5 feet across the channel of Big Sewickley Creek (TSF) for the purpose of providing access to a three (3) lot residential subdivision. The project is located on the west side of Warrendale Bayne Road, approximately 1,300.0 feet north from the intersection of Warrendale Bayne Road and Cliff Road (Baden, PA Quadrangle N: 2.2 inches; W: 1.9 inches; Latitude: 40°-38'-14"; Longitude: 80°-08'-19")

E56-358. Conemaugh Township Municipal Authority, PO Box 429, 113 South Main St., Davidsville, PA 15928. Jenner Township, **Somerset County**. ACOE Pittsburgh District.

Has been given consent to construct and maintain an outfall structure consisting of a 3" diameter wastewater discharge pipe and R-5 rip-rap bank protection to the South Fork of Bens Creek (HQ-CWF), for the purpose of discharging treated wastewater from a slow sand water treatment plant. The project is located approximately 1600' southeast of the Conemaugh Township Municipal Authority's water treatment facility. (Boswell, PA Quadrangle N; 19.8" W; 9.3" Latitude; 40° 14' 2", Longitude; 79° 3' 59")

E02-584-A14. Hanson Aggregates PMA, Inc., 2200 Springfield Pike, Connellsville, Pa. 15425. Vanport and Potter Townships, **Beaver County**, Pittsburgh ACOE District.

To amend Permit E02-584, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys, and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to include Ohio River Mile Points 27.2 to 27.92 (Upstream beginning point: Beaver, PA Quadrangle N: 10.5 inches, W: 7.8 inches; Latitude: 40°41'0.5", Longitude: -80°19'5.76". Downstream end point: Beaver, PA Quadrangle N: 9.9 inches, W: 6.2 inches; Latitude: 40°40'47.58", Longitude: -80°19'44.82".), left and right descending banks in Vanport and Potter Townships, Beaver County.

E02-919-A14. Tri-State River Products, Inc., Box 218, 334 Insurance Street, Beaver PA 15009. Vanport and Potter Townships, **Beaver County**, Pittsburgh ACOE District.

To amend Permit E02-919, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys, and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to include Ohio River Mile Points 27.2 to 27.92 (Upstream beginning point: Beaver, PA Quadrangle N: 10.5 inches, W: 7.8 inches; Latitude: 40°41'0.5", Longitude: -80°19'5.76". Downstream end point: Beaver, PA Quadrangle N: 9.9 inches, W: 6.2 inches; Latitude: 40°40'47.58", Longitude: -80°19'44.82".), left and right descending banks in Vanport and Potter Townships, Beaver County.

E02-1602. Kimberly and John Gatesman, 922 Beaver Street, Sewickley PA 15143. In the Borough of Edgeworth, **Allegheny County**. ACOE Pittsburgh District.

Has been given consent to a concrete retaining wall and a single-family residential unit, and a wooden deck, along and across an unnamed tributary to the Ohio River (Quaker Run) (WWF). A portion of the single-family dwelling along with the deck will extend over the stream. The project is located on Lot No. 10, within the MacLeod Plan II development, on the north side of Way Hollow Road, approximately 1,200.0 feet upstream from the intersection of Way Hollow Road and Woodland Road (Ambridge, PA Quadrangle N: 9.5 inches; W: 8.0 inches; Latitude: 40° 33' 08"; Longitude: 80° 10' 57")

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D42-038EA—D42-078EA. Mr. David Okerlund, The Lodge at Glendorn, 1000 Glendorn Drive, Bradford, PA 16701. Bradford Township, **McKean County**, ACOE Pittsburgh District.

Project proposes to breach and remove 41 dams in a 2 mile section of Fuller Brook and a tributary to Fuller Brook (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dams are approximately 2-3 feet high and are approximately 18-20 feet long. The project will also involve the removal of 17 crib structures, one log vane, one rock deflector and the construction of 54 root wad structures, 30 J-Hook structures, and 3 rock cross vanes.

The project will restore approximately 4000 feet of stream channel and temporarily impact 0.10 acre of wetlands. The project is located approximately 1.25 miles of the town of Hazleton Mills. (Bradford, PA Quadrangle; Latitude: 41° 55' 02", Longitude: -78° 43' 49").

D07-030EA. Hollidaysburg, Municipal Authority, 401 Blair Street, Hollidaysburg, PA 16648-1805

Blair Township, **Blair County**, ACOE Baltimore District.

Project proposes to breach and remove Kladder Reservoir Dam across a tributary to Frankstown Branch Juniata River (HQ-CWF, MF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 250 feet of stream channel. The dam is located approximately 3100 feet south of the intersection of Monastery Road and Reservoir Road (SR 2007) (Hollidaysburg, PA Quadrangle; Latitude: 40° 23' 23", Longitude: -78° 23' 19").

D56-090EA. Meyersdale Borough, 613 Second Street, P. O. Box 60, Meyersdale, Pa 15552-1310, Greenwich Township, **Somerset County**, ACOE Pittsburgh District.

Project proposes to breach and remove Siebert Dam across Miller Run (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 800 linear feet of stream channel. The dam is located approximately 650 feet southwest of the intersection of Miller Run Road (T718) and Sandspring Road (T363) (Wittenberg, PA Quadrangle; Latitude: 39° 46' 54", Longitude: -78° 59' 01").

DAM SAFETY

D54-002A. Lower Owl Creek Dam, Borough of Tamaqua, 320 East Broad Street, Tamaqua PA 18252. To modify, operate, and maintain the Lower Owl Creek Dam across Owl Creek (HQ-CWF), impacting 0.0 acres of wetlands and 0 feet of stream for the purpose of raising the dam four feet, constructing a new drop box spillway and constructing an articulated concrete block emergency spillway to meet the current Department Regulations. (Tamaqua, PA Quadrangle N: 7.7 inches; W: 6.6 inches) in Tamaqua Borough, **Schuylkill County**.

