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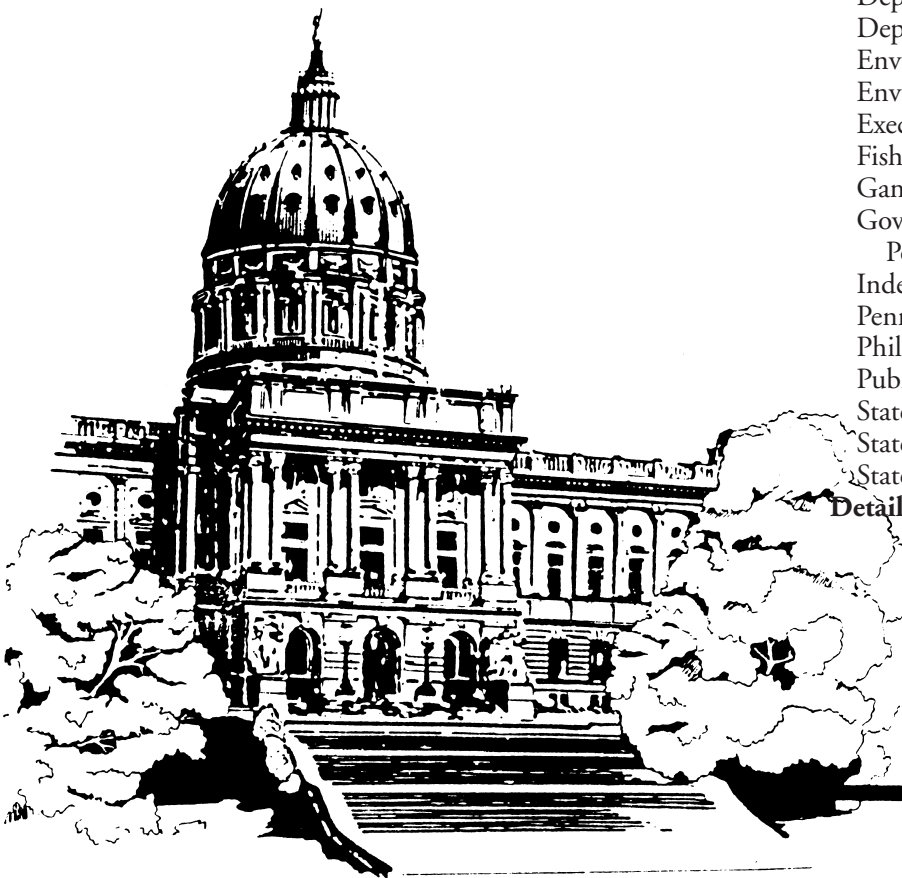
# PENNSYLVANIA BULLETIN

Volume 42  
Saturday, March 10, 2012 • Harrisburg, PA  
Number 10  
Pages 1205—1352

## Agencies in this issue

The General Assembly  
The Courts  
Department of Agriculture  
Department of Banking  
Department of Environmental Protection  
Department of Health  
Department of Revenue  
Department of State  
Department of Transportation  
Environmental Hearing Board  
Environmental Quality Board  
Executive Board  
Fish and Boat Commission  
Game Commission  
Governor's Advisory Commission on  
Postsecondary Education  
Independent Regulatory Review Commission  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Public School Employees' Retirement Board  
State Board of Auctioneer Examiners  
State Board of Education  
State Conservation Commission

Detailed list of contents appears inside.



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

**No. 448, March 2012**

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# CONTENTS

## THE GENERAL ASSEMBLY

Recent actions during the 2012 regular session of the General Assembly .....	1212
------------------------------------------------------------------------------	------

## THE COURTS

### JUVENILE RULES

Order renumbering Rule 520 to 620 and adopting new Rules 622, 625, and 628 of the Rules of Juvenile Court Procedure; no. 560 Supreme Court rules doc. ....	1214
------------------------------------------------------------------------------------------------------------------------------------------------------------	------

### LOCAL COURT RULES

#### Susquehanna County

New rules of the civil division of the court of common pleas; 2012-209 C.P. ....	1219
----------------------------------------------------------------------------------	------

### PHILADELPHIA RULES

Mass Tort and Asbestos Programs; general court regulation no. 2012-01 .....	1217
-----------------------------------------------------------------------------	------

## EXECUTIVE AGENCIES

### DEPARTMENT OF AGRICULTURE

#### Notices

Dog Law Grant Program; fiscal year 2012-2013 ...	1248
--------------------------------------------------	------

### DEPARTMENT OF BANKING

#### Notices

Actions on applications .....	1250
-------------------------------	------

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Air Quality Technical Advisory Committee meeting cancellation .....	1324
Applications, actions and special notices .....	1254
Bid opportunity .....	1324
Interstate pollution transport reduction; proposed 2012 ozone season NO <sub>x</sub> emission limits for non-electric generating units .....	1324
Nutrient Credit Trading Program; actions .....	1327
Recycling Program Development and Implementation Grants under section 902 of Act 101 the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 .....	1327
Stream redesignation evaluations; water quality standards review .....	1329

### DEPARTMENT OF HEALTH

#### Notices

Applications for exception:	
Allegheny Reproductive Health Center, Inc. ....	1330
Allentown Women's Center .....	1330
Berger & Benjamin, LLP .....	1330
Berwick Hospital Center .....	1331
Chambersburg Endoscopy Center .....	1331
Conemaugh Valley Memorial Hospital .....	1331
Easton Hospital .....	1331
Ephrata Community Hospital .....	1332
Fairgrounds Surgical Center .....	1333

Geisinger Medical Center Outpatient Surgery—Woodbine .....	1333
Grove City Medical Center .....	1334
Harrisburg Interventional Pain Management Center .....	1334
Hillcrest Women's Medical Center—Harrisburg ..	1334
Jefferson Regional Medical Center .....	1335
Kindred Hospital South Philadelphia .....	1335
Magee Womens Hospital .....	1335
Muncy Valley Hospital .....	1335
OSS Orthopaedic Hospital .....	1336
OSS Orthopaedic Hospital Clinics .....	1336
Penn State Hershey Medical Center .....	1336
Philadelphia Women's Center, Inc. ....	1337
Planned Parenthood Association of Bucks County Warminster .....	1337
Planned Parenthood of Central PA—York Health Center .....	1337
Planned Parenthood of Northeast and Mid-Penn Allentown Facility .....	1338
Planned Parenthood of Northeast and Mid-Penn Reading Facility .....	1338
Planned Parenthood Southeastern Pennsylvania's Far Northeast Health Center .....	1338
Planned Parenthood Southeastern Pennsylvania's Norristown Health Center .....	1339
Planned Parenthood Southeastern Pennsylvania's Surgical Locust Street Health Center .....	1339
Planned Parenthood Southeastern Pennsylvania's West Chester Health Center .....	1339
Planned Parenthood of Western Pennsylvania, Inc. ....	1339
Plastic Surgical Associates of Johnstown, Inc. ...	1340
Reproductive Health and Counseling Center ...	1340
Riddle Hospital .....	1340
Saint Vincent Health Center .....	1341
Southwest Regional Medical Center .....	1341
St. Luke's Hospital .....	1341
Thomas Jefferson University Hospital .....	1342
28 Pa. Code § 101.42 .....	1332
28 Pa. Code § 117.26(a) .....	1332
28 Pa. Code § 123.25(2) .....	1333
28 Pa. Code § 127.32 .....	1333
Western Pennsylvania Hospital .....	1342
Long-term care nursing facilities; request for exception .....	1342
Patient Safety Trust Fund surcharge for fiscal year 2011-2012 as provided for under the Medical Care Availability and Reduction of Error (MCARE) Act .....	1343

### DEPARTMENT OF REVENUE

#### Propose Rulemaking

Board of Appeals; small games of chance .....	1222
-----------------------------------------------	------

### DEPARTMENT OF STATE

#### Notices

Corporation Bureau Advisory Committee meeting ...	1343
---------------------------------------------------	------

### DEPARTMENT OF TRANSPORTATION

#### Notices

Contemplated sale of land no longer needed for transportation purposes .....	1344
------------------------------------------------------------------------------	------

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

**ENVIRONMENTAL HEARING BOARD****Notices**

Sierra Club v. DEP and GenOn REMA, LLC; EHB doc. no. 2012-024-M .....	1344
--------------------------------------------------------------------------	------

**ENVIRONMENTAL QUALITY BOARD****Propose Rulemaking**

Coal mining fees .....	1228
------------------------	------

**EXECUTIVE BOARD****Statement of Policy**

Reorganization of the Department of Public Welfare ..	1246
-------------------------------------------------------	------

**FISH AND BOAT COMMISSION****Notices**

Triploid grass carp permit application .....	1344
----------------------------------------------	------

**GAME COMMISSION****Propose Rulemakings**

Hunting and trapping; beaver trapping .....	1231
Hunting and trapping; big game .....	1232
Hunting and trapping; hunting hours .....	1233
Hunting and trapping; special regulations areas ...	1235
Hunting and trapping; wild pheasant recovery areas .....	1236
Lands and buildings; all-terrain vehicles .....	1238
Seasons and bag limits .....	1238
Special permits; mentored youth hunting program permit .....	1244

**Notices**

White nose syndrome response—bat rehabilitation ban .....	1345
--------------------------------------------------------------	------

**GOVERNOR'S ADVISORY COMMISSION ON  
POSTSECONDARY EDUCATION****Notices**

Meetings scheduled .....	1345
--------------------------	------

**INDEPENDENT REGULATORY REVIEW  
COMMISSION****Notices**

Notice of comments issued .....	1345
Notice of filing of final rulemakings .....	1347

**PENNSYLVANIA PUBLIC UTILITY COMMISSION****Notices**

Service of notice of motor carrier applications .....	1348
Telecommunications services .....	1348
Transfer of direct and indirect ownership and con- trol .....	1348
Wastewater service .....	1349

**PHILADELPHIA REGIONAL PORT AUTHORITY****Notices**

Request for bids .....	1349
------------------------	------

**PUBLIC SCHOOL EMPLOYEES' RETIREMENT  
BOARD****Notices**

Hearings scheduled .....	1349
--------------------------	------

**STATE BOARD OF AUCTIONEER EXAMINERS****Notices**

Bureau of Professional and Occupational Affairs v. Bonnie Brae Auction, LLC; doc. no. 1499-64-10 ..	1349
Bureau of Professional and Occupational Affairs v. Gary Wayne Plotts; doc. no. 1500-64-10 .....	1350

**STATE BOARD OF EDUCATION****Notices**

Application of the Riegelsville Independent School District for transfer from the Easton Area School District to the Palisades School District .....	1350
------------------------------------------------------------------------------------------------------------------------------------------------------------	------

**STATE CONSERVATION COMMISSION****Notices**

Action on odor management plans for concentrated animal operations and concentrated animal feed- ing operations and volunteers complying with the Commonwealth's Facility Odor Management Program .....	1350
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

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

## *Pennsylvania Bulletin*

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

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

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

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

### **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

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

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us](http://www.legis.state.pa.us).

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at [www.pabulletin.com](http://www.pabulletin.com).

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

<b>4 Pa. Code (Administration)</b>		<b>67 Pa. Code (Transportation)</b>	
<b>Statements of Policy</b>		<b>Adopted Rules</b>	
9 .....	27, 935, 1246	231 .....	25
<b>25 Pa. Code (Environmental Protection)</b>		<b>101 Pa. Code (General Assembly)</b>	
<b>Proposed Rules</b>		<b>Statements of Policy</b>	
77 .....	553	31 .....	29
86 .....	1228	<b>204 Pa. Code (Judicial System General Provisions)</b>	
105 .....	553	<b>Proposed Rules</b>	
121 .....	779	213 .....	658
129 .....	779	<b>210 Pa. Code (Appellate Procedure)</b>	
130 .....	779	<b>Adopted Rules</b>	
<b>40 Pa. Code (Liquor)</b>		3 .....	374
<b>Adopted Rules</b>		<b>Proposed Rules</b>	
3 .....	388	37 .....	659
<b>49 Pa. Code (Professional and Vocational Standards)</b>		<b>231 Pa. Code (Rules of Civil Procedure)</b>	
<b>Adopted Rules</b>		<b>Adopted Rules</b>	
33 .....	769	200 .....	377
<b>Proposed Rules</b>		1910 .....	379, 545, 930
16 .....	1122	<b>Proposed Rules</b>	
<b>52 Pa. Code (Public Utilities)</b>		200 .....	377
<b>Adopted Rules</b>		<b>234 Pa. Code (Rules of Criminal Procedure)</b>	
57 .....	9	<b>Adopted Rules</b>	
59 .....	9	6 .....	545
65 .....	9	<b>Proposed Rules</b>	
67 .....	9	1 .....	380
1055 .....	777	6 .....	380
<b>Proposed Rules</b>		<b>237 Pa. Code (Juvenile Rules)</b>	
54 .....	796	<b>Adopted Rules</b>	
<b>Statements of Policy</b>		1 .....	547
69 .....	1034, 1044	4 .....	664
<b>55 Pa. Code (Public Welfare)</b>		5 .....	1214
<b>Adopted Rules</b>		6 .....	1214
1187 .....	673	<b>246 Pa. Code (Minor Court Civil Rules)</b>	
<b>Statements of Policy</b>		<b>Proposed Rules</b>	
3270 .....	675	200 .....	1116
3280 .....	675	300 .....	1116
3290 .....	675	<b>249 Pa. Code (Philadelphia Rules)</b>	
<b>58 Pa. Code (Recreation)</b>		Unclassified .....	1217
<b>Proposed Rules</b>		<b>252 Pa. Code (Allegheny County Rules)</b>	
135 .....	1238	Unclassified .....	930
139 .....	1238	<b>255 Pa. Code (Local Court Rules)</b>	
141 .....	1231, 1232, 1233, 1235, 1236	Unclassified .....	8, 203, 550, 551, 669, 670, 671, 762, 766, 768, 934, 1033, 1121, 1219
147 .....	1244		
<b>61 Pa. Code (Revenue)</b>			
<b>Proposed Rules</b>			
7 .....	1222		
901 .....	1222		



# THE GENERAL ASSEMBLY

## Recent Actions during the 2012 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2012 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2012 GENERAL ACTS of Regular Session ENACTED—ACT 001 through 016</b>					
001	Jan 27	HB1458	PN2996	Immediately*	Vehicle Code (75 Pa.C.S.)—omnibus amendments
002	Feb 2	HB0169	PN2961	30 days	Local Option Small Games of Chance Act—omnibus amendments
003	Feb 2	HB0170	PN0114	60 days	Vehicle Code (75 Pa.C.S.)—driving on right side of roadway, overtaking vehicle on the left, no-passing zones, required position and method of turning and minimum speed regulation
004	Feb 2	HB0398	PN2633	Immediately*	Appraisal Management Company Registration Act—enactment
005	Feb 2	HB1630	PN2818	90 days	Motor Vehicle Sales Finance Act—revocation or suspension of licenses
006	Feb 2	SB0159	PN0440	Immediately	Interstate Compact on Educational Opportunity for Military Children Act—enactment
007	Feb 2	SB0726	PN0732	60 days	First Class Township Code—omnibus amendments
008	Feb 2	SB0923	PN0960	60 days	Housing Authorities Law—powers of an authority
009	Feb 2	SB0995	PN1844	Immediately	Health and Safety (35 Pa.C.S.)—requiring operator of each permitted unconventional well in Pennsylvania to post certain 911 response information at entrance to each unconventional well site
010	Feb 9	SB1375	PN1889	Immediately	Health and Safety (35 Pa.C.S.)—further defining “extended benefit period”
011	Feb 14	HB1294	PN3007	60 days	Public Utility Code (66 Pa.C.S.)—omnibus amendments
012	Feb 14	HB1582	PN2999	60 days	General Local Government Code (53 Pa.C.S.)—purposes and powers of municipal authorities
013	Feb 14	HB1950	PN3048	Immediately*	Oil and Gas (58 Pa.C.S.)—omnibus amendments
014	Feb 14	SB0894	PN0911	60 days	Second Class Township Code—compensation of supervisors
015	Feb 14	SB1043	PN1161	60 days	Trooper Gary Rosenberger Memorial Bridge—designation
016	Feb 14	SB1237	PN1918	Immediately	Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act—omnibus amendments

\* denotes an effective date with exceptions

**Effective Dates of Statutes**

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

**Advance Copies of Statutes**

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts,

to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum \$25.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, accompanied by a check or money order in the sum of \$25, payable to the “Commonwealth of Pennsylvania.”

ROBERT ZECH, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 12-389. Filed for public inspection March 9, 2012, 9:00 a.m.]

# THE COURTS

## Title 237—JUVENILE RULES

### PART I. RULES

[ 237 PA. CODE CHS. 5 AND 6 ]

#### Order Renumbering Rule 520 to 620 and Adopting New Rules 622, 625, and 628 of the Rules of Juvenile Court Procedure; No. 560 Supreme Court Rules Doc.

#### Order

*Per Curiam*

And Now, this 23rd day of February, 2012, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 41 Pa.B. 3528 (July 2, 2011), in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 19, No. 3, July 1, 2011), and on the Supreme Court’s web-page, and an Explanatory Report to be published with this Order:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the renumbering of Rule 520 to 620 and adoption of new Rules 622, 625, and 628 of the Rules of Juvenile Court Procedure are approved in the following form.

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

#### Annex A

### TITLE 237. JUVENILE RULES

#### PART I. RULES

##### Subpart A. DELINQUENCY MATTERS

##### CHAPTER 5. DISPOSITIONAL HEARING

##### PART C. [ POST-DISPOSITIONAL MOTIONS ] (Reserved)

Rule [ 520 ] 620. Post-Dispositional Motions.

\* \* \* \* \*

**Official Note:** Rule 520 adopted May 17, 2007, effective August 20, 2007[ ; amended ]. Amended July 28, 2009, effective immediately. Amended January 11, 2010, effective March 1, 2010. **Renumbered Rule 620 on February 23, 2012, effective April 1, 2012.**

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 520 published with the Court’s Order at 37 Pa.B. 2506 (June 2, 2007).

Final Report explaining the amendment to Rule 520 published with the Court’s Order at 39 Pa.B. 4743 (August 8, 2009).

**Final Report explaining the renumbering of Rule 520 to 620 published with the Court’s Order at 42 Pa.B. 1214 (March 10, 2012).**

#### CHAPTER 6. POST-DISPOSITIONAL PROCEDURES

##### PART C. MOTIONS AND NUNC PRO TUNC RELIEF

- Rule 620. Post-Dispositional Motions.
- 622. Motion for *Nunc Pro Tunc* Relief.
- 625. Hearing and Findings on Motion for *Nunc Pro Tunc* Relief.
- 628. Order of Court on Motion for *Nunc Pro Tunc* Relief.

*(Editor’s Note:* The following rules are new and printed in regular type to enhance readability.)

#### Rule 622. Motion for *Nunc Pro Tunc* Relief.

A. *Timing.* A motion for *nunc pro tunc* relief shall be filed by the juvenile with the clerk of courts in the court in which the alleged error occurred as soon as possible but no later than sixty days after the date that the error was made known.

B. *Counsel.* If alleged ineffective assistance of counsel is the basis for the motion, counsel is to withdraw pursuant to Rule 150(C) and the judge shall assign new counsel.