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.

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX11-115-0194

Applicant Name Susquehanna Gathering Company 1, LLC

Contact Person John Miller

Address 132 Front Street

City, State, Zip Deposit, NY 13754

County Susquehanna County

Township(s) New Milford Township

Receiving Stream(s) and Classification(s) UNT Martins Creek, Martins Creek Watershed, Meylert Creek Watershed;

Secondary: Salt Lick Creek (HQ-CWF, MF)

ESCGP-1 # ESX12-113-0004

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Sullivan County

Township(s) Forks Township

Receiving Stream(s) and Classification(s) Lick Creek, Big

Bottom Run, Little Loyalsock Creek;

Secondary: Loyalsock Creek (EV)

ESCGP-1 # ESX11-081-0029—Phase 2

Applicant Name Anadarko E&P Company, LP

Contact Person Nathan S. Bennett

Address 33 W. Third Street, Suite 200

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Cummings Township

Receiving Stream(s) and Classification(s) Little Pine Creek (HQ-TSF, MF), Dam Run, UNT Dam Run (Sunny Hollow), UNT Little Pine Creek (Parker Hollow) (EV);

Secondary: Pine Creek, Little Pine Creek (HQ-TSF, MF), UNT Dam Run (EV)

ESCGP-1 # ESX12-033-0003

Applicant Name Northeast Natural Energy LLC

Contact Person Brett Loflin

Address 707 Virginia Street—Suite 1400

City, State, Zip Charleston, WV 25301

County Clearfield County

Township(s) Cooper Township

Receiving Stream(s) and Classification(s) Browns Run

ESCGP-1 # ESX12-015-0019

Applicant Name Chief Oil & Gas LLC

Contact Person Michael Hritz

Address 6051 Wallace Road, Ext., Suite 210

City, State, Zip Wexford, PA 15090

County Bradford County

Township(s) Sheshequin Township

Receiving Stream(s) and Classification(s) UNT to Laning Creek (WWF);

Secondary: Laning Creek (WWF)

ESCGP-1 # ESX12-015-0017

Applicant Name Talisman Energy USA, Inc.

Contact Person Tracy Gregory

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford County

Township(s) Armenia Township

Receiving Stream(s) and Classification(s) Tioga River (HQ-CWF/MF)

ESCGP-1 # ESG11-131-0030—Phase 2

Applicant Name Chief Gathering, LLC

Contact Person Ted Wurfel

Address 6051 Wallace Road, Suite 210

City, State, Zip Wexford, PA 15090

County Wyoming County

Township(s) Washington Township

Receiving Stream(s) and Classification(s) Billings Mill Brook (CWF, MF)

ESCGP-1 # ESX12-081-0006

Applicant Name PVR Marcellus Gas Gathering LLC

Contact Person Kevin Roberts

Address 100 Penn Tower, Suite 201-202, 25 West Third Street

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Mifflin Township

Receiving Stream(s) and Classification(s) UNT to Larry's Creek (EV-MF), Larry's Creek (EV-MF)

ESCGP-1 # ESX11-015-0314

Applicant Name Southwestern Energy Production Company

Contact Person Dave Sweeley

Address 917 State Route 92 North

City, State, Zip Tunkhannock, PA 18657

County Bradford County

Township(s) Herrick and Orwell

Receiving Stream(s) and Classification(s) UNT to Johnson Creek (CWF) and UNT to Rummerfield Creek (WWF);

Secondary: Wysox Creek (TSF) and Susquehanna River (WWF)

ESCGP-1 # ESX12-015-0014

Applicant Name Appalachia Midstream Services, LLC

Contact Person Patrick Myers, Jr.

Address 100 Ist Center

City, State, Zip Horseheads, NY 14845

County Bradford County

Township(s) Albany Township

Receiving Stream(s) and Classification(s) French Creek (CWF/MF) and UNT's to French Creek (CWF/MF)

ESCGP-1 # ESX12-015-0002

Applicant Name Talisman Energy USA, Inc.

Contact Person Tracy Gregory

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford County

Township(s) Warren Township

Receiving Stream(s) and Classification(s) Corbin Creek (CWF/MF), UNT to Corbin Creek (CWF/MF);

Secondary: Wappasening Creek (CWF/MF)

ESCGP-1 # ESX10-015-0177 (01)

Applicant Name Appalachia Midstream Services, LLC

Contact Person Patrick Myers, Jr.

Address 100 Ist Center

City, State, Zip Horseheads, NY 14845

County Bradford County

Township(s) Herrick Township

Receiving Stream(s) and Classification(s) Trib. 29968 to Susquehanna River, Trib. 29970 to Rummerfield Creek,

Trib. 29614 to Wyalusing Creek, Billings Creek, and Tribs. 29612, 64319, 29610 to Billings Creek (all WWF, MF)/ Susquehanna Watershed

ESCGP-1 # ESX12-113-0002

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Sullivan County
Township(s) Forks Township
Receiving Stream(s) and Classification(s) Yellow Run
(EV);
Secondary: Little Loyalsock Creek (EV)

ESCGP-1 # ESX11-115-0146
Applicant Name Laser Northeast Gathering Company,
LLC
Contact Person Kevin Marion
Address 1212 S. Abington Road
City, State, Zip Clarks Summing, PA 18411
County Susquehanna County
Township(s) Forest Lake, Bridgewater & Silver Lake
Townships
Receiving Stream(s) and Classification(s) Fall Brook (EV),
Forest Lake Creek (CWF)

ESCGP-1 # ESX12-015-0013
Applicant Name Appalachia Midstream Services, LLC
Contact Person Patrick Myers, Jr.
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford County
Township(s) Stevens Township
Receiving Stream(s) and Classification(s) Bennet Creek,
Beaver Meadow Creek;
Secondary: Wyalusing Creek

ESCGP-1 # ESX11-081-0011—Phase 2
Applicant Name Anadarko E&P Company, LP
Contact Person Nathan S. Bennett
Address 33 W. Third Street, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Cummings Township
Receiving Stream(s) and Classification(s) First Fork
Larry's Creek (EV);
Secondary: Larry's Creek (EV)

ESCGP-1 # ESX12-033-0005
Applicant Name EOG Resources, Inc.
Contact Person Jon Jorgenson
Address 2039 South Sixth Street
City, State, Zip Indiana, PA 15701
County Clearfield County
Township(s) Goshen and Girard Townships
Receiving Stream(s) and Classification(s) Dixon Run,
Little Trout Run, Stump Lick Run;
Secondary: Trout Run (EV)

ESCGP-1 # ESX12-113-0007
Applicant Name EXCO Resources (PA), LLC
Contact Person Larry Sanders
Address 3000 Ericsson Drive, Suite 200
City, State, Zip Warrendale, PA 15086
County Sullivan County
Township(s) Davidson Township
Receiving Stream(s) and Classification(s) Sullivan Branch
(HQ-CWF)/Spring Brook (CWF)/Ore Run (HQ-CWF);
Secondary: Painters Den Creek (CWF)/ Sullivan Branch
(HQ-CWF)

ESCGP-1 # ESX12-015-0021
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford County
Township(s) Terry Township
Receiving Stream(s) and Classification(s) UNT to Sugar
Run (CWF);
Secondary: Sugar Run Creek (CWF)

ESCGP-1 # ESX12-033-0001
Applicant Name EOG Resources, Inc.
Contact Person Jon Jorgenson
Address 2039 South Sixth Street
City, State, Zip Indiana, PA 15701
County Clearfield County
Township(s) Lawrence Township
Receiving Stream(s) and Classification(s) Lick Run;
Secondary: Fork Run (HQ)

ESCGP-1 # ESX11-081-00156 (01)
Applicant Name EXCO Resources (PA), LLC
Contact Person Larry Sanders
Address 3000 Ericsson Drive, Suite 200
City, State, Zip Warrendale, PA 15086
County Lycoming County
Township(s) Penn Township
Receiving Stream(s) and Classification(s) Big Run, UNT
to Big Run;
Secondary: Little Muncy Creek

ESCGP-1 # ESX11-115-0056 (01)
Applicant Name Talisman Energy USA, Inc.
Contact Person Tracy Gregory
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Susquehanna County
Township(s) Middletown Township
Receiving Stream(s) and Classification(s) Gaylord Creek
(CWF/MF), North Branch Wyalusing Creek (CWF/MF);
Secondary: Wyalusing Creek (WWF/MF)

ESCGP-1 # ESX12-015-0015
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford County
Township(s) Pike Township
Receiving Stream(s) and Classification(s) Rockwell Creek
(WWF), UNT to Rockwell Creek (WWF);
Secondary: Wyalusing Creek (WWF)

ESCGP-1 # ESX11-117-0118
Applicant Name SWEPI LP
Contact Person H. James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga County
Township(s) Farmington Township
Receiving Stream(s) and Classification(s) Tribs. To Thorn-
bottom Creek (WWF-MF)

ESCGP-1 # ESX11-115-0098 (01)
Applicant Name Williams Production Appalachia, LLC
Contact Person Mark Colenbrander
Address 1000 Town Center Way, Suite 130
City, State, Zip Canonsburg PA 15317
County Susquehanna County
Township(s) Liberty Township
Receiving Stream(s) and Classification(s) Trib. 31848 to
Snake Creek/Trib. 31853 to Snake Creek/Trib. 31825 to
Rhiney Creek;
Secondary: Snake Creek

ESCGP-1 # ESX11-115-0188
Applicant Name Williams Production Appalachia, LLC
Contact Person David Freudenrich
Address 1000 Town Center Way, Suite 130
City, State, Zip Canonsburg PA 15317
County Susquehanna County
Township(s) Silver Lake Township
Receiving Stream(s) and Classification(s) UNT to Laurel

Lake Creek; Snake Creek (CWF, MF);
Secondary: Laurel Lake Creek

ESCGP-1 # ESX12-117-0011
Applicant Name SWEPI LP
Contact Person H. James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga County
Township(s) Jackson Township
Receiving Stream(s) and Classification(s) UNT to Hammond Creek and Bear Creek;
Secondary: Hammond Creek, Bear Creek (CWF, MF)

ESCGP-1 # ESX11-117-0012 (01)
Applicant Name SWEPI LP
Contact Person H. James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga County
Township(s) Liberty Township
Receiving Stream(s) and Classification(s) Brion Creek and tributaries (EV, MF)

ESCGP-1 # ESX12-015-0004
Applicant Name Appalachia Midstream Services, LLC
Contact Person Patrick Myers, Jr.
Address 100 Ist Center
City, State, Zip Horseheads, NY 14845
County Bradford County
Township(s) Fox Township
Receiving Stream(s) and Classification(s) Tributaries 30576, 30577, 30578, 30580, 30581, 30582, and 30583 to Towanda Creek; Tributaries 30590, 30594 and 30596 to Beech Flats Creek; Beech Flats Creek; Trib. 30589 to Williams Hollow; Williams Hollow (CWF, MF); Trib. 20086 to Hoagland Branch; Hoagland Branch; Fall Run; Trib. 20765 to Rock Run; Tributaries 30420, 30421, 30422, 30423, 30425, 30426 and 30427 to Schrader Creek; Schrader Creek, Trib. 30414 to Pine Swamp Run; Trib. 30417 to Lye Run; Lye Run (EV, MF)