C. *Contents of Motion.* A motion for relief under this rule shall include:

- 1) the name of the juvenile and case docket number;
- 2) the location of the juvenile;
- 3) the delinquent act(s) for which the juvenile was adjudicated delinquent;
- 4) if ineffective assistance of counsel is alleged, the name of counsel who allegedly rendered ineffective assistance;
- 5) the relief requested;
- 6) a statement that one of the following requirements for the relief has been met:
  - a) there is a need for correction of an error to accurately reflect the court’s findings; or
  - b) allegations that:
    - 1) the juvenile has been adjudicated delinquent and is under the court’s supervision;
    - 2) there is a legitimate basis for the relief requested; and
    - 3) there are sufficient facts upon which to conclude the delay was justified and should be overlooked in the interest of justice;
    - 7) the facts supporting the grounds for relief and sufficient facts to support any delay in filing the motion for relief that:
      - a) appear in the record, and the place in the record where they appear; and
      - b) do not appear in the record, and an identification of any affidavits, documents, and other evidence showing such facts;
      - 8) whether the grounds for the relief requested were raised before, and if so, at what stage of the proceedings;
      - 9) a verification that the facts set forth in the motion are true and correct to the best of the movant’s personal knowledge or information and belief and that any false statements are made subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;
      - 10) if applicable, any request for an evidentiary hearing, including:
        - a) a signed certification by counsel as to each intended witness, stating the:
          - i) witness’s name;
          - ii) witness’s address;
          - iii) witness’s date of birth; and

- iv) the substance of the witness's testimony; and
  - b) any documents material to the witness's testimony, attached to the motion; and
- 11) if applicable, any request for discovery.

D. *Answer.*

1) The Commonwealth may answer the motion. If the Commonwealth chooses to respond to the motion, such response shall:

a) be submitted within ten days of receipt of the motion; and

b) include a verification that the facts set forth in the answer are true and correct to the best of the attorney's personal knowledge or information and belief and that any false statements are made subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;

2) The court may order the Commonwealth to file an answer within a timeframe established by the court.

**Comment**

A motion for relief under this rule is to be filed with the clerk of courts in the court in which the alleged error occurred. Rule 120 defines "court" as the Court of Common Pleas. See Rule 120. Because the court has continual supervision over a juvenile until court supervision is terminated pursuant to Rules 631 or 632, the juvenile court is the appropriate forum for such a motion.

This process allows the juvenile court to accept late motions when there is a sufficient basis for the delay. See paragraph (C)(6) for requirement of the grounds for the motion. Because the court is providing relief *nunc pro tunc*, the requirements of 42 Pa.C.S. § 5505 do not apply. See *City of Philadelphia Police Dep't v. Civil Service Comm'n of City of Philadelphia*, 702 A.2d 878 (Pa. Commw. Ct. 1997) (absent specific rule, only technical errors may be corrected after 30-day period); see also *Justice v. Justice*, 417 Pa. Super. 581, 612 A.2d 1354 (1992) (after a 30-day period the order can be opened or vacated if there is fraud or some other circumstance so grave or compelling as to constitute extraordinary cause which justifies intervention by the court); *Com., Dep't of Transp., Bureau of Driver Licensing v. Duncan*, 144 Pa. Commw. 261, 601 A.2d 456 (1991) (after a 30-day period order can be opened or vacated upon extraordinary cause).

Pursuant to paragraph (A), the motion is to be filed as soon as possible but no later than sixty days after the date the error was made known or discovered. It is best practice to file the motion within thirty days.

Pursuant to paragraph (B), counsel is to remain in the case unless ineffective assistance of counsel is alleged. See Rule 150(B). If ineffective assistance of counsel is alleged, counsel is to withdraw and the court is to appoint new counsel. See Rule 150(C).

Pursuant to paragraphs (C)(6) & (7), the juvenile is to aver the basis for relief and allege facts to support the grounds for the relief upon which the court may conclude the delay was justified and should be overlooked in the interest of justice.

Second or subsequent motions will not be entertained unless a strong *prima facie* showing is offered to demonstrate that a miscarriage of justice may have occurred. See *Commonwealth v. Szuchon*, 534 Pa. 483, 633 A.2d 1098 (1993) (citing *Commonwealth v. Lawson*, 519 Pa. 504, 549 A.2d 107 (1988)). This standard is met if the

juvenile can demonstrate either: 1) the proceedings resulting in the juvenile's disposition were so unfair that a miscarriage of justice occurred which no civilized society can tolerate; or 2) the juvenile is innocent of the delinquent acts petitioned. See *Szuchon, supra*.

**Official Note:** Rule 622 adopted February 23, 2012, effective April 1, 2012.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 622 published with the Court's Order at 42 Pa.B. 1214 (March 10, 2012).

**Rule 625. Hearing and Findings on Motion for *Nunc Pro Tunc* Relief.**

A. *Hearing.*

1) The judge may grant an evidentiary hearing to resolve material questions of fact.

2) The hearing shall be conducted as soon as possible but no later than thirty days after the filing of the motion for *nunc pro tunc* relief unless, upon good cause shown, the judge determines more time is necessary for investigation and preparation.

B. *Grant with No Hearing.* If sufficient facts exist in the record to warrant relief, the judge may grant the motion without a hearing. If the judge grants the motion, it shall be granted within thirty days of the filing of the motion unless an extension is granted.

C. *Dismiss with No Hearing.*

1) The judge shall give notice to the parties of the intention to dismiss the motion, stating the reasons for the dismissal in the notice upon conclusion that:

- a) there are no genuine issues concerning any material fact;
- b) the juvenile is not entitled to relief; or
- c) no purpose would be served by any further proceedings.

2) The juvenile may respond to the proposed dismissal within twenty days of the date of the notice.

3) The judge thereafter shall order the motion dismissed, grant leave to file an amended motion, or direct that the proceedings continue.

4) The judge may dispose of only part of a motion without a hearing by ordering dismissal of or granting relief on only some of the issues raised, while ordering a hearing on other issues.

D. *Findings.* The judge shall:

1) state the findings and conclusions of law for all material issues raised:

- a) on the record when there is a hearing; or
- b) in the order when there is no hearing; and

2) issue an order denying relief or granting a specific form of relief, and issue any supplementary orders or modification of dispositional orders appropriate to the proper disposition of the case.

E. *Dismissed by Operation of Law.* If the judge fails to decide the motion or grant an extension within thirty days:

- 1) the motion shall be deemed denied by operation of law and not subject to reconsideration; and
- 2) the clerk of courts shall forthwith:

- a) enter an order on behalf of the court; and
- b) as provided pursuant to Rule 167, shall serve a copy of the order on each attorney and the juvenile, if the juvenile has waived counsel, that the motion is deemed denied.

#### F. Appellate Rights.

1) If the judge disposes of the case in open court at the conclusion of the hearing, the judge shall advise the juvenile on the record of the right to appeal from the final order disposing of the motion and of the time within which the appeal must be taken.

2) If the case is taken under advisement or the judge denies the motion without a hearing, the judge shall notify the juvenile of the right to appeal pursuant to Rule 628.

#### Comment

The judge is permitted, pursuant to paragraph (C), to summarily dismiss a motion in certain cases. To determine whether a summary dismissal is appropriate, the judge should review the motion, the answer, if any, and all other relevant information included in the record. If, after this review, the judge determines that the motion is patently frivolous and without support in the record, or that the facts alleged would not, if proven, entitle the juvenile to relief, or that there are no genuine issues of fact, the judge may dismiss the motion.

A summary dismissal would also be authorized under this rule if the judge determines that a previous motion involving the same issue or issues was filed and determined adversely to the juvenile. See Comment to Rule 622 for second or subsequent motions.

Additionally, relief may be granted without a hearing pursuant to paragraph (D)(2) after an answer has been filed.

**Official Note:** Rule 625 adopted February 23, 2012, effective April 1, 2012.

#### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 625 published with the Court's Order at 42 Pa.B. 1214 (March 10, 2012).

#### Rule 628. Order of Court on Motion for *Nunc Pro Tunc* Relief.

A. *Order by court.* The court order shall:

- 1) state the judge's findings and conclusions of law;
- 2) provide for appropriate relief and supplementary orders or modifications of the dispositional order as to:
  - a) the detention of the juvenile;
  - b) whether a new adjudicatory hearing is granted;
  - c) correction of the adjudication of delinquency;
  - d) correction of the disposition;
  - e) termination of court supervision; and/or
  - f) other matters that are appropriate.

3) include a statement explaining the right to appeal from the final order disposing of the motion, and of the time within which the appeal must be taken.

B. *Order by clerk of courts for deemed denied by operation of law.* When the clerk of courts has entered an order providing that the motion for *nunc pro tunc* relief is deemed denied by operation of law pursuant to Rule 625(E), the court order shall:

1) state that the motion is denied by operation of law pursuant to Rule 625(E); and

2) include a statement explaining the right to appeal from the final order disposing of the motion, and of the time within which the appeal must be taken.

**Official Note:** Rule 628 adopted February 23, 2012, effective April 1, 2012.

#### Committee Explanatory Reports:

Final Report explaining the provisions of Rule 628 published with the Court's Order at 42 Pa.B. 1214 (March 10, 2012).

### EXPLANATORY REPORT

#### February 2012

The Supreme Court of Pennsylvania has adopted the renumbering of Rule 520 to 620 and new Rules 622, 625, and 628 with this Recommendation. The changes are effective April 1, 2012.

#### *Rule 520 to 620—Post-Dispositional Motions*

Rule 520 on Post-Dispositional Motions has been placed in Chapter Six under new Part C, Motions as Rule 620. This new Part C will include post-dispositional motions and motions for *nunc pro tunc* relief.

#### *Rule 622—Motion for Nunc Pro Tunc Relief*

This new rule sets forth the requirements for filing a motion for *nunc pro tunc* relief.

Paragraph (A) requires a motion for *nunc pro tunc* relief to be filed within sixty days of the date the error was made known. In many instances, the error will be discovered upon consultation with an attorney. It is sixty days from that discovery that the motion must be filed. It is best practice to file the motion immediately and within thirty days, however, in some instances, thirty days is not practicable.

Paragraph (B) requires counsel to withdraw pursuant to Rule 150(C) when ineffective assistance of counsel is alleged. The court must allow counsel to withdraw and appoint new counsel for the juvenile.

Paragraph (C) lists the requirements of the motion. For the motion to move forward, the allegations must aver that: 1) there is a need for correction of an error to accurately reflect the court's findings; or 2) the juvenile has been adjudicated delinquent for a delinquent act and is currently under the court's supervision; there is a legitimate basis for the appeal; and there are sufficient facts upon which to conclude the delay for the motion was justified and should be overlooked in the interest of justice. See paragraphs (C)(6)(a) and (b).

In addition, the specific relief requested must be stated. See paragraph (C)(5).

Paragraph (D) provides that the Commonwealth may answer the motion. The answer is discretionary unless the court orders the Commonwealth to answer. If the court orders an answer from the Commonwealth, the court must establish a deadline for the answer. See paragraphs (D)(1) & (2).

#### *Rule 625—Hearing and Findings on Motion for Nunc Pro Tunc Relief*

This new rule allows the judge to grant an evidentiary hearing if it is clear there is no evidence or insufficient evidence on the record upon which the Superior Court could base its decision. This is important because if an appeal was taken and there was no evidence in the record

for the Superior Court to review, the case would be remanded to the juvenile court for an evidentiary hearing. Remand to the lower court is common for ineffective assistance of counsel claims because there is no evidence in the record. Also, in some cases, there may be new evidence that was just made available and it did not appear in the record.

This bypass procedure of allowing evidentiary hearings in the juvenile court streamlines the process and will prevent an overload of cases to the Superior Court. It also saves judicial resources to have the juvenile court judge or another Common Pleas judge hear cases that would otherwise be remanded anyway.

The judge may also grant or deny a motion without a hearing. Before the judge denies the motion under paragraph (C), the judge is to give notice of the intention to dismiss the motion and state the reasons for the dismissal in the notice. The juvenile may respond to the notice within twenty days, whereupon the judge will make his or her final ruling.

Paragraph (D) requires the judge to state the findings and conclusions of law on the record when there is a hearing or in the court order when there is no hearing. The court is also required to state the specific form of relief granted or denied and may issue supplementary orders or modify the dispositional order when appropriate. See paragraph (D)(2).

If the judge fails to decide the motion within thirty days or grant an extension, the motion must be deemed denied by operation of law and the clerk of courts must enter an order on behalf of the court denying the motion and provide notice to the attorneys and the juvenile. See paragraph (E).

The juvenile may appeal the final order made by the judge. The judge shall notify the juvenile of this right. See paragraph (F).

*Rule 628—Order of Court on Motion for Nunc Pro Tunc Relief*

This new rule governs the contents of the court order. The order must include the judge's findings and conclusions of law; any appropriate relief and supplementary orders or modifications of the dispositional order; and advise the parties of the right to appeal and time within which the appeal must be taken.

[Pa.B. Doc. No. 12-390. Filed for public inspection March 9, 2012, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Mass Tort and Asbestos Programs; General Court Regulation No. 2012-01

*Background:* In an effort to consider and address a number of concerns and criticisms of this Court's Mass Tort Program and the Asbestos Program in particular, the Coordinating Judge of the Complex Litigation Center and the Administrative Judge of the Trial Division reviewed the Mass Tort protocols and subsequently issued a Notice to the Bar on November 28, 2011. This Notice confirmed the Court's decision to end reverse bifurcation in all

pharmaceutical cases, established a two month comment period whereby counsel were invited to submit comments concerning the utilization of consolidation and reverse bifurcation trial methodologies and further requested comment on addressing claims of punitive damages.

During the two month comment period spanning December and the month of January, 2012, this Court independently examined its docket of asbestos claims and reviewed certain relevant and pertinent information upon which it now bases the implementation of substantial changes and revisions to the conduct of its Mass Tort Program and in particular the trial of asbestos cases (asbestos cases constitute a large portion of the inventory of the Mass Tort Program).

The asbestos case inventory as of February 3, 2012 numbers 770 cases. Since 2006 when the asbestos inventory numbered 589 cases, there has been a pronounced upward trend in filings in each successive year. Although the disposition rate remained at an average of 244 cases per year over this six year period, the Court's disposition rate has not kept pace with filings and a significant backlog has developed and will continue to develop if measures are not implemented to ameliorate the trend.

In January and again in March, 2009, certain Court leadership invited the filing of asbestos cases from other jurisdictions and did so apparently unaware that, at that time, this Court's asbestos program was only meeting the ABA's suggested standards for resolving these cases in 24-25 months in 42% of the cases filed. During a five year period from 2007 through 2011, 82.2% of the cases were disposed of within 31-36 months, leaving almost an entire fifth of the inventory undisposed after three years.

Administrators provided online "Age of Pending Cases" and "Disposed Age Analysis" reports, however, until now no corrective action was taken internally to address the growing backlog of asbestos cases.

From 2001 to 2008, an average of approximately one-third of the filings were from outside the Commonwealth. A dramatic increase in these filings occurred after this Court's leadership invited claims from other jurisdictions. In 2009, when published comments were offered encouraging the filing of claims in Philadelphia, out-of-state filings soared to 41% and in 2011 reached an astonishing 47%.

*Preliminary Conclusion:* With regard to other Mass Tort Programs, the Court failed to meet ABA suggested standards for the disposition of cases in the HRT, Paxil, Beryllium, Phen-Fen and Vioxx matters, but achieved 100% compliance with the Avandia, Trasyolol, Digitek, Firefighters' Hearing Loss, Gadolinium and Anti-Convulsant Drugs programs. The Asbestos Program was by far the one Mass Tort Program most out of compliance with the standards. Significant results were achieved in HRT, Paxil and pharmaceutical mass torts.

With regard to asbestos cases, this Court has invited out-of-state filings, has failed to meet the ABA's suggested standards in over half the filings and may not at the present time meet the needs of the citizens of the Commonwealth for the prompt and fair resolution of these claims, while at the same time addressing the claims of non-Pennsylvania residents. Therefore, in the interests of the orderly administration of justice, this Court is required to thoughtfully review the present methodologies employed in the trial of mass tort cases and, in particular, the asbestos inventory.

During the comment period, 32 comments were submitted by a broad cross-section of the Asbestos Bar and the

Court expresses its sincere and grateful appreciation for all recommendations received. These comments were instrumental in formulating revisions of this Court's Mass Tort Program and have facilitated this Court's examination of various methodologies allowing for the disposition of a vast number of cases against the ultimate imperative of providing a fair and prompt resolution of each and every claim. Furthermore, the Court cautions out-of-state plaintiffs to seek other venues to file their claims until and unless this Court's revisions have successfully resolved the backlog of outstanding claims and achieved compliance with the ABA suggested standards.

### Order

*And Now*, this 15th day of February, 2012, it is hereby *Ordered, Adjudged and Decreed*, for all of the reasons expressed herein above and considering the thoughtful recommendations of many members of the Bar engaged in the trial of mass tort cases in Philadelphia and elsewhere, that the following protocols are hereby adopted for the prompt, efficient and orderly administration of justice in the disposition of all mass tort and asbestos claims with the understanding that the Court will monitor the implementation of these revisions over the coming year and make revisions as necessary:

1. There shall be no reverse bifurcation of any mass tort case, including asbestos, unless agreed upon by all counsel involved.

2. Consolidation of mass tort cases shall not occur absent an agreement of all parties, except in the asbestos program in accordance with the protocols set forth herein.

3. All punitive damage claims in mass tort claims shall be deferred.

4. Pro hoc vice counsel shall be limited to no more than two (2) trials per year, but otherwise will not be limited on pre-trial appearances. The Court encourages non-Pennsylvania counsel to pass its Bar Examination and thereby become familiar with Pennsylvania law, rules and procedures.

5. Unless otherwise agreed by defense counsel or upon showing of exigent circumstances, all discovery shall take place in Philadelphia.

6. Except for those cases already scheduled for trial through February 29, 2012, asbestos cases thereafter shall be grouped in groups of a minimum of 8 and a maximum of 10 and counsel shall be required to propose cases for consolidation considering the following criteria:

a. *Same law*. Cases that involve application of the law of different states will not be tried together;

b. *Same disease*. The disease category for each case in a group must be identical. The disease categories of cases to be grouped for trial are mesotheliomas, lung cancers, other cancers and non-malignancy cases;

c. *Same plaintiff's law firm*. Primary trial counsel for all cases in each group will be from a single plaintiff firm. Cases where Philadelphia plaintiff firms serve as local counsel for out-of-state counsel will not be grouped with cases from the local firm;

d. Fair Share Act cases will not be consolidated with non-Fair Share Act cases;

e. Pleural mesothelioma is a disease that is distinct from mesotheliomas originating in other parts of the body, and will not be tried on a consolidated basis with non-pleural mesothelioma cases and not necessarily tried on a consolidated basis. Non-pleural mesothelioma cases will be further classified for trial, so that non-pleural

mesothelioma cases allegedly caused by occupational exposure will not be tried on a consolidated basis with non-pleural mesothelioma cases allegedly caused by para-occupational (bystander) exposure;

f. And such other factors as determined appropriate in weighing whether all parties to the litigation can receive a prompt and just trial. The Court's present backlog of asbestos cases shall not be an overriding factor in the consolidation determination.

7. Any grouping of cases less than 8-10 in number shall not receive a trial date until a group is formed of 8-10 cases. A maximum of 3 of these 8-10 cases may be tried, with the other 5-7 cases either resolving through settlement or returned to the Coordinating Judge for regrouping and relisting for trial.

8. *Mediation*: Once grouped, assigned a trial date and after Motions for Summary Judgment have been decided by the Court, counsel are urged to seek mediation from a special panel of former judges named herein below. Either side may request mediation. The mediator selected by the parties shall advise the Court whether the plaintiff firm's participation was in good faith or not. In the discretion of the Coordinating Judge, any plaintiff firm's failure to proceed in good faith in mediation may constitute just cause to remove that group of cases from the trial list and any defendant's failure to proceed in good faith may result in an increase of the maximum 3 cases consolidated for trial. Since no more than 3 cases may be consolidated and proceed to trial in any group of 8-10, the remaining 5-7 cases should be resolved and settled. Otherwise, those unresolved cases shall be relisted for trial. All parties will share the expense of mediation.