ESCGP-1 # ESX12-015-0009
Applicant Name Appalachia Midstream Services, LLC
Contact Person Patrick Myers, Jr.
Address 100 Ist Center
City, State, Zip Horseheads, NY 14845
County Bradford County
Township(s) Wysox Township
Receiving Stream(s) and Classification(s) UNT to Wysox Creek;
Secondary: Wysox Creek

ESCGP-1 # ESX12-015-0011
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Bradford County
Township(s) Pike Township
Receiving Stream(s) and Classification(s) Southwick Creek, UNT to Williams Creek, Williams Creek, Gaylord Creek, North Branch of Wyalusing Creek;
Secondary: Wyalusing Creek

ESCGP-1 # ESX12-081-0008
Applicant Name Anadarko Marcellus Midstream LLC
Contact Person Rane Wilson
Address 33 W. Third Street, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) McHenry Township

Receiving Stream(s) and Classification(s) English Run (HQ-CWF, MF);
Secondary: Brown's Run (HQ-CWF, MF)

ESCGP-1 # ESX12-081-0011
Applicant Name Anadarko Marcellus Midstream LLC
Contact Person Nathan S. Bennett
Address 33 W. Third Street, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Pine and Cogan House Townships
Receiving Stream(s) and Classification(s) Bear Run (EV, MF), Blockhouse Creek (EV, MF), Little Pine Creek (EV, MF)

ESCGP-1 # ESX12-081-0014
Applicant Name Anadarko Marcellus Midstream LLC
Contact Person Nathan S. Bennett
Address 33 W. Third Street, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming and Clinton Counties
Township(s) Cummings and Gallagher Townships
Receiving Stream(s) and Classification(s) Ott Fork, Second Branch Ott Fork, Veley Fork and Upper Pine Bottom Run (All HQ-CWF, MF) and Craig Fork (EV);
Secondary: Pine Creek (EV)

ESCGP-1 # ESX12-081-0007
Applicant Name Pennsylvania General Energy Company, LLC
Contact Person Douglas E. Kuntz, President
Address 120 Market Street
City, State, Zip Warren, PA 16365
County Lycoming County
Township(s) Cummings Township
Receiving Stream(s) and Classification(s) UNT to Ramsey Run and Ramsey Run (HQ/CWF);
Secondary: Pine Creek (HQ/TSF)

ESCGP-1 # ESX12-115-0016
Applicant Name Southwestern Energy Production Company
Contact Person Dave Sweeley
Address 917 State Route 92 North
City, State, Zip Tunkhannock, PA 18657
County Susquehanna and Lackawanna County
Township(s) Lenox and Benton Townships
Receiving Stream(s) and Classification(s) UNT to East Branch Tunkhannock Creek (CWF);
Secondary: Tunkhannock Creek (TSF)

ESCGP-1 # ESX12-035-0002
Applicant Name Mountain Gathering, LLC
Contact Person Dewey Chalos
Address 810 Houston Street
City, State, Zip Fort Worth, TX 76102-6298
County Clinton County
Township(s) Chapman Township
Receiving Stream(s) and Classification(s) UNT to Dry Run, Dry Run, Long Fork, Hyner Run, Abes Run (HQ)

ESCGP-1 # ESX12-117-0003
Applicant Name SWEPI LP
Contact Person H. James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga County
Township(s) Sullivan Township
Receiving Stream(s) and Classification(s) UNT to Elk Run/Susquehanna River Basin in PA—Tioga River (List H) Corey/Susquehanna River Basin in PA—Tioga River (List H);

Secondary: Tioga River/Susquehanna River basin in PA—Tioga River (List H), Corey Creek/Susquehanna River Basin in PA—Tioga River (List H)

ESCGP-1 # ESX11-081-0158

Applicant Name PVR Marcellus Gas Gathering LLC
Contact Person Kevin Roberts
Address 25 West Third Street, 100 Penn Tower Suite 201-202

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Cogan House and Jackson Township

Receiving Stream(s) and Classification(s) UNT Hoagland Run, Hoagland Run, Little Sandy Run, UNT to Big Sandy Run, UNT Larry's Creek, Larry's Creek, UNT Blockhouse Creek, UNT Packhorse Creek (HQ-EV);

Secondary: Steam Valley Run, Gray's Run

ESCGP-1 # ESX12-081-0015

Applicant Name Anadarko Marcellus Midstream LLC
Contact Person Nathan S. Bennett
Address 33 W. Third Street, Suite 200
City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Cascade Township

Receiving Stream(s) and Classification(s) UNT to Slacks Run, Salt Run, West Branch Wallis Run (HQ-EV)

ESCGP-1 # ESX11-081-0070 (01)

Applicant Name Anadarko Marcellus Midstream LLC
Contact Person Nathan S. Bennett

Address 33 W. Third Street, Suite 200

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Cascade Township

Receiving Stream(s) and Classification(s) Slacks Run (HQ-CWF, MF)

ESCGP-1 # ESX12-081-0013

Applicant Name Anadarko Marcellus Midstream LLC
Contact Person Nathan S. Bennett

Address 33 W. Third Street, Suite 200

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Cummings Township

Receiving Stream(s) and Classification(s) UNT to Carson Run (EV,MF), Carson Run (EV, MF);

Secondary: Carson Run (EV, MF), English Run (EV, MF)

ESCGP-1 # ESX12-115-0017

Applicant Name Southwestern Energy Production Company

Contact Person Dave Sweeley

Address 917 State Route 92 North

City, State, Zip Tunkhannock, PA 18657

County Susquehanna County

Township(s) Jackson Township

Receiving Stream(s) and Classification(s) Lewis Creek & Drinker Creek (CWF);

Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX12-117-0012

Applicant Name SWEPI LP

Contact Person H. James Sewell

Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086

County Tioga County

Township(s) Tioga Township

Receiving Stream(s) and Classification(s) Steam Mill Creek, Mutton Lane Creek (WWF, MF)

ESCGP-1 # ESX12-081-0013

Applicant Name Anadarko Marcellus Midstream LLC

Contact Person Nathan S. Bennett
Address 33 W. Third Street, Suite 200
City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Gamble Township

Receiving Stream(s) and Classification(s) West Branch Murray Run (EV, MF)

ESCGP-1 # ESX11-115-0068

Applicant Name Cabot Oil & Gas Corporation

Contact Person Kenneth Marcum

Address 5 Penn Center West, Suite 401

City, State, Zip Pittsburgh, PA 15276

County Susquehanna County

Township(s) Dimock Township

Receiving Stream(s) and Classification(s) Meshoppen Creek and UNT to Meshoppen Creek (CWF, MF)

ESCGP-1 # ESX12-035-0001

Applicant Name Anadarko Marcellus Midstream LLC

Contact Person Nathan S. Bennett

Address 33 W. Third Street, Suite 200

City, State, Zip Williamsport, PA 17701

County Clinton County

Township(s) Noyes Township

Receiving Stream(s) and Classification(s) Rock Run (HQ-CWF, MF), East Branch Big Run (EV,MF), Hastings Branch (HQ-CWF, MF);

Secondary: Shoemaker Branch Baker Run (HQ-CWF, MF) Big Run (CWF, MF) Rock Run (HQ-CWF, MF)

ESCGP-1 # ESX11-081-0125 (01)

Applicant Name Anadarko Marcellus Midstream LLC

Contact Person Nathan S. Bennett

Address 33 W. Third Street, Suite 200

City, State, Zip Williamsport, PA 17701

County Lycoming County

Township(s) Gamble Township

Receiving Stream(s) and Classification(s) East Branch Murray Run, West Branch Murray Run, Wallis Run, and Roaring Run (EV)

ESCGP-1 # ESX12-015-0025

Applicant Name Southwestern Energy Production Company

Contact Person Dave Sweeley

Address 917 State Route 92 North

City, State, Zip Tunkhannock, PA 18657

County Bradford County

Township(s) Stevens Township

Receiving Stream(s) and Classification(s) Rockwell Creek (WWF)/UNT Wyalusing Creek (WWF);

Secondary: Wyalusing Creek (WWF)/ Susquehanna River (WWF)

Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA

12/06/2011

ESCGP-1 No: ESX11-059-0075

Applicant Name: Chesapeake Appalachia LLC

Contact Person Eric Haskins

Address: 101 N Main St

City: Athens State: PA Zip Code: 18810

County: Greene Township: Aleppo

Receiving Stream (s) And Classifications: UNT to Harts Run WWF Ohio River Basin, Other

1/11/2012

ESCGP-1 No.: ESX12-005-0001

Applicant Name: EQT Production Co

Contact Person: Todd Klaner

Address: 455 Racetrack Road Suite 101

City: Washington State: PA Zip Code: 15301

County: Armstrong Township(s): Plumcreek
 Receiving Stream(s) and Classifications: Cherry Run
 CWF, UNT to Cherry Run CWF, Other
 1/26/2012
 ESCGP-1 No.: ESX10-125-0079 Major Revision
 Applicant Name: Range Resources—Appalachia LLC
 Contact Person: Laura Rusmiser
 Address: 3000 Town Center Boulevard
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Morris
 Receiving Stream(s) and Classifications: UNT to Tenmile
 Creek/Tenmile Creek Watershed, Other
 1/20/2012

ESCGP-1 No.: ESX09-059-0035 2nd Major Revision
 Applicant Name: EQT Gathering LLC
 Contact Person: Hanna McCoy
 Address: 625 Liberty Avenue, Suite 1700
 City: Pittsburgh State: PA Zip Code: 15222
 County: Greene Township(s): Center and Morris
 Receiving Stream(s) and Classifications: Patterson Creek
 HQ-WWF,HW, Other
*Southwest Region: Waterways & Wetlands Program
 Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-
 4745.*
*Beaver County Conservation District: 156 Cowpath
 Road, Aliquippa, PA 15001. (724) 378-1701*

| <i>ESCGP-1 No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|--------------------|---|---------------|--|--|
| OG04-12-001 | Anya E. Schrier Columbia Gas of Pennsylvania, Inc. 150 Hillside Drive Bethel Park, PA 15102 | Beaver | Daugherty Township, Rochester Township, East Rochester Borough | UNT to Brush Creek (WWF), UNT to Blockhouse Run (WWF), UNT to McKinley Run (WWF), McKinley Run (WWF), Lacock Run (WWF) |

*Northwest Region: Oil and Gas Program Manager, 230
 Chestnut St., Meadville, PA 16335*
 ESCGP-1 #ESX11-073-0008—SWEPI LP—Kern Unit
 2038—Slippery Rock Township —Lawrence County
 Applicant SWEPI LP
 Contact Mr. James Sewel
 Address 190 Thorn Hill Road
 City Warrendale State PA Zip Code 15086
 County Lawrence Township(s) Slippery Rock(s)
 Receiving Stream(s) and Classification(s) UNT to Big
 Run / Ohio River Basin in PA—Ohio River
 ESCGP-1 #ESX11-047-0035—Owls Nest Pad H
 Applicant Seneca Resources Corporation