9. The panel of former judges invited to participate in the special mediation of mass tort cases are the following:

1. Jane Cutler Greenspan, Judge  
JAMS Arbitration, Mediation and ADR Services  
1717 Arch Street  
Suite 4010—Bell Atlantic Tower  
Philadelphia, PA 19103  
(215) 246-9494
2. G. Craig Lord, Judge  
Blank Rome LLP  
One Logan Square  
130 North 18th Street  
Philadelphia, PA 19103-6998  
(215) 569-5496
3. James R. Melinson, Judge  
JAMS Arbitration, Mediation and ADR Services  
1717 Arch Street  
Suite 4010—Bell Atlantic Tower  
Philadelphia, PA 19103  
(215) 246-9494
4. Russell Nigro, Judge  
210 W. Washington Square  
Philadelphia, PA 19106  
(215) 287-5866
5. Diane M. Welsh, Judge  
JAMS Arbitration, Mediation and ADR Services  
1717 Arch Street  
Suite 4010—Bell Atlantic Tower  
Philadelphia, PA 19103  
(215) 246-9494

10. The plaintiff firm shall designate which of the cases will proceed to trial. The defendants have the right to object to the cases selected to be tried together.

11. Immediately prior to trial of up to 3 consolidated asbestos cases, the assigned trial judge shall independently determine whether the cases will be tried in a consolidated manner based on the criteria herein above set forth and any other factors deemed relevant to the issue of consolidation and a fair trial.

12. *Expediting of Cases.* There shall be no expediting of cases based on exigent medical or financial reasons until the backlog of pending cases has been resolved, unless otherwise agreed by a majority of the defendants. When this Program achieves 80% of all asbestos cases resolved in 24-25 months, advanced listings based on exigent medical circumstances will be considered for plaintiffs with Pennsylvania exposure only.

13. Effective May 1, 2012, the Honorable Arnold New, presently assigned to the Commerce Program, will be reassigned as a Co-Coordinating Judge of the Complex Litigation Center and will join the Honorable Sandra Mazer Moss in administrating all programs in the Complex Litigation Center. Judge Moss will assume senior status as of December 31, 2012 at which time Judge New will thereupon serve as the sole Coordinating Judge of the Complex Litigation Center and its Mass Tort Program.

14. Effective May 1, 2012, the Honorable Gary Glazer will be reassigned to the Commerce Program and will assume Judge New's commerce inventory. Judge Glazer's assignment to the Commerce Program shall not interfere or impair in any fashion his continued services to the Supreme Court as Administrative Judge of Traffic Court.

15. Throughout this year, the Court will entertain suggestions to improve these protocols. During the month of November, 2012, the Court will once again invite and consider comments from interested members of the Bar addressing these protocols and the necessity for any changes and/or modifications.

This General Court Regulation is promulgated in accordance with Pa.R.C.P. No. 239 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration. The original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the Administrative Judge of the Trial Division, Court of Common Pleas of Philadelphia County, and shall be submitted to the *Pennsylvania Bulletin* for publication. Copies of the General Court Regulation shall be submitted to the Administrative Office of Pennsylvania Courts, the Civil Procedural Rules Committee, American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://courts.phila.gov/regs>.

*By the Court*

HONORABLE JOHN W. HERRON,  
*Administrative Judge, Trial Division*

[Pa.B. Doc. No. 12-391. Filed for public inspection March 9, 2012, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### SUSQUEHANNA COUNTY

#### New Rules of the Civil Division of the Court of Common Pleas; 2012-209 C.P.

##### Order

*Now To Wit*, this 17th day of February, 2012, it be and is hereby Ordered that the following rules of the Civil Division of the Court of Common Pleas of Susquehanna County, Susquehanna County Rules of Civil Procedure Civil Rule 1940.2. Definitions., Susquehanna County Rules of Civil Procedure Civil Rule 1940.3. Order for Child Custody Mediation. Selection of Child Custody Mediator., Susquehanna County Rules of Civil Procedure Civil Rule 1940.4. Minimum Qualifications of the Child Custody Mediator., Susquehanna County Rules of Civil Procedure Civil Rule 1940.5. Duties of Child Custody Mediator., Susquehanna County Rules of Civil Procedure Civil Rule 1940.6. Termination of Mediation., be and the same are hereby promulgated herewith to become effective thirty (30) days after the publication of the rule in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that (1) certified copy shall be filed with the Domestic Relations Procedural Rules Committee; and that one (1) copy shall be filed with the Prothonotary of the Court of Common Pleas of Susquehanna County.

*By the Court*

KENNETH W. SEAMANS,  
*President Judge*

#### New Rules of The Civil Division of the Court of Common Pleas; 2012-209 C.P.

##### Order

*Now To Wit*, this 17th day of February, 2012, it is ordered that, effective sec. leg., Susquehanna County Rules of Civil Procedure Civil Rule 1940.2. Definitions., Susquehanna County Rules of Civil Procedure Civil Rule 1940.3. Order for Child Custody Mediation. Selection of Child Custody Mediator., Susquehanna County Rules of Civil Procedure Civil Rule 1940.4. Minimum Qualifications of the Child Custody Mediator., Susquehanna County Rules of Civil Procedure Civil Rule 1940.5. Duties of Child Custody Mediator., Susquehanna County Rules of Civil Procedure Civil Rule 1940.6. Termination of Mediation., be and the same are hereby Adopted as follows:

##### Civil Rule 1940.2. Definitions.

As used in this Chapter, the following terms shall have the following meanings:

"Mediation" is the confidential process by which a neutral mediator assists the parties in attempting to reach a mutually acceptable agreement on issues arising in a custody action. The role of the mediator is to assist the parties in identifying the issues, reducing misunderstanding, clarifying priorities, exploring areas of compromise and finding points of agreement. An agreement reached by the parties must be based on the voluntary decisions of the parties and not the decision of the mediator. The agreement may resolve all or only some of the disputed issues. Parties are required to mediate in good faith, but are not compelled to reach an agreement.



While mediation is an alternative means of conflict resolution, it is not a substitute for the benefit of legal advice.

“Memorandum of Understanding” is the written document prepared by a mediator which contains and summarizes the resolution reached by the parties during mediation. A Memorandum of Understanding is primarily for the benefit of the parties and is not legally binding on either party.

**Civil Rule 1940.3. Order for Child Custody Mediation. Selection of Child Custody Mediator.**

(a) Upon commencement of an action for custody, partial custody or visitation of minor children, or the filing of a petition seeking modification or contempt of an existing order or seeking relocation, the Prothonotary shall collect a nonrefundable fee of \$20.00 which will be used to benefit the newly enacted custody mediation program.

(b) After the initial filing, the filing party shall present the complaint or petition to the Court of Common Pleas during Motions Court on any Tuesday at 10:00 a.m. Once presented, the Court Administrator shall schedule a custody conference within forty-five (45) days.

(c) If the parties can agree to a custody schedule on or before the date of the custody conference, that schedule shall be accepted by the Court if it is in the best interests of the minor child or children.

(d) If the parties do not agree as to any part of the custody schedule, or if the Court does not accept the proposed agreement at the custody conference, the case shall be set down for mediation.

(e) Mediation shall occur within 60 days of the custody conference in all cases, unless the parties are ineligible for mediation, or if the appointed Child Custody Mediator determines that mediation would be fruitless after speaking with the parties. The Court Administrator shall schedule the Mediation.

(f) Pursuant to 23 Pa.C.S.A. § 3901, parties cannot be ordered to participate in mediation if a party or a child of either party is or has been the subject of domestic violence or child abuse either during the pendency of the action or within 24 months preceding the filing of the action.

(g) Parties ineligible for court ordered mediation, because of domestic violence, may request in writing that they be permitted, by the Court, to attend mediation.

(h) If at any time during the mediation process, the Child Custody Mediator reasonably believes that the proceedings are inappropriate for mediation, the Child Custody Mediator shall advise the Court of the decision to terminate the mediation and will further recommend what fee, if any, should be returned to the parties.

(i) If mediation is not appropriate, the Court Administrator shall set a custody hearing date.

(j) Mediation shall be held at the Susquehanna County Courthouse. The appointed Child Custody Mediator shall contact the parties, using the contact information provided at the time of filing of the complaint or petition to discuss mediation fundamentals and collect information. The duties of the Child Custody Mediator are defined in CIVIL RULE 1940.5.

(k) An initial fee of \$500.00 shall be paid by the parties to the Office of the Susquehanna County Prothonotary at least seven (7) days prior to the mediation. Each party shall pay one half of the mediation fee. Further, if either party is indigent, he or she shall motion that the other

party pay the full mediation fee and the Court will direct what party shall make payment. If both parties are indigent, petition to proceed in forma pauperis shall be submitted to the Court in the form specified in Pa. R.C.P. 240.

(l) Additional fees may be assessed as necessary by the Court in accordance with the recommendation of the Child Custody Mediator. These fees shall be paid to the Office of the Susquehanna County Prothonotary before mediation continues.

(m) Only the parties shall attend the scheduled mediation. If parties are represented by counsel, counsel will be permitted to approve any Memorandum of Understanding. However, counsel is not permitted to attend or participate in any mediation session. Third parties are not permitted to participate in, or attend, the mediation.

(n) All applications for continuances of mediations shall be made in writing to the court and shall be delivered via hand delivery, postal mail, or facsimile to the Court Administrator no less than 24 hours before the scheduled mediation.

**Civil Rule 1940.4. Minimum Qualifications of the Child Custody Mediator.**

(a) A Child Custody Mediator must have at least the following qualifications:

(1) a bachelor's degree and practical experience in law, psychiatry, psychology, counseling, family therapy or any comparable behavioral or social science field;

(2) successful completion of basic training in domestic and family violence or child abuse and a divorce and custody mediation program approved by the Association for Conflict Resolution, American Bar Association, American Academy of Matrimonial Lawyers, or Administrative Office of Pennsylvania Courts;

(3) mediation professional liability insurance; and

(4) additional mediation training consisting of a minimum of 4 mediated cases totaling 10 hours under the supervision of a mediator who has complied with subdivisions (1) through (3) above and is approved by the court to supervise other mediators.

(b) The Child Custody Mediator shall comply with the ethical standards of the mediator profession as well as those of his or her primary profession and complete at least 20 hours of continuing education every two years in topics related to family mediation.

(c) A post-graduate student enrolled in a state or federally accredited educational institution in the disciplines of law, psychiatry, psychology, counseling, family therapy or any comparable behavioral or social science field may mediate with direct and actual supervision by a qualified mediator.

**Civil Rule 1940.5. Duties of Child Custody Mediator.**

(a) The Child Custody Mediator shall explain the mediation process to the parties and shall further ensure that the parties understand that the Child Custody Mediator provides no legal representation to either party.

(b) The Child Custody Mediator shall ascertain the issues in the action through discussion with the attorneys and/or the parties. However, attorneys will not be permitted into the mediation session.

(c) The Child Custody Mediator shall not take testimony and the mediation shall not be of record. Rather, the Child Custody Mediator shall attempt to determine the relevant facts through discussion and shall suggest or

recommend a proposed settlement. The Child Custody Mediator shall ensure that the parties consider fully the best interests of the child or children.

(d) All communications with the Child Custody Mediator shall be confidential.

(e) The mediation procedure shall at all times be in the sole discretion of the Child Custody Mediator, in accordance with applicable rules of court.

(f) When the Child Custody Mediator determines that the parties have reached full agreement concerning the matter, he/she shall prepare a Memorandum of Understanding within ten (10) days following the mediation. Extensions for preparation may be granted by the Court for good cause shown.

(g) The Memorandum of Understanding shall be sent to the parties via postal mail and will not become a binding agreement until adopted by the Court. Parties are entitled to have an attorney review the Memorandum of Understanding before it is submitted, by the Child Custody Mediator, to become a Final Order. If either party wishes to amend the Memorandum of Understanding, he or she may contact the Child Custody Mediator and request that the revision be made. If both parties do not agree to revisions of the Memorandum, the Child Custody Mediator may schedule an additional mediation meeting at an additional fee.

(h) If the parties accept a Memorandum of Understanding which disposes of all of the issues regarding custody, it shall be the sole responsibility of the appointed Child Custody Mediator to prepare a Final Agreement and present it to the Court, and if the Final Agreement is found acceptable by the Court, it shall be made into a Final Order.

(i) If the parties can reach only partial agreement concerning the action, the Child Custody Mediator in his/her discretion may create a Memorandum of Understanding regarding the partial agreement and refer the disputed areas to the court for decision, or may refer the entire action to the court for decision.

(j) The Memorandum of Understanding regarding the proposed partial agreement shall be sent to the parties via postal mail and shall not become binding until incorporated into the Final Order of the Court. Parties are entitled to have an attorney review the Memorandum of Agreement. If either party wishes to amend the agreement, he or she may contact the Child Custody Mediator and request that the revision be made. If both parties do not agree to revisions, the matters shall be

submitted, in addition to the other disputed issues, to the Court for determination at the child custody hearing.

(k) In those actions where the parties cannot reach any agreement, the Child Custody Mediator shall prepare and file a report pursuant to LOCAL CIVIL RULE 1940.6.

(l) With the consent of the parties, the Child Custody Mediator may state in the report a concise summary of the mediation, including the background of the action, the allegations of the parties concerning the areas of dispute, and the recommendations, if any, of the Child Custody Mediator concerning disposition.

(m) After receiving a report of a Child Custody Mediator that a child custody hearing is necessary, the Court Administrator shall schedule the matter for a custody hearing in the Court of Common Pleas of Susquehanna County.

#### **Civil Rule 1940.6. Termination of Mediation.**

(a) Mediation shall terminate upon the earliest of the following circumstances to occur:

(1) a determination by the Child Custody Mediator that the parties are unable to reach a resolution regarding all of the issues subject to mediation;

(2) a determination by the Child Custody Mediator that the parties have reached a resolution regarding all of the issues subject to mediation;

(3) a determination by the Child Custody Mediator that the parties have reached a partial resolution and that further mediation will not resolve the remaining issues subject to mediation; or

(4) a determination by the Child Custody Mediator that the proceedings are inappropriate for mediation.

(b) If the parties reach a complete or partial resolution, the Child Custody Mediator shall, within ten (10) days, prepare and transmit to the parties a Memorandum of Understanding. At the request of a party, the Child Custody Mediator shall also transmit a copy of the Memorandum of Understanding to the party's counsel. Thereafter, pursuant to LOCAL RULE 1940.5(h), the Child Custody Mediator may be required to submit a Final Order to the Court.

(c) If no resolution is reached during mediation, the Child Custody Mediator shall, within ten (10) days, report this in writing to the Court, without further explanation, unless the parties agree to additional disclosure and the Child Custody Mediator finds that additional disclosure will be beneficial.

[Pa.B. Doc. No. 12-392. Filed for public inspection March 9, 2012, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF REVENUE

[ 61 PA. CODE CHS. 7 AND 901 ]

### Board of Appeals; Small Games of Chance

The Department of Revenue (Department), under the authority in section 6 of The Fiscal Code (72 P. S. § 6) and the Local Option Small Games of Chance Act (10 P. S. §§ 311—327), proposes to amend Chapters 7 and 901 (relating to Board of Appeals; and local option small games of chance) to read as set forth in Annex A.

#### *Purpose of Proposed Rulemaking*

This proposed rulemaking consolidates the administrative appeals under the jurisdiction of the Department's Board of Appeals (Board). Additionally, the proposed rulemaking will streamline the administrative appeals process by creating a uniform set of procedures for administrative appeals within the Department. The proposed rulemaking preserves the Board's jurisdiction over tax appeals.

#### *Explanation of Regulatory Requirements*

Section 7.1—7.7 are proposed to be rescinded.

Proposed § 7.11 (relating to definitions) contains the definition for “Board” currently in § 7.1 (relating to definitions) and definitions of “administrative proceeding” and “appeal.”

Proposed § 7.12 (relating to jurisdiction) explains that the Board's jurisdiction includes appeals and administrative proceedings as defined in § 7.11.

Proposed § 7.13 (relating to manner of proceeding before the Board) explains that proceedings before the Board are initiated by the filing of a petition.

Proposed § 7.14 (relating to petitions) contains the text in current § 7.3 (relating to petitions) with some minor modifications explained as follows:

Subsection (a) contains language in § 7.3(a) stating that petitions should be filed with the Board.

Subsection (b) is an expansion of language in § 7.3(a) regarding the time limits for filing a petition.

Subsection (c) is an expansion of language in § 7.3(a) regarding receipt of a petition.

Subsection (d) is language that is in § 7.3(b) expanded to include electronically filed petitions.

Subsection (e) is language in § 7.3(b)(1). This subsection explains the general requirements and contents of a petition and also the additional requirements for an appeal petition.

Subsection (f) is language in § 7.3(c) that has been revised to explain the process of docketing petitions.

Subsection (g) is language in § 7.3(b)(1)(ix) regarding additional information.

Subsection (h) is new language added to include electronic signatures.

Proposed § 7.15 (relating to Board practice and procedure) contains the text in current § 7.5 (relating to Board practice and procedure) with minor modifications explained as follows.

Subsection (a)(1), which explains the burden of proof before the Board, is identical to § 7.5(c)(2).

Subsection (a)(2) is nearly identical to § 7.5(b) with minor rewording and describes the petitioner's right to have representation.

Subsection (a)(3) explains the Board's discretion to consolidate or sever multiple proceedings.

Subsection (a)(4) is made up primarily of the language in § 7.5(c) and (d) regarding the conduct and procedures of hearings.

Subsection (a)(5) contains the identical language in § 7.5(e) regarding evidence.

Subsection (a)(6) is language from § 7.5(f) regarding subpoenas with minor rewording.

Subsection (a)(7) is language from § 7.5(h) regarding additional hearings and evidence.

Subsection (a)(8) contains language from § 7.6 (relating to decision and order) regarding the Board's decision and order.

Subsection (a)(9) is generally the language from § 7.7 (relating to reconsideration) modified to clarify the Board's ability to issue corrected orders for clerical and computational errors.

Subsection (b) contains language from §§ 7.5(c)(5) and (7), 7.6(c) and 7.3(b)(2)(ii).

Subsection (c) explains additional practices and procedures for administrative proceedings before the Board.

Proposed § 7.16 (relating to security upon petition for review) outlines the requirements and procedures for taxpayers to file appropriate security with their petition for review filed in Commonwealth Court.

Section 901.1 (relating to definitions) is proposed to be amended to change the definition of “Board” to mean the Board of Appeals rather than the Small Games of Chance Board.

The last sentence of § 901.161 (relating to jurisdiction and purpose), regarding the Board's recommendation to the Secretary, is proposed to be deleted to maintain consistency with other amendments in this proposed rulemaking.

Sections 901.162 and 901.163 (relating to composition; and powers and duties) are proposed to be rescinded.

Section 901.164(b)—(e) (relating to petitions) is proposed to be deleted.

Section 901.165 (relating to Board practice and procedure) is amended by deleting the existing language and adding new language that states what sections in the regulations govern the practice and procedures before the Board.

Sections 901.166 and 901.167 (relating to Board recommendation; and decision and order) are proposed to be deleted.

Section 901.168(a) and (b) (relating to stay of appeal) is proposed to be amended by updating language to be consistent with other amendments in this proposed rulemaking.

#### *Affected Parties*

Pennsylvania taxpayers and tax practitioners may be affected by the proposed rulemaking.

*Fiscal Impact*

The Department has determined that the proposed rulemaking will not have fiscal impact on the Commonwealth.

*Paperwork*

The proposed rulemaking will not create additional paperwork for the public or the Commonwealth.

*Effectiveness/Sunset Dates*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*. The regulations are scheduled for review within 5 years of final-form publication. A sunset date has not been assigned.

*Contact Person*

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed rulemaking to Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, P. O. Box 281061, Harrisburg, PA 17128-1061 within 30 days after the date of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 28, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. A copy of this material is available to the public upon request.

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

DANIEL MEUSER,  
Secretary

**Fiscal Note:** 15-454. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 61. REVENUE**

**PART I. DEPARTMENT OF REVENUE**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 7. BOARD OF APPEALS**

*(Editor's Note:* As part of this proposed rulemaking, the Board is proposing to rescind §§ 7.1—7.7 which appear in 61 Pa. Code pages 7-1—7-7, serial pages (198141)—(198147).)

**§§ 7.1—7.7. (Reserved).**

*(Editor's Note:* Sections 7.11—7.16 are new and printed in regular type to enhance readability.)

**§ 7.11. Definitions.**

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

*Administrative proceeding*—As defined in 2 Pa.C.S. § 101 (relating to definitions), including proceedings related to registrations and licenses.

*Appeal*—A request for or a review or protest of one of the following:

(i) A resettlement, reassessment, redetermination, review or refund of taxes, interest, penalties, additions or payments made into the State Treasury, including a reassessment or refund as provided under section 2703(a) of the TRC (72 P. S. § 9703(a)).

(ii) A denial of an application for tax exempt status as a charitable, volunteer firemen's or religious organization or nonprofit educational institution.

(iii) A reconsideration of interest payable on a tax overpayment.

(iv) A redetermination of the Department's action regarding a claim for a property tax rebate or rent rebate as provided for under section 1311 of the Taxpayer Relief Act (53 P. S. § 6926.1311).

(v) A review of other actions, other than administrative proceedings, arising under statutes administered by the Department.

*Board*—The Board of Appeals of the Department consisting of the Chairperson and members as designated by the Secretary.

**§ 7.12. Jurisdiction.**

The Board will exercise the powers and duties of the Department and the Secretary with respect to appeals and administrative proceedings before the Department.

**§ 7.13. Manner of proceeding before the Board.**

A proceeding before the Board shall be initiated by the filing of a petition, whether the proceeding is an appeal or administrative proceeding.

**§ 7.14. Petitions.**

(a) *Place.* Petitions shall be filed with the Board.

(b) *Time.*

(1) Petitions shall be filed within the time limits prescribed by statute, this title or other regulation. The burden is on the petitioner to present evidence sufficient to prove that a petition is timely filed.

(2) In the absence of a specific time limit for filing as prescribed in paragraph (1), a petition shall be filed no later than 90 days after the date of the Department's decision or action that is the subject of the petition.

(3) The date of a Department decision or action for purposes of the filing of a petition is the date of the notice of the decision or action. If there is not a notice, then the date is when the petitioner became aware of the Department's decision or action.

(c) *Receipt.*

(1) *General rule.* A petition is filed with the Board on the date the Board receives it. A petition that is received by electronic means after the close of business is received on the date of transmission as long as the Board receives the transmission by 12 midnight.

(2) *Appeals.* Section 1102.1 of the FC (72 P. S. § 1102.1) and section 3003.6 of the TRC (72 P. S. § 10003.6) apply to appeals that are transmitted to the Department by mail.

(3) *Department personnel.* A petition that the Board receives after the date prescribed by statute or

this title that is presented to other Department personnel prior to or on the date prescribed by statute or this title is deemed filed as of the date the other Department personnel receives it.

(d) *Manner and form.* A petition may be delivered to and filed with the Board by hand delivery, mail or electronically, including facsimile transmittal or through the Department's web site. A petition shall be in writing. A writing includes an electronic petition submitted through the Department's web site. The Department will prescribe the form for a petition.

(e) *Contents.* A petition must contain the information, documentation and attachments required by statute and the following:

(1) *General.* Petitions must contain the following:

(i) The petitioner's name, address and telephone number.

(ii) The name, address and telephone number of the petitioner's authorized representative, if any.

(iii) The petitioner's signature. If the petitioner is a corporation or association, an officer of the corporation or association shall sign the petition. If an authorized representative files the petition for the petitioner, the authorized representative may sign the petition on behalf of the petitioner.

(iv) A detailed statement in separate numbered paragraphs of the facts and grounds relied upon. If based upon a written document, a copy of the document, or material part thereof, shall be attached.

(v) A statement specifying the relief requested.

(vi) A statement indicating whether or not a hearing is requested.

(vii) A signed statement certifying that the facts in the petition are true and correct to the petitioner's knowledge and belief and that the petition is not made for purposes of delay.

(2) *Appeal petitions.* In addition to the requirements of paragraph (1), an appeal petition must contain the following:

(i) Designation of the tax, including the year or other period, and the amount involved. A copy of any document relating shall be attached.

(ii) The petitioner's license number, account number, employer identification number, Social Security number, claim number, file number, corporate box number or other appropriate identifying designation.

(iii) In the case of an Inheritance and Estate Tax protest, the petition must contain the decedent's name, last known address, the file number and the assessment control number, if applicable.

(f) *Docketing of petitions.*

(1) The Department will docket upon receipt a filing that purports to be a petition or which otherwise claims relief that may be sought through the filing of a petition. If a filing fails to satisfy any statutory requirement for the filing of a petition, the Board will notify the petitioner of the deficiency in the filing and give the petitioner an opportunity to correct the deficiency. The petitioner shall remedy the deficiency within 30 days of the Board's notice. If the petitioner fails to remedy the deficiencies, the Board will summarily dismiss the petition.

(2) For purposes of section 806.1(a)(4) of the FC (72 P. S. § 806.1(a)(4)), the administrative review procedure will be deemed to be initiated on the date the Board docketed the petition.

(g) *Additional information.* Upon written request, the Board may require a petitioner to furnish additional information that may be necessary to define the issues or to determine the case.

(h) *Signatures.* A signature includes an electronic signature issued by the Department to the petitioner.

#### § 7.15. Board practice and procedure.

(a) *General rules.* Practice and procedure before the Board is as follows:

(1) *Burden of proof.* The petitioner shall have the burden of proof on all issues except fraud.

(2) *Representation.*

(i) An individual may appear on his own behalf or be represented by a person possessing the requisite technical education, training or experience. There is not a requirement that a petitioner be represented before the Board by an attorney or certified public accountant. A petitioner's representative shall be authorized in writing to represent the petitioner. A letter signed by the petitioner or a listing as a representative on the face of the petition signed by the petitioner will be accepted as authorization for representation. An authorization continues until the Board is notified in writing by the petitioner that the authorization is rescinded.

(ii) Only an attorney-at-law representing a petitioner, or the petitioner acting without representation before the Board, shall be permitted to raise or make a legal argument at a hearing before the Board.

(iii) A notice or other written communication to the petitioner shall be given to the petitioner's authorized representative and have the same force and effect as if given to the petitioner directly. Action before the Board taken by petitioner's authorized representative shall have the same force and effect as if taken by the petitioner.

(3) *Consolidation.* The Board may, upon its own motion or the request of a petitioner, consolidate or sever two or more proceedings at its discretion.

(4) *Hearings.*

(i) *Request for hearing.* The Board will provide a petitioner the opportunity for a hearing upon written request.

(ii) *Waiver.* The petitioner may waive the right to a hearing and rest the case upon the petition and record, with or without a written brief. The Board on its own motion may require a hearing.

(iii) *Notice of hearing.* When the petitioner requests a hearing in writing, or when the Board requires a hearing, reasonable notice will be given to the petitioner in writing specifying the date, time and place for the hearing.

(iv) *Continuances.* The Board may grant a reasonable request for continuance of a scheduled hearing. The request shall be made or confirmed in writing, state the reasons for the continuance and be received at least 5 days prior to the scheduled hearing. The Board may grant a request not in conformity with this paragraph in extraordinary circumstances.

(v) *Presiding officer.* Hearings will be conducted by a presiding officer who will be a Board member or a hearing officer designated by the Board. Additional Board

members or hearing officers may participate in a hearing at the discretion of the Board.

(vi) *Authority of presiding officer.* The presiding officer has authority to do the following:

(A) Regulate the conduct of hearings, including the scheduling thereof, subject to Board policy, and the recessing, reconvening and adjournment thereof, and to do acts and take measures necessary or proper for the efficient conduct of hearings.

(B) Administer oaths and affirmations.

(C) Rule upon offers of proof and receive evidence.

(D) Take or cause depositions to be taken.

(E) Hold appropriate conferences before or during hearings.

(F) Dispose of procedural requests or similar matters.

(G) Take other action necessary or appropriate to the discharge of the presiding officer's vested duties, consistent with statutory authority, regulations and Board policy.

(vii) *Contemptuous conduct.* Contemptuous conduct is grounds for exclusion from the hearing.

(5) *Evidence.* Hearings before the Board do not need to adhere to the technical rules of evidence or procedure. In cases involving issues of fact, oral testimony shall be under oath or affirmation. At the discretion of the Board's presiding officer, depositions or affidavits may be received instead of oral testimony if the actual presence of a witness is not feasible.

(6) *Subpoenas.* The Board, on its own motion or at the request of a petitioner, may compel the production of books, records, documents and other data pertinent to the issues and may require persons having information to appear and submit to oral examination under oath or affirmation. The petitioner shall pay the costs associated with the issuance of a subpoena requested by the petitioner as a condition precedent to the issuance of the subpoena.

(7) *Additional hearings and evidence.* After the conclusion of a hearing but prior to the issuance of a final decision, the Board or the presiding officer may, upon its own motion or upon request of the petitioner, allow one or more additional hearings or the submission of additional evidence.

(8) *Decision and order.* The Board will issue a final decision and order, as follows:

(i) The Board's final decision and order will include findings of facts and conclusions of law and dispose of all issues raised in the petition.

(ii) The Board's final decision and order will be in writing and signed by one or more members of the Board.

(iii) When provided by statute, the Board's exercise of equity power will be limited to situations when the petitioner establishes that he has acted in good faith, without negligence and with reasonable diligence.

(iv) One copy of the final decision and order will be mailed to the petitioner or to the petitioner's authorized representative at the mailing address shown on the petition.

(v) The Board may publish precedential decisions if the identity of the taxpayer is kept confidential.

(9) *Reconsideration.*

(i) Within the statutory appeal period and prior to the statutory time when the Board's failure to act results in a denial of an appeal, and upon the written request of a petitioner or upon request of the Department, the Board may reopen a case in which a final decision and order has been issued, for the following purposes:

(A) Correcting clerical or computational errors.

(B) Considering evidence that the Department or the Board received on or prior to the mailing date of the final decision and order and not taken into consideration as part of the final decision and order.

(ii) If the Board decides to reopen a case, a member of the Board will notify the petitioner in writing and provide an opportunity for a hearing. An amended decision and order will be issued.

(b) *Appeals.* In addition to subsection (a), practice and procedure before the Board related to appeals shall be as follows:

(1) *Nonapplicable law.* Sections 501—508 and 701—704 of 2 Pa.C.S. (relating to Administrative Agency Law) do not apply.

(2) *Confidential character of hearings.* Information gained from hearings shall be considered confidential information under section 731 of the FC (72 P. S. § 731).

(3) *Transcripts.* Written transcripts of hearings will not be prepared by the Board. A recording of the hearing may be made at the discretion of either the Board or the petitioner.

(4) *Decision and order.* In the Board's discretion, the Board's final decision and order involving an assessment of tax, interest, penalties or additions may separate the reassessment into one of the following:

(i) Reporting periods involving disputed and nondisputed tax, interest, penalties or additions.

(ii) Disputed and nondisputed tax, interest, penalties or additions.

(5) *Bonds and security.*

(i) *Sales, use and hotel occupancy tax bonds.*

(A) In the case of petitions involving the sales, use and Hotel Occupancy Tax, the Department may by notice require a petitioner to file a surety bond. This bond shall be filed within 5 days of the date of the notice. Surety bonds shall be on a form approved by the Department, in an amount of 120% of the amount of the assessment remaining unpaid at the time of notice of bond requirement and shall be issued by a surety company authorized to do business in this Commonwealth.

(B) A petitioner, instead of filing a bond, may deposit with the Department a certified check payable to the "Pennsylvania Department of Revenue" in the amount of the bond required. On written application to and approval by the Department, the petitioner may post other security.

(C) If a surety bond is required, a petitioner may, within the time for filing the bond, file a written request for a hearing before the Board regarding the need for or amount of the bond. The petitioner shall furnish a financial statement to the Board at the time the request for hearing is made. The validity of the assessment itself may not be considered at the hearing. The determination of the Board will be final and its order shall be complied with within 15 days after notice thereof is mailed to the

petitioner. If a taxpayer fails to appear at a scheduled hearing, the Board may immediately cause a lien to be filed under section 242 of the TRC (72 P. S. § 7242).

(ii) *Personal income tax security requirement in jeopardy assessment appeals.* A petition for reassessment of a jeopardy assessment shall be accompanied by a bond or other security in an amount that the Department deems necessary. The bond shall be executed by a surety company which is authorized to do business in this Commonwealth. A petitioner may deposit with the Department cash or a certified check payable to the "Pennsylvania Department of Revenue" in the amount required by the Department. On written application to and approval by the Department, the petitioner may post other security. In the case of failure to post an acceptable bond or other security, the Board will nonetheless accept the petition, if filed within the 10-day period provided by statute. If an acceptable bond or other security is not posted, the Department has the right to file a lien or otherwise proceed with collection of the assessment, even though the assessment has been appealed.

(c) *Administrative proceedings.* In addition to subsection (a), practice and procedure before the Board related to administrative proceedings shall be as follows:

(1) *Applicable law.* Sections 501—508 and 701—704 of 2 Pa.C.S. (relating to Administrative Agency Law) and other applicable laws and regulations related to the proceeding apply.

(2) *Record.* A full and complete record shall be kept of the proceedings.

(3) *Transcripts.* Hearings and testimony provided during hearings shall be stenographically recorded. Copies of hearing transcripts will be made available to the petitioner at the petitioner's cost.

**§ 7.16. Security upon petition for review.**

(a) *General rule.* The Pennsylvania Rules of Appellate Procedure provide that a petition for review of an order of the Board of Finance and Revenue in a tax matter filed with the Commonwealth Court operates as a supersedeas upon the filing of appropriate security.

(b) *Alternate procedure.* If appropriate security is not filed as described in subsection (a), the Department will pursue collection activity, including the filing of a lien, to collect unpaid tax, interest, additions or penalties subject to the Commonwealth Court's review except as provided subsection (c).

(c) *Rules and procedures.*

(1) *Request for Department review.* A person may submit a request to the Department to determine whether the amount of unpaid tax, interest, additions or penalties is in jeopardy of collection if appropriate security is not provided.

(2) *Determination.* If the Department determines that the amount of unpaid tax, interest, additions or penalties is not in jeopardy, then the Department will not pursue collection activities during the Commonwealth Court's review. The Department's determination will be based upon the documentation required to be submitted in paragraph (3). The Department's determination under this paragraph is made solely at the Department's discretion.

(3) *Procedure.* The request under paragraph (1) shall be made in writing on a form prepared by the Department. The written request shall include the person's most recent financial statements, including a balance sheet,

income statement and all notes pertaining to the statements. The Department may request other financial documentation. An individual may be required to submit a personal balance sheet.

(4) *Appeal rights.* There is not a right to appeal the Department's determination under paragraph (2).

**PART VII. LOCAL OPTION SMALL GAMES OF CHANCE**

**CHAPTER 901. LOCAL OPTION SMALL GAMES OF CHANCE**

**Subchapter A. GENERAL PROVISIONS  
DEFINITIONS**

**§ 901.1. Definitions.**

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

\* \* \* \* \*

Board—[ **The Small Games of Chance Board of the Department** ] **The Board of Appeals of the Department as provided for in Chapter 7 (relating to Board of Appeals).**

\* \* \* \* \*

**Subchapter B. LICENSING AND REGISTRATION  
BOARD PROCEDURES**

**§ 901.161. Jurisdiction and purpose.**

The Board will receive and review petitions challenging the Department's decisions to deny an application for a manufacturer registration certificate or game of chance approval or a distributor license. The Board will also receive and review petitions from manufacturers or distributors challenging the Department's revocation of a manufacturer registration certificate, game of chance approval or a distributor license. [ **The Board will provide petitioners with the opportunity for a hearing and will make recommendations to the Secretary regarding petitions.** ]

**§ 901.162. [ Composition ] (Reserved).**

[ **The Board will be comprised of the following members appointed by the Secretary:**

- (1) **A Deputy Secretary of the Department or a designee.**
- (2) **The Chief Counsel of the Department or a designee.**
- (3) **A Department employee. ]**

**§ 901.163. [ Powers and duties ] (Reserved).**

[ **The Board will do the following:**

- (1) **Receive, consider and act upon petitions for review of decisions of the Department.**
- (2) **Conduct hearings at the request of the Petitioner prior to making a recommendation to the Secretary.**
- (3) **Determine procedural matters.**
- (4) **Determine issues of fact and law raised by petitions.**
- (5) **Make findings, decisions and orders as may be necessary and proper.**
- (6) **Make recommendations to the Secretary regarding the disposition of petitions.**

(7) Perform other acts which may be necessary and proper. ]

§ 901.164. Petitions.

[ (a) *Time for filing.* ] A petition shall be filed within 15 days after the applicant, registrant or licensee receives notice of the Department's decision.

[ (b) *Place for filing.* A petition shall be filed with the Bureau of Business Trust Fund Taxes, Department 280901, Harrisburg, Pennsylvania 17128-0901. A change of address will be published as a notice in the *Pennsylvania Bulletin*.

(c) *Form and content.* A petition shall be in writing, signed by the petitioner, a responsible person or authorized representative, and shall contain:

(1) The petitioner's name, address and telephone number.

(2) The name, address and telephone number of the authorized representative, if any.

(3) A copy of the notice of the Department's decision.

(4) A detailed statement in separate numbered paragraphs of the facts and grounds relied upon, specifically stating why the Department's decision is improper.

(5) A copy of the documents relevant to the petition.

(6) A statement specifying the relief requested by the petitioner.

(7) A statement indicating whether or not a hearing is requested.

(8) A signed statement certifying that to the petitioner's knowledge and belief, the facts contained in the petition are true and correct and that the petition is not made for purposes of delay.

(9) The petition shall contain pertinent data known to the petitioner.

(d) *Number of copies.* Four copies of the petition and documentation shall be submitted.

(e) *Additional information.* Upon written request, the Board may require a petitioner to furnish additional information that may be necessary to define the issues or to determine the case. The Board may deny the petition for failure to furnish the additional information within a stated, reasonable amount of time after the request. ]

§ 901.165. Board practice and procedure.

[ (a) *General.* The provisions of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the administrative agency law) do not apply to practice and procedure before the Board to the extent that those provisions are inconsistent with §§ 901.161—901.164, this section and §§ 901.166—901.168 (relating to Board recommendation; decision and order; and stay of appeal).

(b) *Representation.*

(1) A petitioner is not required to be represented before the Board by an attorney. An individual or a partner in a partnership, corporation or association may be represented by a bona fide officer thereof or another person upon a showing of adequate authorization. A petitioner's representative shall be

authorized in writing to represent the petitioner. A letter signed by the petitioner or a listing as a representative on the face of the petition signed by the petitioner will be accepted as authorization for representation. An authorization continues until the Board is notified in writing by the petitioner that the authorization is rescinded. A party may be represented by a member in good standing of the bar of this Commonwealth.

(2) Only an attorney-at-law representing a petitioner, or the petitioner acting without representation before the Board, is permitted to raise or argue a legal question at a hearing before the Board.

(3) Notices and other written communications to the petitioner will be given to the petitioner's authorized representative, and will have the same force and effect as if given to the petitioner directly. Action before the Board taken by the petitioner's authorized representative will have the same force and effect as if taken by the petitioner.

(c) *Hearings.*

(1) *Waiver.* The petitioner has the right to a hearing or to have the case decided upon the petition and record. A hearing shall be requested in writing. If a hearing is not requested, it is considered waived.