Contact Michael Clinger
 Address 51 Zentz Blvd
 City Brookville State PA Zip Code 15825
 County Elk Township(s) Highland(s)
 Receiving Stream(s) and Classification(s) Big Run & UNT
 to Big Run (HQ)
 ESCGP-1 #ESX12-083-0062—Warrant 3700
 Applicant U.S. Energy Development Corporation
 Contact Todd Witmer
 Address 2350 North Forest Road
 City Getzville State NY Zip Code 14068
 County McKean Township(s) Corydon(s)
 Receiving Stream(s) and Classification(s) Willow Creek
 and Boatroad Run—HQ

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following 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, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

| <i>SSIP Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Tank Type</i> | <i>Tank Capacity</i> |
|------------------------|---|---------------|---------------------|-------------------------------|-------------------------|
| 12-09-011 | Sims Metal Management 300 South Steel Road Morrisville, PA 19067 Attn: Anthony Frascella | Bucks | Falls Township | 2 ASTs storing diesel fuel | 22,000 gallons total |

[Pa.B. Doc. No. 12-333. Filed for public inspection February 24, 2012, 9:00 a.m.]

Clean Air Interstate Rule; Proposed 2016 New Unit Annual and Ozone Season CAIR Nitrogen Oxides Allowance Allocations

In accordance with 25 Pa. Code §§ 145.211(d)(3) and 145.221(d)(3) (relating to timing requirements for CAIR NO_x allowance allocations; and timing requirements for CAIR NO_x Ozone Season allowance allocations), the Department of Environmental Protection (Department) is providing notice and an opportunity to comment on the proposed 2016 annual and ozone season Clean Air Interstate Rule (CAIR) nitrogen oxides (NO_x) allowance allocations for new units. The Commonwealth's total 2016 NO_x budget for the annual CAIR program contains 82,541 NO_x allowances and the Commonwealth's total 2016 NO_x budget for the ozone season CAIR program contains 35,143 NO_x allowances.

New unit CAIR NO_x allocations for the annual and ozone season programs are made in accordance with 25 Pa. Code §§ 145.212(e) and 145.222(e) (relating to CAIR NO_x allowance allocations; and CAIR NO_x Ozone Season allowance allocations). The Department issues CAIR NO_x allowances and CAIR NO_x Ozone Season allowances equal to each new unit's 2011 annual and ozone season emissions prior to making regular allocations to other units.

For each new unit receiving a CAIR NO_x allocation, Table 1 lists the following information: Facility name, County, ORIS Code, Unit ID, 2011 Annual NO_x Emission, 2011 Ozone Season NO_x Emission, Operation Date, 2016 Annual New Unit Allocation and 2016 New Unit Ozone Season Allowance Allocation.

Table 1: Proposed 2016 CAIR New Unit Allocations

| Facility Name | County | ORIS Code | Unit ID | 2011 Annual NO _x Emission (tons) | 2011 Ozone Season NO _x Emission (tons) | Operation Date (EPA data) | 2016 CAIR New Unit Annual NO _x Allowance Allocation | 2016 CAIR New Unit Ozone Season NO _x Allowance Allocation |
|-----------------------------|---------|-----------|---------|---|---|---------------------------|--|--|
| Hunlock Creek Energy Center | Luzerne | 3176 | CT5 | 17 | 0 | 6/2/11 | 17 | 0 |
| York Energy Center | York | 55524 | 1 | 8 | 8 | 3/2/11 | 8 | 8 |
| York Energy Center | York | 55524 | 2 | 7.7 | 7.7 | 3/2/11 | 7 | 7 |
| York Energy Center | York | 55524 | 3 | 7.5 | 7.5 | 3/2/11 | 7 | 7 |

Owners and operators of new units should be aware that CAIR NO_x allowances and CAIR NO_x Ozone Season allowances do not constitute property rights and that actions at the Federal or State level, including possible court action in *EME Homer City Generation, L.P. v. EPA*, D.C. Cir. 11-1302, could affect these allocations, once final.

Written Comments

Written comments on the new unit proposed annual and ozone season CAIR NO_x allowance allocations for 2016 should be sent to the attention of Randy Bordner, Environmental Group Manager, Air Resource Management Division, Bureau of Air Quality, DEP, P. O. Box 8468, Harrisburg, PA 17105-8468 or ranbordner@pa.gov no later than March 12, 2012. Any written comments (including e-mails) should include the name, affiliation (if any), mailing address and telephone number of the interested person and contain "Proposed 2016 New Unit Annual and Ozone Season CAIR Nitrogen Oxides (NO_x) Allowance Allocations" in the subject line.

Questions concerning this notice should be directed to Randy Bordner at (717) 772-3921. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-334. Filed for public inspection February 24, 2012, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Wednesday, March 14, 2012, and Thursday, March 15, 2012, from 9 a.m. to 4 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-335. Filed for public inspection February 24, 2012, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Integrated Council Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Tuesday, March 13, 2012, from 9 a.m. to 2 p.m. at the Park Inn Hotel Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, Division of HIV/AIDS, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Joseph Pease at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-336. Filed for public inspection February 24, 2012, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(g) (relating to bathing facilities):

Pleasant View Retirement Community
544 North Penryn Road
Manheim, PA 17545
FAC ID 681902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction):

Manchester Presbyterian Lodge
6351 West Lake Road
Erie, PA 16505
FAC ID 075602

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on 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,
Secretary

[Pa.B. Doc. No. 12-337. Filed for public inspection February 24, 2012, 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 28, 2012, from 9 a.m. to 12 p.m. The meeting will be held at the Department of Health, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. This meeting can also be accessed through WebEx by contacting (717) 783-1457 by March 23, 2012.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Sharon H. Sowers, Acting Section Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, 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,
Secretary

[Pa.B. Doc. No. 12-338. Filed for public inspection February 24, 2012, 9:00 a.m.]

Women, Infants and Children Program Public Meetings

The Department of Health (Department) announces three public meetings on the following dates at the location indicated to receive comments and suggestions about the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

Williamsport—10 a.m. to 3 p.m., Thursday, April 12, 2012, Bi-County WIC Program, 612 West 4th Street, Williamsport, PA 17701

Philadelphia—10 a.m. to 3 p.m., Tuesday, May 1, 2012, NORTH, Inc., 642 North Broad Street, Suite 101, Philadelphia, PA 19130-3409

Pittsburgh—10 a.m. to 3 p.m., Thursday, May 3, 2012, Allegheny County Health Department, Investment Building, 6th Floor, 239 Fourth Avenue, Pittsburgh, PA 15222

The general public is invited to provide comments on all aspects of the WIC Program's operations. The purpose of the WIC Program is to provide nutrition, education and supplemental foods to eligible persons with an emphasis on reaching and enrolling women in the early months of pregnancy, migrants and homeless individuals. Call (800) WIC-WINS for eligibility criteria for participation. Persons wishing to provide comments at the public meetings are requested to preregister with the Pennsylvania WIC Program Office by calling Bonnie Mellott, Public Health

Program Administrator at (717) 783-1289. Those unable to attend are encouraged to submit comments to the Department of Health, Division of Women, Infants and Children (WIC), 2150 Herr Street, 1st Floor, Suite B, Harrisburg, PA 17103-1625. Written comments will be accepted until May 31, 2012.

Written comments and those presented at the meetings will be used in developing the State Plan of Program Operation and Administration for the WIC Program for the 2013 Federal Fiscal Year, which runs October 1, 2012, to September 30, 2013.

For additional information or for persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) who wish to attend the meetings, preregister or provide comments and require an auxiliary aid service to do so, contact Bonnie Mellott at (717) 783-1289, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

WIC is administered by the Department and funded by United States Department of Agriculture. WIC is an equal opportunity provider. These meetings are subject to cancellation without notice.

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 12-339. Filed for public inspection February 24, 2012, 9:00 a.m.]

FISH AND BOAT COMMISSION

[Correction]

Proposed Changes to List of Class A Wild Trout Waters

An error occurred in the notice published at 42 Pa.B. 739 (February 4, 2012). The second paragraph of section (iv) contained inaccurate wording. The correct version of this paragraph follows. The remainder of the document was accurate as printed.

* * * * *

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations.

* * * * *

[Pa.B. Doc. No. 12-206. Filed for public inspection February 3, 2012, 9:00 a.m.]

Temporary Changes to Fishing Regulations; Hertzels Pond, Erie County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporarily fishing regulations at Hertzels Pond, Erie County, to make it lawful to take, catch, kill or possess trout until March 31, 2012, with a minimum size limit of 7 inches and a daily creel limit of 3 (combined species). A trout/salmon permit is required.

The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities. The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the pond and the modified regulations will be fully effective and enforceable when posted. These temporary modifications will remain in effect until March 30, 2012.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 12-340. Filed for public inspection February 24, 2012, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda; Addition to List

The following regulation was inadvertently omitted from the Regulatory Agenda printed at 42 Pa.B. 879 (February 11, 2012). This regulation should have been included under the Department of Public Welfare.

| | | | |
|---|---------------------------------|--|-------------------------------|
| Medical Assistance Pharmaceutical Services Payment Methodology Change 55 Pa. Code Chapter 1121 | April 2012, as final-omitted | This final-omitted regulation amends current MA program regulations at 55 Pa. Code §§ 1121.55 and 1121.56 regarding the pharmacy dispensing fees for covered drugs, the method of payment for legend and nonlegend drugs, and determination of drug cost. This regulation is being promulgated under the authority of Act 2011-22. | Angie Logan (717) 772-4141 |
|---|---------------------------------|--|-------------------------------|

[Pa.B. Doc. No. 12-341. Filed for public inspection February 24, 2012, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, February 29, 2012, 10 a.m. Data Systems Committee, 1 p.m. Education Committee, 2:30 p.m. and 4:30 p.m. Executive Committee; Thursday, March 1, 2012, 10 a.m. Council Meeting.

The meetings will be held at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodation due to a disability who wish to attend the meeting should contact Reneé Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 12-342. Filed for public inspection February 24, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of David and Mary Brown; file no. 11-114-111933; Lititz Mutual Insurance Company; Doc. No. P12-02-005; March 27, 2012, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-343. Filed for public inspection February 24, 2012, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Lititz Mutual Insurance Company; file no. 11-116-113024; Rhonda Y. Williams; Doc. No. P12-02-004; March 27, 2012, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-344. Filed for public inspection February 24, 2012, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution #CB-11-005, Dated December 7, 2011. Authorizes an amendment to the Side Agreement with AFSCME that provides for salary adjustments for Senior Insurance Company Licensing Specialists who hold or attain certain professional designations.

Governor's Office

Management Directive No. 205.40—Commonwealth Branding, Amended January 19, 2012.

Administrative Circular No. 12-01—2012-2013 Budget Hearing Materials, Dated January 17, 2012.

Administrative Circular No. 12-02—Distribution of the 2012-2013 Commonwealth Budget, Dated January 17, 2012.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 12-345. Filed for public inspection February 24, 2012, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board Lease seeks the following new site:

Philadelphia County, Office Space/Training Academy, #(TBD) (New Facility), Philadelphia, PA

Lease office space for a training academy to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing office space/training academy within a 1.5-mile radius at the intersection of Ridge Avenue and Domino Lane, Philadelphia, PA that is easily accessible to public transportation and offers parking spaces for at least 50 vehicles.

Proposals due: March 9, 2012, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Region #1
7114 Ridge Avenue
Philadelphia, PA 19128-3250
Contact: Henry Blocker, Jr., (215) 482-9670

JOSEPH E. BRION,
Chairperson

[Pa.B. Doc. No. 12-346. Filed for public inspection February 24, 2012, 9:00 a.m.]