(2) *Notices of hearing.* When the petitioner requests a hearing in writing, reasonable notice will be given to the petitioner in writing specifying the date, time and place of the hearing.

(3) *Continuances.* The Board may grant a reasonable request for continuance of a scheduled hearing. The request shall be made or confirmed in writing, state the reasons for the continuance and be received at least 5 days prior to the scheduled hearing. The Board may grant a request that is not in conformity with this paragraph under extraordinary circumstances. The Board will notify the petitioner of its decision on the requested continuance.

(4) *Presiding officer.* The Deputy Secretary or a designee shall conduct the hearings.

(5) *Transcripts.* Written transcripts of hearings will not be prepared by the Board unless specifically requested in writing. The cost of the transcript is \$1.50 per page. A recording of the hearing will be made.

(6) *Contemptuous conduct.* Contemptuous conduct is grounds for exclusion from the hearing.

(d) *Authority of presiding officer.* The presiding officer has authority to:

(1) Regulate the conduct of hearings, including scheduling, recessing, reconvening and adjourning, and to do acts and take measures necessary or proper for the efficient conduct of hearings.

(2) Administer oaths and affirmation.

(3) Receive evidence.

(4) Take or cause depositions to be taken.

(5) Hold appropriate conferences before or during hearings.

(6) Take other action necessary or appropriate to the discharge of the duties vested in the officer, consistent with statutory authority, regulations and Board policy.



(7) Participate in making decisions.

(8) Rule upon offers of proof and receive relevant evidence.

(9) Dispose of procedural requests or similar matters.

(e) *Service.* Notices and decisions issued under §§ 901.161—901.164, this section and §§ 901.166—901.168 will be sent by first class mail, postage prepaid.

(f) *Consolidation.* Two or more proceedings may be consolidated or severed by the Board at its discretion.

(g) *Bond.* A registrant or licensee whose license or registration has been revoked due to Commonwealth tax liabilities, and who has been notified of the revocation, shall file a bond in an amount of 120% of the tax and interest with the Department for an appeal of the revocation to stay the revocation.

(h) *Evidence and subpoenas.* The presentation of evidence and the issuance of subpoenas relating to hearings before the Board are governed by 1 Pa. Code Chapter 35 Subchapter C (relating to evidence and witnesses).

(i) *Burden of proof.* The petitioner has the burden of proof. ]

This section and Chapter 7 (relating to Board of Appeals) govern practice and procedure before the Board.

§ 901.166. [ Board recommendation ] (Reserved).

[ The Board will make its recommendation to the Secretary within 15 days after a hearing, or if a hearing is not held, within 15 days of submission of documentation that the Board deems sufficient upon which to make a recommendation.

(1) The Board's recommendation will include findings of fact and conclusions of law that the Board deems necessary and upon which its recommendation is based.

(2) The Board's recommendation will be in writing and signed by a majority of the Board members.

(3) A dissenting recommendation may also be submitted. It will conform to the requirements of this section and will be attached to the Board's recommendation.

(4) The Board's recommendation will be the result of deliberations of a quorum of the members. If a hearing is held, only members present at the hearing will be eligible to participate in the Board's recommendation. ]

§ 901.167. [ Decision and order ] (Reserved).

[ (a) The Secretary's final decision will include findings of facts and discussion of law that the Secretary deems necessary.

(b) The Secretary's final decision will be in writing and signed by the Secretary.

(c) One copy of the final decision will be mailed to the petitioner or to the petitioner's authorized representative at the mailing address shown on the petition.

(d) The Secretary's final decision will be made within 15 days of the receipt of the Board's recommendation. ]

§ 901.168. Stay of appeal.

(a) [ Actions ] After a petition is filed, actions to revoke a registration, license or game approval will be stayed pending the decision of the [ Secretary when a petition has been filed with the ] Board.

(b) [ During the pendency of the appeal ] Pending the Board's decision and order, the certificate, game approval or license of the petitioner will be suspended. (See § 901.23a (relating to effect of denial, suspension, revocation, expiration of a certificate, license or game of chance).)

[Pa.B. Doc. No. 12-393. Filed for public inspection March 9, 2012, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 86 ]

### Coal Mining Fees

The Environmental Quality Board (Board) proposes to amend Chapter 86 (relating to surface and underground coal mining: general). The proposed rulemaking establishes a schedule of fees for coal mining activity permit applications.

This order was adopted by the Board at its meeting of October 12, 2010.

#### A. Effective Date

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

#### B. Contact Persons

For further information, contact Thomas Callaghan, Director, Bureau of Mining Programs, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5103; or Richard S. Morrison, Assistant Director, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5988 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

#### C. Statutory Authority

The rulemaking is proposed under the authority of section 5 of The Clean Streams Law (52 P. S. § 691.5); sections 4(a) and 4.2 of the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.4(a) and 1396.4b); section 3.2 of the Coal Refuse Disposal Control Act (52 P. S. § 30.53b); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

#### D. Background and Purpose

Section 4(a) of the Surface Mining Conservation and Reclamation Act states: "The department is authorized to charge and collect from persons a reasonable filing fee. Such fee shall not exceed the cost of reviewing, adminis-

tering and enforcing such permit.” The proposed regulations revise permit application review fees for coal mining activity permits. A schedule of fees for coal mining activity permit applications is proposed.

The coal mining regulatory program (program) is funded, in part, through a grant from the Federal government under Title V of the Surface Mining Control and Reclamation Act (30 U.S.C.A. §§ 1201—1328). Under this grant, funds are provided to cover the costs of up to 50% of the program. The Commonwealth must provide matching funds. The State share has been provided through the General Fund appropriation to the Department. For the current Federal Fiscal Year (October 2011 through September 2012), the Title V grant provides about \$11.8 million towards total program costs of approximately \$23.7 million, with the State share of about \$11.8 million coming almost entirely from General Fund appropriations because the current fees generate only about \$50,000 per year in revenue. It is estimated that the revised fees established by this proposed rulemaking will generate about \$400,000 per year in revenue.

This fee proposal is the result of a process where the Department worked with the Mining and Reclamation Advisory Board (MRAB). The proposed fee amounts were calculated using a workload analysis system, the primary purpose of which is to manage staffing for the program. The workload analysis assigns a specific number of hours to each task (that is, type of application) based on historical data recording hours spent by staff for permit reviews. Factors used for the fee calculations include the hourly wage rates for the employees who typically perform a given task, benefits and overhead. Wages are paid in accordance with a pay scale that has 20 steps for each pay range. For the purpose of the proposed fee schedule, the first step (that is, the lowest wage rate) was used. Benefits (for example, health insurance, retirement and leave/holidays) cost the Commonwealth about 41% of the wage rate. Operational costs (for example, management, rent and utilities) cost the Commonwealth about 30% of the wage rate. The 30% figure is used to represent the costs described as “indirects” under the Title V grant application. This proposal establishes fees calculated to cover only a portion of the State share of the workload cost (that is, about 37%, or 3/8 of the total cost) for the selected authorizations. The list of authorizations included in the fee schedule is not exhaustive. There are other types of applications for which fees are not being proposed (for example, minor revisions, blast plans, completion reports, preapplications and annual bond reviews).

#### *Fee Calculation Example*

A new surface mining permit takes about 200 hours to review. These applications are reviewed by staff in pay range 8 (step 1 for 2010 is \$25.64/hour). Adding 41% for benefits, 30% for overhead and multiplying by 200 hours, then multiplying by 3/8 results in \$3,288 or \$3,250 if the amount is rounded.

#### *MRAB*

At a meeting in October 2009, the Department presented a proposed rulemaking package to the MRAB that included a proposed permit application fee schedule. The MRAB would not endorse the proposal and requested that the Department work with an MRAB committee to develop an alternative proposal. The strongest specific objection was the amount of the fees (for example, the proposed fee for a new surface mining permit was \$11,675). The October 2009 proposal contained permit

application fees designed to cover the State share of the Department’s costs to review mining permit applications. It was estimated that the October 2009 fee proposal would have generated about \$1.2 million per year in revenue.

In response to the MRAB’s recommendations, the Department met several times with the MRAB’s Regulatory, Legislative and Technical (RLT) Committee. During this process, various options were explored, including trying to develop a fee approach that would generate the full State share for funding the program (about \$11.8 million). This option was dismissed as unrealistic based on industry opposition and the fact that it would represent a dramatic policy shift from the status quo where the fees are nominal. The approaches taken by other states and the Federal Office of Surface Mining were also reviewed. The result of this process was a series of recommendations adopted by the MRAB at their January 2010 meeting. The recommendations are summarized as follows:

- Because permit fees have not gone up since 1982, a permit fee increase from the current amount of \$250 per application (\$500 for coal refuse disposal permit applications) is reasonable.
- An increase in permit fees should be dedicated exclusively to finance the program permit review process.
- The Department should not establish fees which would discourage or provide disincentives to re-mining activities and their reclamation benefits to the Commonwealth.
- It is reasonable to ask the industry to contribute to funding some part of the program.
- The MRAB would like to continue to advise the Department on appropriate permit fee assessment and allocations.

The RLT Committee met on March 15, 2010, and reviewed a proposal containing permit application fees and an annual administrative fee that would have generated about \$750,000 per year in revenue. The RLT Committee decided to report to the full Board their recommendation to proceed with the section of the draft regulations regarding permit application fees, but to recommend the Department not implement the annual administration fees. At the April 22, 2010, meeting, the MRAB recommended that the Department proceed with a fee approach that includes only permit application fees in a form that would generate about \$400,000 per year in revenue. This proposed rulemaking was prepared following these MRAB recommendations.

#### *E. Summary of Regulatory Requirements*

##### *§ 86.1. Definitions*

Definitions are being added for the “major permit revision” and “permit application fee.” These definitions are needed to implement the fee schedule.

##### *§ 86.3. Use of Coal Refuse Disposal Control Fund*

Proposed amendments to this section add subsection (b), which necessitates the lettering of the existing paragraph as subsection (a). Subsection (b) is intended to provide clarity regarding the use of the money collected from permit application fees that are deposited in the Coal Refuse Disposal Control Fund. This reflects the MRAB’s recommendation that the money collected from the fees should be used specifically for the Department’s cost of reviewing permits.

##### *§ 86.17. Permit and reclamation fees*

Proposed amendments to this section include a detailed fee schedule for coal mining permit activity applications.

The requirement to pay by check is being deleted from subsection (a) to allow applicants the option of paying by other methods (for example, credit card).

Subsection (b) sets forth the detailed permit application fee schedule.

Proposed amendments to subsection (c) specify that the money collected from permit application fees will be used by the Department to pay the costs of reviewing permit applications. This reflects the MRAB's recommendation that the money collected from the fees should only be used for the Department's cost of reviewing permits.

Proposed amendments to subsection (d) establish a framework for periodically reviewing the fee schedule and providing a report to the Board regarding the Department's costs and the necessity for changes to the permit application fees.

F. *Benefits, Costs and Compliance*

The proposed rulemaking will enable the Commonwealth to generate a small percentage (less than 5%) of the State share of the funds required to operate the program.

*Compliance Costs*

The proposed rulemaking will impose a total additional compliance cost on the regulated community (approximately 500 mine operators) of about \$350,000 per year. Currently, permit application fees cost the operators about \$50,000 per year. The proposed fee schedule is estimated to cost operators about \$400,000 per year.

*Compliance Assistance Plan*

The Department will provide written notification to coal mine operators to inform them of the adoption of this proposed rulemaking.

*Paperwork Requirements*

The proposed rulemaking will require the Department to update its fact sheets explaining the law and regulations.

G. *Pollution Prevention*

The proposed rulemaking will not modify the pollution prevention approach by the regulated community and maintains the multimedia pollution prevention approach of existing requirements in 25 Pa. Code (relating to environmental protection).

H. *Sunset Review*

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

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 29, 2012, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory

Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

J. *Public Comments*

*Written comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by April 9, 2012. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by April 9, 2012. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic comments*—Comments may be submitted electronically to the Board at RegComments@pa.gov and must also be received by the Board by April 9, 2012. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

MICHAEL L. KRANCER,  
*Chairperson*

**Fiscal Note:** 7-476. No fiscal impact; (8) recommends adoption.

**Annex A**

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

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE I. LAND RESOURCES**

**CHAPTER 86. SURFACE AND UNDERGROUND  
COAL MINING: GENERAL**

**Subchapter A. GENERAL PROVISIONS**

**§ 86.1. Definitions.**

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

\* \* \* \* \*

**Major permit revision**—A revision to a coal mining permit that requires public notice.

\* \* \* \* \*

**Permit application fee**—A nonrefundable filing fee due at the time of submission of an application. The permit application fee is required for an application to be considered complete.

\* \* \* \* \*

**§ 86.3. Use of Coal Refuse Disposal Control Fund.**

(a) Moneys, including permit application fees, fines, bond forfeitures and civil penalties deposited in the Coal Refuse Disposal Control Fund may be used by the Department for the elimination of pollution, the abatement of health and safety hazards and nuisances, reclamation and other related uses including conducting scien-

tific studies and research as authorized under the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66).

(b) Permit application fees required under this chapter for permit applications submitted under the Coal Refuse Disposal Control Act will be used by the Department to cover its costs to review applications.

**Subchapter B. PERMITS**

**GENERAL REQUIREMENTS FOR PERMITS AND PERMIT APPLICATIONS**

**§ 86.17. Permit and reclamation fees.**

(a) A permit application for coal mining activities shall be accompanied by a [ check for \$250 payable to the “Commonwealth of Pennsylvania.” ] payment to the “Commonwealth of Pennsylvania” for the amount of the permit application fee provided in the fee schedule in subsection (b) which corresponds to the type of application being submitted. For purposes of this subsection, permit applications include the applications in subsection (b).

(b) [ A permit application for a coal preparation plant shall be accompanied by a check for \$250 payable to the “Commonwealth of Pennsylvania.” ] The permit application fee schedule is as follows:

<i>(1) New Permits</i>	<i>Fee</i>
Surface Mining Permit	\$3,250
Coal Refuse Reprocessing Permit	\$1,900
Coal Refuse Disposal Permit	\$3,250
Coal Preparation Plant Permit	\$1,650
Anthracite Underground Mining Permit	\$1,650
Bituminous Underground Mining Permit	\$5,750
Post Mining Activity Permit	\$300
Incidental Extraction Permit	\$1,650
<i>(2) Major Permit Revisions</i>	<i>Fee</i>
Surface Mining Permit	\$300
Coal Refuse Reprocessing Permit	\$300
Anthracite Coal Refuse Disposal Permit	\$300
Bituminous Coal Refuse Disposal Permit	\$1,250
Anthracite Coal Preparation Plant Permit	\$300
Bituminous Coal Preparation Plant Permit	\$1,250
Anthracite Coal Underground Mining Permit	\$300
Bituminous Coal Underground Mining Permit	\$1,250
<i>(3) Permit Transfer</i>	<i>Fee</i>
All	\$250
<i>(4) Permit Renewal</i>	<i>Fee</i>
All	\$250
<i>(5) Other Actions</i>	<i>Fee</i>
Auger Safety Permit	\$200
Bond Liability Revision	\$100

(c) [ A renewal application, whether the site has not yet been activated or where coal is being extracted, shall be accompanied by a check for \$250 payable to the “Commonwealth of Pennsylvania.” A renewal application for reclamation activities requires no application fee. ] For surface coal mine facilities, coal refuse reprocessing facilities and coal mining activity facilities, except for bituminous underground mines, permit application fees collected will be deposited in the Surface Mining

Conservation and Reclamation Fund. Permit application fees collected for bituminous underground mines will be deposited in the Bituminous Mine Subsidence and Land Reclamation Fund. For coal refuse disposal facilities, permit application fees collected will be deposited in the Coal Refuse Disposal Control Fund. Permit application fees required under this section will be used by the Department to cover its costs to review permit applications.

(d) [ A permit application for coal refuse disposal activities shall be accompanied by a check for \$500 plus \$10 per acre for acreage in excess of 50 acres payable to the “Commonwealth of Pennsylvania.” ] The Department will review the adequacy of the permit application fees in this section at least once every 3 years and provide a written report to the EQB. The report will identify any disparity between the amount of program income generated by the fees and the costs to administer these programs and contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

\* \* \* \* \*

[Pa.B. Doc. No. 12-394. Filed for public inspection March 9, 2012, 9:00 a.m.]

**GAME COMMISSION**

[ 58 PA. CODE CH. 141 ]

**Hunting and Trapping; Beaver Trapping**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 24, 2012, meeting to amend § 141.62 (relating to beaver trapping) to extend the 15-foot trap placement restriction near beaver dams and lodges Statewide and extend the body-gripping trap limit of 10 to wildlife management units (WMU) where beaver bag limits are 40 or more per season.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 24, 2012, meeting of the Commission. Comments can be sent, until April 20, 2012, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*1. Purpose and Authority*

In an effort to comply with its beaver management plan, the Commission is proposing two amendments to § 141.62. First, the 15-foot trap placement restriction near beaver dams and lodges should be enforced Statewide which will simplify regulations and help protect juvenile beavers in the colony. This can be accomplished by deleting references to WMUs 3B, 3C and 3D in § 141.62(b)(2). Secondly, the body-gripping trap limit of 10 should only apply to WMUs with high relative harvest/complaint density and with bag limit of 40 beavers per season. The purpose of this change is to lift the two body-gripping trap limit only in WMUs with high relative

beaver harvest and complaint densities. Because of the high efficiency of body-gripping traps, these devices should be limited to two in WMUs with medium to low beaver harvest and nuisance complaint densities. Limiting body-gripping traps also creates beaver trapping opportunities for the maximum number of trappers.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to "promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.62 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.62 by extending the 15-foot trap placement restriction near beaver dams and lodges Statewide and extending the body-gripping trap limit of 10 to WMUs where beaver bag limits are 40 or more per season.

3. Persons Affected

Persons wishing to hunt or trap beavers within this Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE, Executive Director

Fiscal Note: 48-335. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING
Subchapter D. FURBEARERS

§ 141.62. Beaver trapping.

\* \* \* \* \*

(b) Unlawful acts. It is unlawful to:

\* \* \* \* \*

(2) [ Except in Wildlife Management Units 3B, 3C and 3D, place ] Place, check, reset or tend a trap or snare on an established beaver dam or beaver house, or within 15 feet of either a dam, or a house. Measurement shall be from directly above the trap or snare, across the water, ice or land to the nearest point of the structure.

\* \* \* \* \*

(4) Set, tend or operate more than a combined State-wide total of 20 traps or snares no more than 10 of which may be traps. No more than [ two ] 2 of the traps may be body gripping traps except in Wildlife Management Units [ 1B, 3A, 3B, 3C and 3D where the two body gripping trap limit does not apply ] where beaver bag limits are 40 or more per season.

\* \* \* \* \*

[Pa.B. Doc. No. 12-395. Filed for public inspection March 9, 2012, 9:00 a.m.]

[ 58 PA. CODE CH. 141 ]
Hunting and Trapping; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 24, 2012, meeting to amend §§ 141.43 and 141.44 (relating to deer; and bear) to delete the sunset language to effectively make permanent the authorized general use of crossbows during the archery deer and bear seasons.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 24, 2012, meeting of the Commission. Comments can be sent, until April 20, 2012, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

On January 27, 2009, the Commission adopted amendments to §§ 141.43 and 141.44 that authorized the general use of crossbows during archery deer and bear seasons. See 39 Pa.B. 1110 (February 28, 2009). The crossbow amendments are subject to a sunset provision that expires on June 30, 2012. The Commission is proposing to amend §§ 141.43 and 141.44 to delete the sunset language to effectively make permanent the authorized general use of crossbows during archery deer and bear seasons.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 141.43 and 141.44 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend §§ 141.43 and 141.44 by deleting the sunset language to effectively make permanent the authorized general use of crossbows during archery deer and bear seasons.

3. *Persons Affected*

Persons wishing to hunt deer or bear with a crossbow during archery season within this Commonwealth will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-339. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 141. HUNTING AND TRAPPING**  
**Subchapter C. BIG GAME**

§ 141.43. **Deer.**

(a) *Archery deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the archery deer season with any of the following devices:

\* \* \* \* \*

(ii) *A crossbow and bolt.* A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length. [ **This subparagraph shall become effective July 1, 2009, and expire on June 30, 2012, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2012.** ]

\* \* \* \* \*

§ 141.44. **Bear.**

(a) *Archery bear season.*

(1) *Permitted devices.* It is lawful to hunt bear during the archery bear season with any of the following devices:

\* \* \* \* \*

(ii) *A crossbow and bolt.* A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length. [ **This subparagraph shall become effective**

**July 1, 2009, and expire on June 30, 2012, unless the Commission authorizes its continued legal effectiveness prior to June 30, 2012. ]**

\* \* \* \* \*

[Pa.B. Doc. No. 12-396. Filed for public inspection March 9, 2012, 9:00 a.m.]

**[ 58 PA. CODE CH. 141 ]**  
**Hunting and Trapping; Hunting Hours**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 24, 2012, meeting to amend Chapter 141, Appendix G (relating to hunting hours) by updating the current hunting hours table and migratory bird hunting hours table to accurately reflect the dates and hours of legal hunting for the 2012-2013 hunting license year.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 24, 2012, meeting of the Commission. Comments can be sent, until April 20, 2012, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Each year there is a shift in calendar days for each month. As a result of this occurrence, the tables of hunting hours in Appendix G are amended and updated each year to reflect the current year's hunting dates and corresponding legal hunting hours. The Commission is proposing to amend Appendix G to update the tables of hunting hours for the 2012-2013 hunting year to reflect the annual change in days and subsequent hunting times.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to Appendix G are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend Appendix G to update the tables of hunting hours for the 2012-2013 hunting year to reflect the annual change in days and subsequent hunting times.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2012-2013 hunting year will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The effective dates of the proposed rulemaking are July 1, 2012, to June 30, 2013.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-338. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**APPENDIX G. HUNTING HOURS**

*(Editor's Note:* As part of this proposed rulemaking, the Commission is proposing to delete the text of the tables which appear in 58 Pa. Code pages 141-33—141-35, serial pages (357031)—(357033) and replace them with the following tables.)

**HUNTING HOURS TABLE  
FOR JULY 1, 2012 THROUGH JUNE 30, 2013**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
July 1—7	5:09	9:02
July 8—14	5:14	8:59
July 15—21	5:20	8:54
July 22—28	5:26	8:48
July 29—Aug. 4	5:32	8:40
Aug. 5—11	5:39	8:32
Aug. 12—18	5:46	8:22
Aug. 19—25	5:52	8:12
Aug. 26—Sept. 1	5:59	8:01
Sept 2—8	6:05	8:00
Sept. 9—15	6:12	7:39
Sept. 16—22	6:19	7:27
Sept. 23—29	6:25	7:15
Sept. 30—Oct. 6	6:32	7:04
Oct. 7—13	6:39	6:53
Oct. 14—20	6:47	6:43
Oct. 21—27	6:54	6:34
Oct. 28—Nov. 3	7:02	6:25
Nov. 4—Nov. 10* ends	6:10	5:18
Nov. 11—17	6:18	5:12
Nov. 18—24	6:26	5:08
Nov. 25—Dec. 1	6:34	5:06
Dec. 2—8	6:40	5:05
Dec. 9—15	6:45	5:05
Dec. 16—22	6:49	5:07

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Dec. 23—29	6:52	5:10
Dec. 30—Jan. 5	6:53	5:09
Jan. 6—12	6:52	5:21
Jan. 13—19	6:51	5:28
Jan. 20—26	6:48	5:36
Jan. 27—Feb. 2	6:43	5:44
Feb. 3—9	6:37	5:53
Feb. 10—16	6:29	6:01
Feb. 17—23	6:21	6:09
Feb. 24—Mar. 2	6:11	6:17
Mar. 3—9	6:01	6:25
Mar. 10—16* begins	6:50	7:32
Mar. 17—23	6:39	7:40
Mar. 24—30	6:27	7:47
Mar. 31—Apr. 6	6:16	7:54
Apr. 7—13	6:05	8:01
Apr. 14—20	5:54	8:08
Apr. 21—27	5:44	8:15
Apr. 28—May 4	5:34	8:22
May 5—11	5:26	8:29
May 12—18	5:18	8:36
May 19—25	5:12	8:43
May 26—June 1	5:07	8:49
June 2—8	5:04	8:54
June 9—15	5:02	8:58
June 16—22	5:02	9:01
June 23—30	5:05	9:03

\* Daylight Saving Time

**MIGRATORY GAME  
BIRD HUNTING HOURS TABLE**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Aug. 26—Sept. 1	5:59	7:31
Sept. 2—8	6:05	7:30
Sept. 9—15	6:12	7:09
Sept. 16—22	6:19	6:57
Sept. 23—29	6:25	6:45
Sept. 30—Oct. 6	6:32	6:34
Oct. 7—13	6:39	6:23
Oct. 14—20	6:47	6:13
Oct. 21—27	6:54	6:04
Oct. 28—Nov. 3	7:02	5:55
Nov. 4—10* ends	6:10	4:48
Nov. 11—17	6:18	4:42
Nov. 18—24	6:26	4:38
Nov. 25—Dec. 1	6:34	4:36
Dec. 2—8	6:40	4:35
Dec. 9—15	6:45	4:35
Dec. 16—22	6:49	4:37

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Dec. 23—29	6:52	4:40
Dec. 30—Jan. 5	6:53	4:39
Jan. 6—12	6:52	4:51
Jan. 13—19	6:51	4:58
Jan. 20—26	6:48	5:06
Jan. 27—Feb. 2	6:43	5:14
Feb. 3—9	6:37	5:23
Feb. 10—16	6:29	5:31
Feb. 17—23	6:21	5:39
Feb. 24—Mar. 2	6:11	5:47
Mar. 3—9	6:01	5:55
Mar. 10—16* begins	6:50	7:02
Mar. 17—23	6:39	7:10
Mar. 24—30	6:27	7:17
Mar. 31—Apr. 6	6:16	7:24
Apr. 7—13	6:05	7:31

\* Daylight Saving Time

[Pa.B. Doc. No. 12-397. Filed for public inspection March 9, 2012, 9:00 a.m.]

[ 58 PA. CODE CH. 141 ]

**Hunting and Trapping; Special Regulations Areas**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 24, 2012, meeting to amend § 141.1 (relating to special regulations areas) to permit hunters to legally harvest deer during any deer season through the use of bait on properties authorized under a valid deer control permit (red tag farms) in wildlife management units (WMU) 5C and 5D in the southeastern Pennsylvania special regulations areas.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 24, 2012, meeting of the Commission. Comments can be sent, until April 20, 2012, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

On March 31, 2010, the Commission’s 3-year evaluation of the effectiveness of a broad scale and widely accessible authorization permitting the baiting of white-tailed deer across the southeast special regulations areas expired. The Commission’s final review of the baiting authorization generally concluded that broad scale and widely accessible baiting did not establish viable increases in harvest rates to justify an extension of the experimental program. Agricultural deer damage continues to be a challenge in the more developed areas of this Commonwealth. Special hunting regulations exist for these areas, but hunting and permitted control provisions at times create conflicting regulations. On February 1, 2011, the Commission amended §§ 147.552 and 147.556 (relating to application; and lawful devices and methods) to create a

focused, limited authorization permitting the baiting of white-tailed deer in WMUs 5C and 5D on approved properties enrolled in the Red Tag Program. See 41 Pa.B. 1767 (April 2, 2011). In furtherance of the Commission’s continuing efforts to find effective tools to manage the population on agriculture lands in this area of this Commonwealth, the Commission is proposing to amend § 141.1 to permit hunters to legally harvest deer during any deer season through the use of bait on properties authorized under a valid deer control permit (red tag farms) in WMUs 5C and 5D in the southeastern Pennsylvania special regulations areas.

Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendment to § 141.1 is proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 141.1 by permitting hunters to legally harvest deer during any deer season through the use of bait on properties authorized under a valid deer control permit (red tag farms) in WMUs 5C and 5D in the southeastern Pennsylvania special regulations areas.

3. *Persons Affected*

Persons wishing to hunt deer through the use of bait in the southeast special regulations areas will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-333. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter A. GENERAL**

**§ 141.1. Special regulations areas.**

\* \* \* \* \*

(d) *Permitted acts.* It is lawful to:

\* \* \* \* \*



**(6) Hunt or take deer during any deer season through the use of or by taking advantage of bait on private property currently operating under a valid deer control permit when approval for limited baiting activities has previously been obtained under § 147.552 (relating to application).**

[Pa.B. Doc. No. 12-398. Filed for public inspection March 9, 2012, 9:00 a.m.]

[ 58 PA. CODE CH. 141 ]

**Hunting and Trapping; Wild Pheasant Recovery Areas**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 24, 2012, meeting to amend § 141.28 (relating to wild pheasant recovery areas) to eliminate the Pike Run wildlife pheasant recovery area (WPRAs) and include crows to the list of species that can be hunted within WPRAs from the first Sunday in February through July 31.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 24, 2012, meeting of the Commission. Comments can be sent, until April 20, 2012, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The Pike Run WPRAs study in southwestern Pennsylvania has concluded unsuccessfully. Habitat patch analysis shows that Pike Run meets only one of five habitat targets in the pheasant model. Pheasant densities are at one hen per square mile, far short of the ten hens per square mile objective. In light of the area's habitat characteristics and low pheasant densities, and in keeping with the pheasant management plan, it is proposed that this area be opened to either sex pheasant hunting and stocking of game farm pheasants be reinstated beginning with the 2012-13 season. To complement this proposed season change, the Commission is proposing to amend § 141.28 to eliminate the Pike Run WPRAs. The Commission is additionally proposing to amend § 141.28(b)(2) to include crows along with waterfowl and woodchucks to the list of species that can be hunted within WPRAs from the first Sunday in February through July 31. This addition will not have a detrimental effect on pheasant recovery.

Section 322(c)(4) of the code (relating to powers and duties of commission) specifically authorizes the Commission to "Define geographic limitations or restrictions." Section 2102(c) of the code (relating to regulations) directs that "The commission shall promulgate regulations concerning the transportation, introduction into the wild, importation, exportation, sale, offering for sale or purchase of game or wildlife or the disturbing of game or wildlife in their natural habitat." Section 2102(a) of the code provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or

wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.28 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 141.28 by eliminating the Pike Run WPRAs and including crows to the list of species that can be hunted within WPRAs from the first Sunday in February through July 31.

3. *Persons Affected*

Persons wishing to hunt wild pheasants, release propagated pheasants, train dogs or hunt small game within the area designated as the Pike Run WPRAs will be affected by the proposed rulemaking. Persons wishing to hunt crows within an area designated as a WPRAs from the first Sunday in February through July 31 will also be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-334. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter B. SMALL GAME**

**§ 141.28. Wild pheasant recovery areas.**

(a) *Definition.* For the purpose of this section, the phrase "wild pheasant recovery area" (WPRAs) includes and is limited to the following geographic locations.

(1) [ *Pike Run WPRAs.* The portion of Washington County, WMU 2A, bounded on the east by the Monongahela River, on the north by I-70, on the west by PA Rt. 917 to Swagler Rd. to Spring Valley Rd. to PA Rt. 2015 to Lone Pine Rd. to the intersection with Tenmile Creek in West Zollarsville, and bounded on the south by Tenmile Creek.

(2) [ *Somerset WPRAs.* That portion of Somerset County, WMU 2C, bounded on the western side starting at the intersection of Coleman Station Rd. and Stutzmantown Rd. proceeding south on Coleman Station Rd., crossing SR 31, to Brotherton Rd., continuing south to Round Hill Rd., then east onto Wills Church Rd., then to Archery Rd. The boundary then follows Berlin Plank Rd. (US Rt. 219) south into the town of Berlin where it joins the Mason Dixon Hwy. (US Rt. 219) proceeding south to Pine Hill

Rd. to Walker School Rd. then east on Maple Valley Rd., to Sawmill Rd. to the Cumberland Hwy. (SR 160). The boundary then follows the Cumberland Hwy. (SR 160) south to Salco Rd. and then proceeds north on Salco Rd. to Huckleberry Hwy. (SR 160) in the town of Berlin. The boundary follows Huckleberry Hwy. (SR 160) north, crossing SR 31, to the intersection of Roxbury Rd., then north to Shanksville Rd. The boundary then proceeds north to Stutzmantown Rd., then west to the beginning at the intersection of Coleman Station Rd.

[ (3) ] (2) *Central Susquehanna WPR*A. Portions of WMU 4E in Northumberland, Montour, Columbia and Lycoming counties from the West Branch of the Susquehanna River south to the intersection with PA Rt. 642 and the West Branch of the Susquehanna River in Milton. The southern boundary is defined by PA Rt. 642 east from Milton to Mausdale, then north on PA Rt. 642 to just south of Jerseytown, proceeding east on Eysersgrove Rd. to Eysers Grove at PA Rt. 42. Proceeding south on PA Rt. 42 to Mordansville, northeast of Mordansville along Robbins Rd. (Rt. 600) to Mordansville Rd. (Rt. 541), south on Millertown Rd. (Rt. 4011), then continuing east to follow Mount Pleasant Rd. (Rt. 4020) and Mount Pleasant St. (PA Rt. 4034) to Orangeville at the southeast corner of the WPR A. PA Rt. 487 lines the eastern boundary from Orangeville north to Maple Grove/ intersection with PA Rt. 254. The northern boundary begins with PA Rt. 254 west of Maple Grove to the intersection with Winters Rd. (Rt. 459) proceeding west to the intersection with Austin Trail (PA Rt. 4039). Continuing west on Owl Rd. (Rt. 599), north and west on Reese Rd. (Rt. 578), and north and west on Trivelpiece Rd. (Rt. 576). Eagle Rd. (PA Rt. 4037) then continues northwest to the intersection with Whitehorse Rd./Whitehorse Pike (Rt. 661) heading west to just south of Sereno, and then south on PA Rt. 42 to Millville. From Millville, proceeding southwest on PA Rt. 254 to Jerseytown. Then northwest on PA Rt. 44, north on Swartz Rd., west on Shultz Rd., north on Ants Hill Rd., west on Wolf Hollow Rd., then north on Katy's Church Rd. Crossing into Lycoming County and proceeding northwest on G Wagner Rd., west on Ridge Rd., crossing into Montour County, southwest on County Line Rd., south on Muncy Exchange Rd. (PA Rt. 1003), west on Hickory Rd. (PA Rt. 1008), west on Mingle Rd. (Rt. 433), west on Hickory Rd. (PA Rt. 1008) for the second time, and proceeding north on Gearhart Hollow Rd. (Rt. 441). Continuing west on Showers Rd. (PA Rt. 1010), crossing into Northumberland County, proceeding north and west on Pugmore Lane, north on Hockley Hill Rd. (PA Rt. 1011), west on Miller Rd. (Rt. 653), continuing southwest on Balliet Rd. (Rt. 664). Proceeding northwest and west on Schmidt Rd. (Rt. 564)[ . ], continuing north on Susquehanna Trail (PA Rt. 1007), continuing west on Hughes Rd. (Rt. 655), crossing under I-180, proceeding south on Crawford Rd. (Rt. 507) to PA Rt. 54. Proceeding northwest on PA Rt. 54 to the West Branch of the Susquehanna River.

[ (4) ] (3) *Hegins-Gratz Valley WPR*A. That portion of WMU 4E in Schuylkill and Dauphin Counties from Matterstown Road (Rt. 1007) to PA Rt. 901 at Taylorsville. The WPR A is bounded on the north by the Mahantango Creek. Beginning at the town of Pillow in Dauphin County, proceeding east on Market Street (Rt. 1026) to the Mahantango Creek, which is the Northumberland and Dauphin County border until entering Schuylkill County at Klingerstown. Continuing northeast along the Mahantango Creek in Schuylkill County to Taylorsville Road (Rt. 4039) at Haas, to Taylorsville and then proceeding south on PA Rt. 901. Proceeding south

and southeast on PA Rt. 901 to I-81. Proceeding southwest on I-81 and then west on PA Rt. 25, then from PA Rt. 25, proceeding south and west on Dell Road and then northwest and west on Pine Drive (State Hwy. 4009), continuing west on Pine Drive, T593 and north on T592 to Pine Creek. The southern boundary then follows Pine Creek west along the northern side of Broad Mountain to Spring Glen. From Spring Glen, continuing west on PA Rt. 25, crossing into Dauphin County to Gratz, then proceeding southwest from Gratz on Specktown Road (State Hwy. 1014) to South Crossroads Road (PA Rt. 1009). Proceeding south on South Crossroads Road (PA Rt. 1009) to PA Rt. 209 and southwest to Elizabethville. From Elizabethville continue west on Main Street (PA Rt. 209), then turn north onto Botts Road (T462). At the first intersection, turn north onto Feidt Road (T461), then turn east onto West Matterstown Road (Rt. 4008), turn north onto Matterstown Road (Rt. 1007). Turn right or east onto Berrysburg Road (PA Rt. 25) which turns into Market St. Turn left or north onto Lykens St. Turn right or east onto Mountain Road (T639). Turn left or north on PA Rt. 225 into Pillow on PA Rt. 225, ending at Market St. (Rt. 1026).

[ (5) ] (4) *Franklin County WPR*A. That portion of WMUs 4A and 5A in Franklin County form PA Rt. 30 on the northern border to the Pennsylvania/Maryland state border on the southern border, and from Cove Mountain on the western border to the towns of Laurich and Williamson and the Conococheague Creek on the eastern border. The WPR A is bounded on the north by PA Rt. 30 (Lincoln Highway). Beginning at the town of Fort Loudon at the intersection of PA Rt. 30 (Lincoln Highway) and PA Rt. 75, proceed east on PA Rt. 30 (Lincoln Highway), through St. Thomas and continue east to Laurich. Just east of Laurich, proceed south along Back Creek to SR 3012 (Jack Road). Proceed west along SR 3012 (Jack Road), then south along Weber Road. Continue south and southwest along Weber Road to the intersection of Weber, Grapevine and Jacks Mill Roads. Proceed southwest along Grapevine Road and then northwest to intersection with SR 3013. Turn south onto SR 3013 (St Thomas Williamson Road) and then west onto State Rt. 995. Proceed west and then south on State Rt. 995 through Williamson to the West Branch of the Conococheague Creek (northeast of Welsh Run). Proceed along the West Branch of the Conococheague Creek to the confluence with Conococheague Creek. Follow the Conococheague Creek south to the Pennsylvania/Maryland state border. Proceed west along the Pennsylvania/Maryland state border to State Rt. 456. Proceed northeast along State Rt. 456 to State Rt. 16. Proceed east on State Rt. 16 to Mountain Road. Proceed northeast on Mountain Road to State Rt. 75. Proceed northwest on State Rt. 75 to the intersection of State Rt. 75 and State Rt. 30 at Fort Loudon.

(b) *Prohibitions*. It is unlawful to:

\* \* \* \* \*

(2) Train dogs in any manner or hunt small game except **crows**, woodchucks and waterfowl from the first Sunday in February through July 31 within any area designated as a WPR A.

[Pa.B. Doc. No. 12-399. Filed for public inspection March 9, 2012, 9:00 a.m.]