OFFICE OF OPEN RECORDS

Hearing in the Matter of James Eiseman, Jr. v. Department of Public Welfare; Doc. No. AP 2011- 1098

A hearing on the previously-captioned Right-To-Know appeal will be held as follows:

Date: March 13, 14 and 15, 2012

Time: 10 a.m.

Location: Hearing Room 5
Plaza Level Commonwealth Keystone
Building
400 North Street
Harrisburg, PA 17120

Presiding: Edward S. Finkelstein, Esq.
Hearing Officer
400 North Street, Plaza Level
Harrisburg, PA 17120
(717) 364-9903, fax (717) 425-5343

This hearing is being conducted under section 1101 of the Right-to-Know Law (law) (65 P.S. § 67.1101(a)(2)) to determine whether certain records are exempt from disclosure under the "confidential proprietary information" exception in section 708(b)(11) of the law (65 P.S. § 708(b)(11)).

Persons with a disability who wish to attend the hearing should contact the Office of Open Records (OOR) to make arrangements for their special needs. Call the OOR at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the OOR will make every reasonable effort to have an interpreter present. Call the OOR at (717) 346-9903 at least 10 business days prior to the hearing to submit the request.

TERRY MUTCHLER,
Executive Director

[Pa.B. Doc. No. 12-347. Filed for public inspection February 24, 2012, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a meeting of the Authority's Board to be held at the Harrisburg Area Community College, One HACC Drive, Harrisburg, PA at 10 a.m. on Tuesday, March 6, 2012.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 12-348. Filed for public inspection February 24, 2012, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Petition for Declaratory Judgment before the Philadelphia Parking Authority Taxicab and Limousine Division; Medallion No. 1313; Doc. No. P1202001

Petition for Declaratory Judgment

Petitioner, the Philadelphia Parking Authority, through its Taxicab and Limousine Division, hereby petitions this Honorable Court for a Declaratory Judgment concerning the status of Medallion No. 1313 for the following reasons:

1. On April 10, 2005, the Philadelphia Parking Authority ("Authority") assumed regulatory control over medallion taxicabs in Philadelphia from the Pennsylvania Public Utility Commission ("PUC") (the "Transfer Date").
2. On the Transfer Date, Medallion No. 1313 was in the sole possession of the PUC.
3. On the Transfer Date, all property of the PUC related to its enforcement of medallion taxicabs was transferred to the possession of the Authority.
4. Medallion No. 1313 has not been in service for over seven (7) years, has never paid an Authority assessment fee and carried administrative penalties levied by the PUC against the previous owners in an amount not less than One Hundred Seventeen Thousand Nine Hundred Thirty Seven Dollars and 00/100 (\$117,937.00), prior to its revocation by the PUC.
5. Medallion No. 1313 is a possession of the Authority and is subject to sale pursuant to 53 Pa.C.S. § 5717.

Wherefore, The Philadelphia Parking Authority, through its Taxicab and Limousine Division, respectfully requests this Honorable Court issue a Declaratory Judgment confirming that the Authority is the successor in interest to the Commission in regards to Medallion No. 1313 and that the Authority is permitted to sell Medallion No. 1313 in accordance with its interest.

Respectfully submitted,
The Philadelphia Parking Authority
Taxicab and Limousine Division

By: _____
Megan M. Poley
Trial Counsel
The Philadelphia Parking Authority
Taxicab and Limousine Division
2415 South Swanson Street
Philadelphia, PA 19148

VERIFICATION

I, William Schmid, Deputy Director of The Philadelphia Parking Authority Taxicab and Limousine Division, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Authority to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

William Schmid
Deputy Director
The Philadelphia Parking Authority
Taxicab and Limousine Division

BEFORE THE PHILADELPHIA PARKING AUTHORITY TAXICAB AND LIMOUSINE DIVISION

IN RE: _____
MEDALLION NO. 1313 : DOCKET NO. P1202001
: _____
: _____

NOTICE

A. You must file an Answer within twenty (20) days of service of this Petition. The date of service is the date of publication in the *Pennsylvania Bulletin*. An answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the Docket No. of this Petition. Your Answer must be verified and the original and two (2) copies filed with:

Christine Kirlin
Office of the Clerk
The Philadelphia Parking Authority
Taxicab and Limousine Division
2415 South Swanson Street
Philadelphia, PA 19148

B. If you fail to answer this Petition within twenty (20) days, you are warned that the case may proceed without you and the TLD will request that the Hearing Officer issue a Declaratory Judgment in this matter.

C. If you file an Answer which admits or fails to deny the allegations of the Petition, the TLD will request that the Hearing Office issue a Declaratory Judgment in this matter.

D. If you file an answer which contests the Petition, the matter will be assigned to a Hearing Officer for hearing and decision.

E. You have the right to be represented by an attorney and it is recommended that you consult with one.

VINCE J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 12-349. Filed for public inspection February 24, 2012, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 11-093.1, On-Call Paving Repairs (Spray Patch Paving) at Various PRPA Facilities, until 2 p.m. on Thursday, March 22, 2012. Information concerning this project can be obtained from

the PRPA web site www.philaport.com under Procurement, or call the Engineering Department at (215) 426-2600.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 12-350. Filed for public inspection February 24, 2012, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

March 23, 2012 Delores McDowell (D) 1 p.m.
Death Benefit

The party in the case may appear with or without counsel and offer relevant testimony or evidence to support his or her respective position. The hearing 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 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

DAVID E. DURBIN,
Acting Secretary

[Pa.B. Doc. No. 12-351. Filed for public inspection February 24, 2012, 9:00 a.m.]