[ 58 PA. CODE CH. 135 ]

Lands and Buildings; All-Terrain Vehicles

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 24, 2012, meeting to amend § 135.50 (relating to definitions) to delete references to 75 Pa.C.S. § 7702(3) (relating to definitions), which no longer exists, and replace them with a generic exclusory reference.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 24, 2012, meeting of the Commission. Comments can be sent, until April 20, 2012, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

Section 135.50 defines the term "ATV—All-terrain vehicle" for the purpose of restricting the type and design of off-road vehicles that may be operated on State Game Lands under applicable allowances. Section 135.50 contains a specific reference to 75 Pa.C.S. § 7702 to aid in defining this term. The act of June 25, 2001 (P. L. 701, No. 68) (Act 68) amended the meaning given to the terms "all-terrain vehicle" and "ATV" under 75 Pa.C.S. § 7702. The Act 68 amendments were not incorporated in § 135.50. The Commission is proposing to amend § 135.50 to eliminate references to 75 Pa.C.S. § 7702(3), which no longer exists, and replace them with a generic exclusory reference. This proposed rulemaking is nonsubstantive and is not intended to further expand or further limit the types of off-road vehicles that may be operated on State Game Lands under applicable allowances.

Section 721(a) of the code (relating to control of property) provides "The administration of all lands and waters owned, leased or otherwise controlled by the commission shall be under the sole control of the director, and the commission shall promulgate regulations . . . for its use and protection as necessary to properly manage these lands or waters." The amendments to § 135.50 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 135.50 by deleting references to 75 Pa.C.S. § 7702(3), which no longer exists, and replacing them with a generic exclusory reference.

3. Persons Affected

Persons wishing to exercise limited authorized operation of all-terrain vehicles on State Game Lands within this Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the Pennsylvania Bulletin and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE, Executive Director

Fiscal Note: 48-337. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter C. STATE GAME LANDS

§ 135.50. Definitions.

The following words and terms, when used in this section and §§ 135.49 and 135.51—135.55, have the following meanings, unless the context clearly indicates otherwise:

ATV—All-terrain vehicle—

(i) A Class I ATV as defined in 75 Pa.C.S. § 7702(1) [ and (3) ] (relating to definitions), or a motorized off-highway vehicle 58 inches or less in width, having a dry weight of 900 pounds or less traveling on four or more low-pressure tires and having a bench seat[ , which complies with restrictions in 75 Pa.C.S. § 7702(3) ].

(ii) The term does not include a motorized off-highway vehicle excluded from the definition of the term "all-terrain vehicle or ATV" under 75 Pa.C.S. § 7702.

\* \* \* \* \*

[Pa.B. Doc. No. 12-400. Filed for public inspection March 9, 2012, 9:00 a.m.]

[ 58 PA. CODE CH. 139 ]

Seasons and Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 24, 2012, meeting to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2012-2013 hunting license year.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 24, 2012, meeting of the Commission. Comments can be sent until April 20, 2012, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2012-2013 seasons and daily season and possession limits are similar to those set in 2011-2012, the 2012-2013 seasons and bag limits have been amended to reflect current available scientific data, population and harvest records, field surveys and professional staff observations,

as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the wildlife resources of this Commonwealth.

Two changes are proposed for small game seasons. First, it is proposed to open wildlife management unit (WMU) 2B to the hunting of pheasant cocks and hens. The Pike Run Wild Pheasant Recovery Area study in southwestern Pennsylvania has concluded. Habitat patch analysis shows that Pike Run meets only one of five targets in the pheasant habitat model. Pheasant densities are at one hen per square mile, far short of the ten hens per square mile objective. In light of the area's habitat characteristics and low pheasant densities, and in keeping with the pheasant management plan, this area of this Commonwealth is to be opened to either sex pheasant hunting and stocking of game farm pheasants is to be reinstated beginning with the 2012-13 season. The second proposed change concerns reducing the porcupine daily bag to three and establishing a season limit of ten per hunter. This proposal is based on a growing concern for commercial exploitation of this species.

In WMUs 1A, 1B and 2A, the Commission proposed to remove the sporting arm limitations for the fall turkey season, which presently requires the use of shotguns, bows and arrows only.

An expansion of bear harvest opportunity is also proposed. The taking of black bear by properly licensed hunters during all deer seasons from September through mid-December in WMUs 1A, 2B, 5B, 5C and 5D will be allowed. The black bear population in this Commonwealth is larger and more widely distributed than ever and bear-human incidents are becoming commonplace, especially in more developed areas. Continued expansion of residential development into areas occupied by black bears has resulted in more frequent sightings and encounters between people and bears. In these five WMUs with relatively high human population densities there currently are low bear densities, the Commission wants to continue to have a minimum number of bears and the Commission wants hunters to have an opportunity to play an important role in bear population management in these areas.

Changes to beaver trapping regulations follow the recently implemented beaver management plan. Changes are proposed for WMUs 3A, 3D and 5D. Based on annual beaver harvest and nuisance complaint densities, WMUs fall into three categories of harvest and damage frequency characteristics. WMUs with high harvest rates (less than 50 beavers per 100 square miles) and high nuisance complaint rates (less than 1.5 complaints per 100 square miles) should have a combined bag limit of 40 beavers per season. WMUs with low harvest rates (less than ten beavers per 100 square miles) and low nuisance complaint rates (less than 0.60 complaint per 100 square miles) should have a combined bag limit of five beavers per season. WMUs that fall between the low and high harvest/complaint categories should have a combined bag limit of 20 beavers per season. WMUs 3A and 3D fall between the low and high harvest/complaint categories therefore it is proposed to reduce the season bag limit to

20 beavers in these WMUs. However, the nuisance complaint density in WMU 5D is currently the fourth highest in this Commonwealth. To help alleviate beaver damage complaints in WMU 5D, it is proposed to increase the beaver bag limit to 20. These bag limit changes will be monitored as to how they influence population numbers and nuisance complaint levels.

The addition of WMU 4C in the 2012-2013 bobcat hunting and trapping seasons has been proposed. This proposal is based on expanding population numbers and a trend of increased incidental captures of bobcats in WMU 4C. The addition of two WMUs, 2G and 4D, for fisher harvesting has been proposed. This is based on expanding fisher populations and increased numbers of incidental captures in these WMUs. As the next license year is fast approaching, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2012-2013 license year.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(b)(1) of the code (relating to regulations) authorizes the Commission to "promulgate regulations relating to seasons and bag limits for hunting or furtaking . . ." The amendments to § 139.4 are proposed under this authority.

## 2. Regulatory Requirements

The proposed rulemaking will amend § 139.4 by establishing when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken during the 2012-2013 license year.

## 3. Persons Affected

Persons wishing to hunt or trap game or wildlife in this Commonwealth during the 2012-2013 license year may be affected by the proposed rulemaking.

## 4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

## 5. Effective Date

The effective dates of the proposed rulemaking are July 1, 2012, to June 30, 2013.

## 6. Contact Person

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-332. No fiscal impact; (8) recommends adoption.

*Editor's Note:* As part of this proposed rulemaking, the Commission is replacing the table which appears in 58 Pa. Code pages 139-3—139-14.1, serial pages (356985)—(356997) with the following table.)

## Annex A

## TITLE 58. RECREATION

## PART III. GAME COMMISSION

## CHAPTER 139. SEASONS AND BAG LIMITS

## § 139.4. Seasons and bag limits for the license year.

## (SEASONS AND BAG LIMITS TABLE)

## 2012-2013 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrel—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 12	6	12
Squirrel—(Combined species)	Oct. 13	Nov. 24	6	12
	Dec. 10	and Dec. 24		
	Dec. 26	and Feb. 23, 2013		
Ruffed Grouse	Oct. 13	Nov. 24	2	4
	Dec. 10	and Dec. 24		
	Dec. 26	and Jan. 26, 2013		
Rabbit, Cottontail— Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 13	4	8
Rabbit, Cottontail	Oct. 20	Nov. 24	4	8
	Dec. 10	and Dec. 24		
	Dec. 26	and Feb. 23, 2013		
Ring-necked Pheasant—There is no open season for the taking of pheasants in any area designated as a wild pheasant recovery area within any wildlife management unit.				
Ring-necked Pheasant—Male only in WMUs 2C, 4C, 4E, 5A and 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 13	2	4
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 6	Oct. 13	2	4
Ring-necked Pheasant—Male only in WMUs 2A, 2C, 4C, 4E, 5A and 5B	Oct. 20	Nov. 24	2	4
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D	Oct. 20	Nov. 24	2	4
	Dec. 10	and Dec. 24		
	Dec. 26	and Feb. 2, 2013		
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all WMUs except in WMUs 4A, 4B, 5A, 5B, 5C and 5D where the season is closed.	Oct. 20	Nov. 24	4	8

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Hare (Snowshoe Rabbit) or Varying Hare	Dec. 26	Jan. 1, 2013	1	2
Woodchuck (Groundhog)	No closed season except during the regular firearms deer seasons.		Unlimited	
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Porcupine	Sep. 1	Mar. 31, 2013	3	10
Season closed during the overlap with the regular firearms deer seasons.				
WILD TURKEY				
Turkey—Male or Female			1	1
WMU 2B (Shotgun, Bow and Arrow only)	Oct. 27	Nov. 16		
	Nov. 22	Nov. 24		
and				
WMUs 1A, 1B, 2A, 2C, 2D, 2E, 4A, 4B and 4D	Oct. 27	Nov. 10		
	Nov. 22	Nov. 24		
and				
WMUs 2F, 2G, 3A, 3B, 3C, 3D, 4C and 4E	Oct. 27	Nov. 16		
	Nov. 22	Nov. 24		
and				
WMU 5A	Oct. 30	Nov. 1		
WMUs 5B, 5C and 5D	Closed to fall turkey hunting			
Turkey (Spring Gobbler) Statewide <sup>1</sup> Bearded Bird only			1	2
	Apr. 27, 2013	May 11, 2013	May be hunted 1/2 hour before sunrise to 12 noon	
	and			
	May 13, 2013	May 31, 2013	May be hunted 1/2 hour before sunrise to 1/2 hour after sunset	
Turkey (Spring Gobbler) Statewide Youth Hunt <sup>1</sup> Bearded Bird only Eligible junior hunters only with the required license and when properly accompanied	April 20, 2013	April 20, 2013	1	1

**MIGRATORY GAME BIRD**

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the *Federal Register* on or about August 27 and September 28 of each year.

Exceptions:

(a) Hunting hours in § 141.4 (relating to hunting hours).

(b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crow (Hunting permitted on Friday, Saturday and Sunday only)	July 1	April 7, 2013	Unlimited	
Starling and English Sparrow	No closed season except during the regular firearms deer season.		Unlimited	

## FALCONRY

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrel—(Combined species)	Sept. 1	Mar. 31, 2013	6	12
Quail	Sept. 1	Mar. 31, 2013	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2013	2	4
Cottontail Rabbit	Sept. 1	Mar. 31, 2013	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2013	1	2
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2013	2	4

Migratory Game Bird—Seasons and bag limits shall be in accordance with Federal regulations.

## WHITE-TAILED DEER

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Archery (Antlered and Antlerless) <sup>2</sup> (Statewide)	Sept. 29	Nov. 10	One antlered and an antlerless deer with each required antlerless license.
	Dec. 26	Jan. 12, 2013	
Deer, Archery (Antlerless only) WMUs 2B, 5C and 5D	Sept. 15	Sep. 28	An antlerless deer with each required antlerless license.
	Nov. 12	Nov. 24	
Deer, Archery (Antlered and Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D	Jan. 14, 2013	Jan. 26, 2013	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 1A, 1B, 2B, 3A, 3D, 4A, 4C, 5A, 5B, 5C and 5D	Nov. 26	Dec. 8	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) <sup>2</sup> WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E	Nov. 26	Nov. 30	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) <sup>2</sup> WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E	Dec. 1	Dec. 8	One antlered, and an antlerless deer with each required antlerless license.
Deer, Special firearms (Antlerless only) (Statewide) Only Junior and Senior License Holders, <sup>3</sup> Commission Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, with required antlerless license	Oct. 18	Oct. 20	An antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 13	Oct. 20	An antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> (Statewide)	Dec. 26	Jan. 12, 2013	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>2</sup> WMUs 2B, 5C and 5D	Dec. 26	Jan. 26, 2013	An antlerless deer with each required antlerless license.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Season Limit</i>
Deer, Extended Regular firearms (Antlerless) WMUs 2B, 5C and 5D	Dec. 26	Jan. 26, 2013	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

**BLACK BEAR**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Bear, Archery <sup>4</sup> WMUs 2B, 5C and 5D	Sep. 15	Sep. 28	1	1
Bear, Archery <sup>4</sup> WMUs 1A, 2B, 5B, 5C and 5D	Sep. 29	Nov. 10	1	1
Bear, Archery <sup>4</sup> Statewide	Nov. 12	Nov. 16	1	1
Bear, Muzzleloading <sup>4</sup> WMUs 1A, 2B, 5B, 5C and 5D	Oct. 13	Oct. 20	1	1
Bear, Regular firearms <sup>4</sup> Statewide	Nov. 17	Nov. 21	1	1
Bear, Extended firearms <sup>4</sup> WMUs 3A, 3C, and	Nov. 26	Dec. 1	1	1

Portions of WMU 3B, East of Rt. 14 from Troy to Canton, East of Rt. 154 from Canton to Rt. 220 at Laporte and East of Rt. 42 from Laporte to Rt. 118 and that portion of 4E, East of Rt. 42.

Portions of WMUs 2G in Lycoming and Clinton Counties and 3B in Lycoming County that lie North of the West Branch of the Susquehanna River from the Rt. 405 Bridge, West to Rt. 15 at Williamsport, Rt. 15 to Rt. 220, and North of Rt. 220 to the Mill Hall exit, North of SR 2015 to Rt. 150; East of Rt. 150 to Lusk Run Rd. and South of Lusk Run Rd. to Rt. 120, Rt. 120 to Veterans Street Bridge to SR 1001; East of SR 1001 to Croak Hollow Rd., South of Croak Hollow Rd. to Rt. 664 (at Swissdale), South of Rt. 664 to Little Plum Rd. (the intersection of SR 1003), South of SR 1003 to SR 1006, South of SR 1006 to Sulphur Run Rd., South of Sulphur Run Rd. to Rt. 44, East of Rt. 44 to Rt. 973, South of Rt. 973 to Rt. 87, West of Rt. 87 to Rt. 864, South of Rt. 864 to Rt. 220 and West of Rt. 220 to Rt. 405 and West of Rt. 405 to the West Branch of the Susquehanna River.

Bear, Extended firearms <sup>4</sup> WMUs 1A, 2B, 5B, 5C and 5D	Nov. 26	Dec. 8	1	1
Bear, Extended firearms <sup>4</sup> WMUs 3D, 4C, 4D and 4E	Nov. 28	Dec. 1	1	1

**ELK**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Elk, Regular firearms <sup>5</sup> (Antlered and Antlerless)	Nov. 5	Nov. 10	1	One elk with required license
Elk, Special Conservation <sup>5</sup> (Antlered and Antlerless)	Sep. 1	Nov. 10	1	One elk with required license
Elk, Extended firearms <sup>5</sup> (Antlered and Antlerless)	Nov. 12	Nov. 17	1	One elk with required license

**FURTAKING—TRAPPING**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Mink and Muskrat (Statewide)	Nov. 17	Jan. 6, 2013	Unlimited	
Beaver (Statewide)	Dec. 26	Mar. 31, 2013		
WMUs 1A, 1B and 3C (Combined)			20	40



<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
WMUs 2A, 2B, 2D, 2E, 2F, 3A, 3B, 3D and 5D (Combined)			20	20
WMUs 2C, 2G, 4A, 4B, 4C, 4D, 4E, 5A, 5B and 5C (Combined)			5	5
Coyote, Fox, Opossum, Raccoon, Skunk, Weasel—(Statewide)	Oct. 21	Feb. 17, 2013	Unlimited	
Coyote and Fox—(Statewide) (Cable restraint devices may be used)	Dec. 26	Feb. 17, 2013	Unlimited	
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Dec. 15	Jan. 6, 2013	1	1
Fisher (with appropriate permit) WMUs 2C, 2D, 2E, 2F, 2G and 4D	Dec. 15	Dec. 20	1	1

**FURTAKING—HUNTING**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyote—(Statewide)			Unlimited	
Coyote—(During any big game season)				
Opossum, Skunk, Weasel (Statewide)				
Raccoon and Fox—(Statewide)	Oct. 20	Feb. 16, 2013	Unlimited	
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4C, 4D and 4E	Jan. 15, 2013	Feb. 5, 2013	1	1

No open seasons on other wild birds or wild mammals.

<sup>1</sup> Only persons who possess a special wild turkey license as provided for in section 2709 of the act (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of 2 gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

<sup>2</sup> Only one antlered deer (buck) may be taken during the hunting license year.

<sup>3</sup> Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions).

<sup>4</sup> Only one bear may be taken during the hunting license year.

<sup>5</sup> Only one elk may be taken during the hunting license year.

[Pa.B. Doc. No. 12-401. Filed for public inspection March 9, 2012, 9:00 a.m.]

**[ 58 PA. CODE CH. 147 ]****Special Permits; Mentored Youth Hunting Program Permit**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its January 24, 2012, meeting to amend § 147.804 (relating to general) to allow a mentor to transfer a valid fall turkey license issued to him to an eligible mentored youth upon the harvest of a fall turkey.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 24, 2012, meeting of the Commission. Comments can be sent, until April 20, 2012, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

**1. Purpose and Authority**

The National Wild Turkey Federation and others have continued to express an interest in having the Commission expand mentored youth turkey hunting opportunities to include fall turkeys. Commission staff has expressed conditional support as long as fall turkey harvest would not increase. With the advent of mentored youth license exemption language in the code, the Board has the ability to amend its regulations to allow for the transfer of a

mentor fall turkey tag by amending § 147.804(c) and adding § 147.804(h). This proposed rulemaking will not significantly increase the fall harvest or negatively impact the ongoing fall hen harvest rate and survival study and is consistent with the goal of providing additional mentored youth hunting opportunity as identified in the Wild Turkey Management Plan for this Commonwealth. The Commission is proposing to amend § 147.804 to allow a mentor to transfer a valid fall turkey license issued to him to an eligible mentored youth upon the harvest of a fall turkey.

Section 2711(a.1) of the code (relating to unlawful acts concerning licenses) states that “For the sole purpose of implementing and enhancing a mentored youth hunting program within this Commonwealth, the commission may establish regulations exempting certain limited youth hunting activities from the prohibitions specified in subsection (a)(1), (3), (5) and (8).” Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 147.804 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.804 by allowing a mentor to transfer a valid fall turkey license issued to him to an eligible mentored youth upon the harvest of a fall turkey.

3. *Persons Affected*

Persons wishing to hunt wild turkey within this Commonwealth under the mentored youth hunting program will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking may result in some additional cost and paperwork associated with the affects transferring tags will have on the Pennsylvania Automated License System. However, the Commission has determined that if there is an additional expense associated

with this effort, it will not be substantial and will be absorbed by the current budget.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** 48-336. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART III. GAME COMMISSION**  
**CHAPTER 147. SPECIAL PERMITS**  
**Subchapter X. MENTORED YOUTH HUNTING PROGRAM PERMIT**

§ 147.804. **General.**

\* \* \* \* \*

(c) A mentored youth’s hunting eligibility is restricted to the following species: squirrel, woodchuck, coyote, deer and wild turkey[ , **spring gobbler season only** ].

\* \* \* \* \*

**(h) Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer fall turkey tags issued to them to eligible mentored youth. The fall turkey tag shall be valid and in the possession of the mentor at all times while hunting fall turkey. The transfer of the fall turkey tag may not occur until after the mentored youth has harvested the fall turkey, but before tagging the carcass. A mentored youth may not receive by transfer more than one fall turkey tag each license year.**

[Pa.B. Doc. No. 12-402. Filed for public inspection March 9, 2012, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Public Welfare

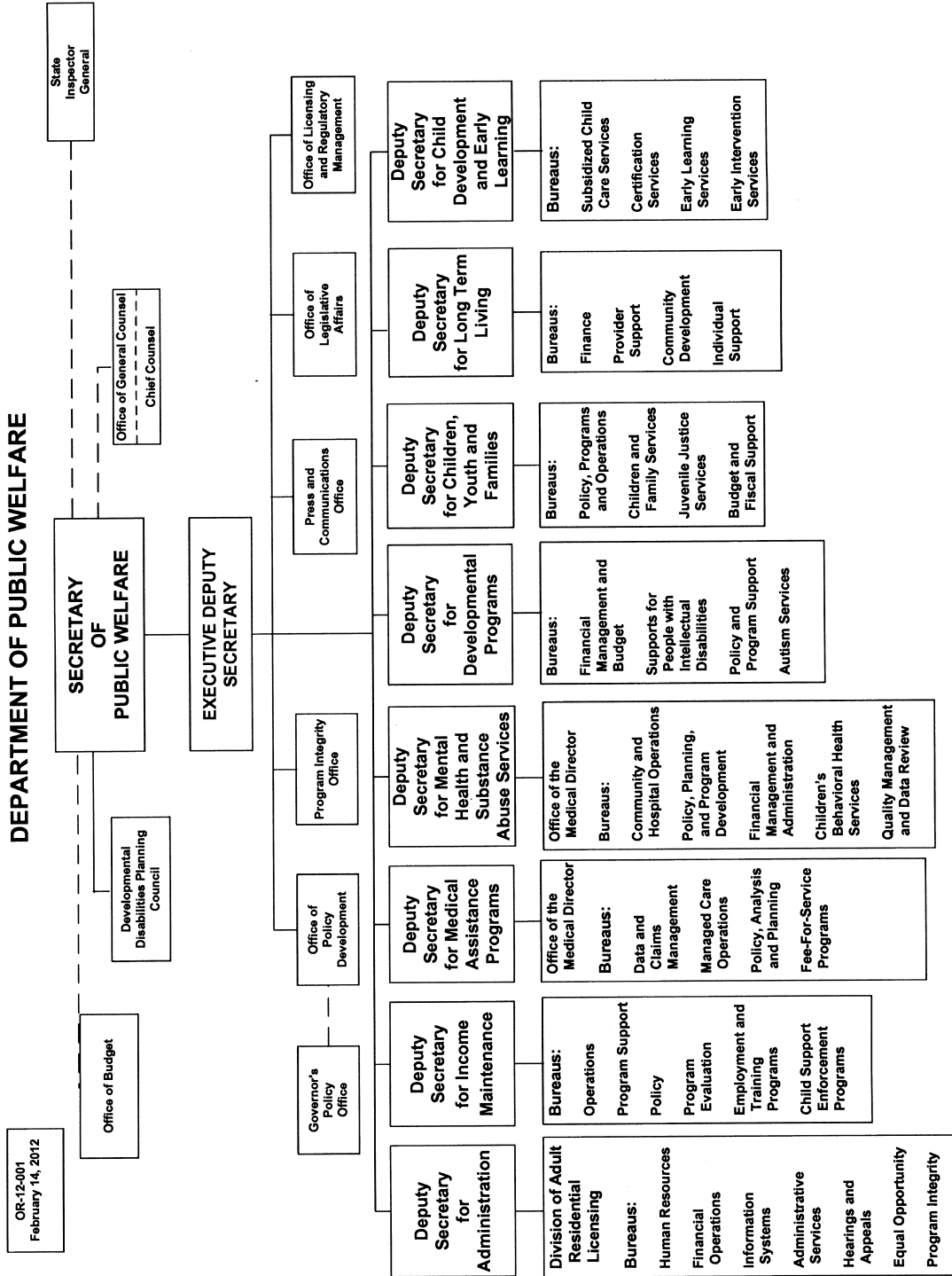
The Executive Board approved a reorganization of the Department of Public Welfare effective February 14, 2012.

The organization chart at 42 Pa.B. 1247 (March 10, 2012) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 12-403. Filed for public inspection March 9, 2012, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

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

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

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

A proposed version of these guidelines and conditions was published at 42 Pa.B. 565 (January 28, 2012). The Department invited public and legislative review of these proposed guidelines and conditions in accordance with 7 Pa. Code § 23.4 (relating to guidelines and conditions). The Department received comments from the Bucks County Society for the Prevention of Cruelty to Animals (SPCA) and the Federated Humane Societies of Pennsylvania jointly suggesting additions to subsection 2(c) regarding eligibility. Specifically, the Bucks County SPCA and the Federated Humane Societies of Pennsylvania jointly suggested adding to the eligibility requirements that a humane society or association for the prevention of cruelty to animals is eligible to apply to receive a grant under the Program if that humane society or association for the prevention of cruelty to animals: Has, in the performance of its dog control functions, accepted at least 100 stray or unwanted dogs from this Commonwealth into its facility within the year immediately preceding the application date. The Department has reviewed and adopted this addition. The Department has received additional inquiries from another commentator which does not go to the substance of the guidelines and conditions and which will be answered directly by the Department.

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

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

##### 1. *Definitions.*

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

*Department*—The Department of Agriculture.

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

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

- i. The date the document is issued.
- ii. The name and address of the humane society or association for the prevention of cruelty to animals to which the bill is issued.
- iii. If for materials, a description of the materials and the date of delivery. Invoices and/or receipts for materials must set forth or be accompanied by a written description of the intended use of the material and the date the material is used. Materials may not include computers, computer equipment or software. Examples of eligible materials include the following:
  - Cleaning supplies.
  - Office supplies—typical supplies used to carry on daily office duties.
  - Materials for building and repair projects.
  - Purchases of medication, needles, and the like.
- iv. If for services, the services must be other than veterinary services or spaying/neutering services, and shall include a description of the nature of the services and the dates upon which the services were rendered. Examples of services include the following:
  - Labor charges with respect to which the invoice details the exact service performed and the date of performance.
  - Cremation services with respect to which the invoice either verifies that only dogs were cremated or—in the event that animals other than dogs were cremated—separates the dogs from those other animals and identifies a charge attributable to only the cremation of the dogs.
  - Exterminator services with respect to which the invoice identifies the date of the service and identifies location of the service.
  - Property, casualty and liability insurance services (excluding workers compensation insurance).
- v. If for utilities (such as electricity, water, sewer, waste disposal and similar purposes), a statement of the period for which the utility, for which payment is sought, was provided.
- vi. The name, address and telephone number of the entity issuing the invoice or receipt.

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

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

## 2. Eligibility.

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

- a. Has been in operation for at least 1 year immediately preceding the application date.
- b. Has performed dog control functions for at least 1 year immediately preceding the application date.
- c. Has, in the performance of its dog control functions, accepted at least 100 stray or unwanted dogs from this Commonwealth into its facility within the year immediately preceding the application date.
- d. Agrees—as a condition of receiving any grant money under the Program—to continue to perform dog control activities and to accept stray or unwanted dogs from the Department's State Dog Wardens performing dog control functions, through June 30, 2013.
- e. Agrees—as a condition of receiving any grant money under the Program—to accept stray or unwanted dogs as described in the preceding paragraph without regard to whether the stray or unwanted dog originates from a county other than the county in which the humane society or association for the prevention of cruelty to animals is located.
- f. Maintains a valid Pennsylvania 2012 and 2013 "Non Profit" kennel license, and operates only a nonprofit kennel at the facility for which grant reimbursement is requested. Facilities which house kennel operations other than a nonprofit facility (that is, boarding kennel and/or commercial kennel) at the same location are not eligible to participate in this program.

## 3. Use of Grant Funds.

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

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

## 4. Application Process.

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

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

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

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

- i. The name and address of the applicant.
- ii. Information to verify that the applicant is a humane society or association for the prevention of cruelty to animals and otherwise meets the eligibility requirements set forth in paragraph 2.
- iii. The maximum grant amount sought by the applicant.
- iv. A description of the eligible bills for which the grant applicant intends to seek reimbursement, including a description (and copies, if available) of bills received by the applicant in 2011 for the same type of materials, services (other than veterinary services and spaying/neutering services) or utilities for which reimbursement will be sought under the grant agreement.
- v. Verification that, in the event a grant is awarded, the applicant will continue to perform dog control activities, and to accept stray or unwanted dogs from the Department's State Dog Wardens performing dog control functions, through the Fiscal Year 2012-2013.
- vi. Other information as the Department might reasonably require.

## 5. Review and approval of grant application.

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

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

- i. The number of applications received and the availability of funds for the grants sought.
- ii. The relative contribution of the applicant to dog control activities in the area it serves.
- iii. The relative contribution of the applicant to dog control as compared to the relative contribution of other applicants.
- iv. The relative importance of the grant to the continued operation of the applicant's dog control facility.
- v. The expense or logistical difficulty the Department would encounter if the applicant's dog control facility was no longer in operation.
- vi. The relative contribution of the applicant in terms of the number of stray or unwanted dogs it accepts from the Department's State Dog Wardens performing dog control functions.

## 6. Grant agreement.

a. *Grant agreement required.* A successful grant applicant must execute a grant agreement with the Department, setting forth the terms and conditions under which

the grant money will be used by the Department to reimburse the grant recipient for payment of eligible bills.

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

By January 15, 2013, the grant recipient will: (1) deliver copies of the eligible bills it has paid between July 1, 2012, and December 31, 2012; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 6-month period.

By July 15, 2013, the grant recipient will: (1) deliver copies of the eligible bills it has paid between January 1, 2013, and June 30, 2013; (2) verify that these bills have

been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 6-month period.

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

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

GEORGE D. GREIG,  
*Secretary*

[Pa.B. Doc. No. 12-404. Filed for public inspection March 9, 2012, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 21, 2012.

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

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-17-2012	Susquehanna Bancshares, Inc. Lititz Lancaster County Application for approval to acquire 100% of Tower Bancorp, Inc., Harrisburg.	Effective

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-17-2012	Susquehanna Bank Lititz Lancaster County Merger of Graystone Tower Bank, Lancaster, with and into Susquehanna Bank, Lititz.	Effective

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-20-2012	Greater Delaware Valley Savings Bank Broomall Delaware County	309 Lancaster Avenue Frazer Chester County	Filed
(This entry is a correction from week ending 01-24-2012, which listed this application as a Branch Relocation. The application has been amended to reflect a De Novo Branch and a Branch Discontinuance.)			

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-13-2012	Northwest Savings Bank Warren Warren County	<i>To:</i> 104 Winfield Drive Centre Hall Centre County  <i>From:</i> 219 North Pennsylvania Avenue Centre Hall Centre County	Effective

**Branch Consolidations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
The following branch consolidations are in conjunction with the merger of Susquehanna Bank, Lititz, and Graystone Tower Bank, Lancaster			
2-17-2012	Susquehanna Bank Lititz Lancaster County  Graystone Tower Bank Lancaster Lancaster	<i>Into:</i> 119 Nutt Road Phoenixville Chester County  <i>From:</i> 700 Nutt Road Phoenixville Chester County	Effective
2-17-2012	Graystone Tower Bank Lancaster Lancaster County	<i>Into:</i> 9 North High Street West Chester Chester County  <i>From:</i> 887 South Matlock Street West Chester Chester County	Effective
2-17-2012	Susquehanna Bank Lititz Lancaster County  Graystone Tower Bank Lancaster Lancaster County	<i>Into:</i> 2796 Old Post Road Harrisburg Dauphin County  <i>From:</i> 4045 Linglestown Road Harrisburg Dauphin County	Effective
2-17-2012	Susquehanna Bank Lititz Lancaster County  Graystone Tower Bank Lancaster Lancaster County	<i>Into:</i> 801 Norland Avenue Chambersburg Franklin County  <i>From:</i> 800 Norland Avenue Chambersburg Franklin County	Effective
2-17-2012	Susquehanna Bank Lititz Lancaster County  Graystone Tower Bank Lancaster Lancaster County	<i>Into:</i> 331 West Main Street Leola Lancaster County  <i>From:</i> 361 West Main Street Leola Lancaster County	Effective
2-17-2012	Susquehanna Bank Lititz Lancaster County  Graystone Tower Bank Lancaster Lancaster County	<i>Into:</i> 1300 West Main Street Ephrata Lancaster County  <i>From:</i> 1759 West Main Street Ephrata Lancaster County	Effective
2-17-2012	Susquehanna Bank Lititz Lancaster County  Graystone Tower Bank Lancaster Lancaster County	<i>Into:</i> 1570 Manheim Pike Lancaster Lancaster County  <i>From:</i> 100 Granite Run Drive Lancaster Lancaster County	Effective
2-17-2012	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 2508 Eastern Boulevard York York County	Effective



<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
	Graystone Tower Bank Lancaster Lancaster County	<i>From:</i> 2270 East Market Street York York County	
2-17-2012	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 1191 Eichelberger Street Hanover York County	Effective
	Graystone Tower Bank Lancaster Lancaster County	<i>From:</i> 1001 Carlisle Street Hanover York County	
2-17-2012	Graystone Tower Bank Lancaster Lancaster County	<i>Into:</i> 126 West Cypress Street Kennett Square Chester County	Effective
		<i>From:</i> 100 Old Forge Road Kennett Square Chester County	
2-17-2012	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 800 Kenhorst Plaza Shillington Berks County	Effective
		<i>From:</i> 2001 Museum Road Wyomissing Berks County	
2-17-2012	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 2155 Atco Avenue Atco New Jersey	Effective
		<i>From:</i> 114 Hays Mill Road Atco New Jersey	
2-17-2012	Graystone Tower Bank Lancaster Lancaster County	<i>Into:</i> 9 North High Street West Chester Chester County	Effective
	Susquehanna Bank Lititz Lancaster	<i>From:</i> 15 East Gay Street West Chester Chester County	
2-17-2012	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 1676 Oregon Pike Lancaster Lancaster County	Effective
		<i>From:</i> 1817 Oregon Pike Lancaster Lancaster County	
2-17-2012	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 1676 Oregon Pike Lancaster Lancaster County	Effective
		<i>From:</i> 129 East Orange Street Lancaster Lancaster County	
2-17-2012	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 1300 West Main Street Ephrata Lancaster County	Effective
		<i>From:</i> 30 West Main Street Ephrata Lancaster County	
2-17-2012	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 1205 Carlisle Road York York County	Effective
		<i>From:</i> 509 Greenbriar Road York York County	

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-17-2012	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 10 West Main Street Waynesboro Franklin County  <i>From:</i> 634 East Main Street Waynesboro Franklin County	Effective

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
The following branch consolidations are in conjunction with the merger of Susquehanna Bank, Lititz, and Graystone Tower Bank, Lancaster			
2-17-2012	Graystone Tower Bank Lancaster Lancaster County	8264 Great Cove Road Needmore Fulton County	Effective
2-17-2012	Graystone Tower Bank Lancaster Lancaster County	3840 Hempland Road Mountville Lancaster County	Effective
2-17-2012	Graystone Tower Bank Lancaster Lancaster County	18233 Maugans Avenue Hagerstown Maryland	Effective
2-17-2012	Graystone Tower Bank Lancaster Lancaster County	15 Freedom Boulevard Coatesville Chester County	Effective
2-17-2012	Graystone Tower Bank Lancaster Lancaster County	1343 West Baltimore Pike Media Delaware County	Effective
2-17-2012	Graystone Tower Bank Lancaster Lancaster County	411 North Middletown Road Media Delaware County	Effective
2-17-2012	Graystone Tower Bank Lancaster Lancaster County	1109 East Baltimore Pike Kennett Square Delaware County	Effective
2-17-2012	Graystone Tower Bank Lancaster Lancaster County	1660 East Street Kennett Square Delaware County	Effective
2-17-2012	Susquehanna Bank Lititz Lancaster County	890 East Main Street Ephrata Lancaster County	Effective
2-17-2012	Susquehanna Bank Lititz Lancaster County	530 East Ridgeville Boulevard Mount Airy Maryland	Effective
2-17-2012	Susquehanna Bank Lititz Lancaster County	7 West 28th Division Highway Lititz Lancaster County	Effective
1-20-2012	Greater Delaware Valley Savings Bank Delaware County Broomall	82 East Lancaster Avenue Paoli Chester County	
(This entry is a correction from week ending 01-24-2012, which listed this application as a Branch Relocation. The application has been amended to reflect a De Novo Branch and a Branch Discontinuance.)			
2-21-2012	Allegheny Valley Bank of Pittsburgh Pittsburgh Allegheny County	2686 Monroeville Boulevard Monroeville Allegheny County	Filed

## NOTICES

## SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

## Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
2-16-2012	TruMark Financial Credit Union Trevose Bucks County	Approved
	Application for approval to merge Kenrick Federal Credit Union, Bryn Mawr, with and into TruMark Financial Credit Union, Trevose.	

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 12-405. Filed for public inspection March 9, 2012, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0065030 (Sewage)	Meshoppen Borough STP Sterling Street Meshoppen, PA 18630	Wyoming County Meshoppen Borough	Susquehanna River (4-G)	Y
PA0060526 (Industrial Waste)	PA American Water Forest City WTP Off Route 171 Forest City, PA 18421	Susquehanna County Forest City Borough	Lackawanna River (5-A)	Y
PA0032140 (Sewage)	Lackawanna State Park RR 1, Box 230 Dalton, PA 18414-9785	Lackawanna County Benton Township	South Branch Tunkhannock Creek (4-F)	Y
PA0064106 (Sewage)	Benton Nicholson Joint Sewer Authority WWTP 123 Cobb Hill Road Nicholson, PA 18446	Wyoming County Nicholson Township	Unnamed Tributary to South Branch Tunkhannock Creek (4-F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0082589 T-1 (Sew)	Fairview Township 599 Lewisberry Road New Cumberland, PA 17070	York County Fairview Township	UNT to Fishing Creek / 7-E	Y
PA0081868 T-1 (Sew)	Fairview Township 599 Lewisberry Road New Cumberland, PA 17070	York County Fairview Township	Susquehanna River / 7-E	Y
PA0070360 T-1 (Sew)	Pilot Travel Centers LLC 5508 Lonas Drive Knoxville, TN 37849	Berks County Bethel Township	UNT of Crosskill Creek / 7-D	Y
PA0084115 T-1	Pilot Travel Centers LLC 5508 Lonas Drive Knoxville, TN 37849	Dauphin County Reed Township	Haldeman Channel of Susquehanna River / 6-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0222674	McKean Township Sewer Authority STP 9321 Edinboro Road; PO Box 88 McKean, PA 16426	Erie County McKean Township	Elk Creek (15-A)	Y

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

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

**PA0055212**, Sewage, SIC Code 4952, **Concord Township**, 43 Thornton Road, Glen Mills, PA 19342-1345. Facility Name: Concord Township Central STP. This existing facility is located in Concord Township, **Delaware County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	Report	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.11	XXX	0.35
CBOD <sub>5</sub>						
May 1 - Oct 31	300	450	XXX	20	30	40
Nov 1 - Apr 30	375	600	XXX	25	40	50
Total Suspended Solids	450	675	XXX	30	45	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
May 1 - Oct 31	30	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	90	XXX	XXX	6.0	XXX	12.0
Total Phosphorus (year 1)	30	XXX	XXX	2.0	XXX	4.0
May 1 - Oct 31 (year 2 to year 5)	15	XXX	XXX	1.0	XXX	2.0
Nov 1 - Apr 30 (year 2 to year 5)	30	XXX	XXX	2.0	XXX	4.0
Total Copper	0.375	XXX	XXX	0.025	XXX	0.050
Total Lead	XXX	XXX	XXX	Report	XXX	Report

The effluent limits for Total Copper were generated using a site-specific translator calculated based on the Copper Translator Study Report submitted by the permittee.

The proposed effluent limits for Outfall 002 are based on an average flow of stormwater.

<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>Weekly Average</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	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
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- A. Operator Notification
- B. Average Weekly Definition
- C. Remedial Measures if Public Nuisance
- D. No Stormwater
- E. Necessary Property Rights
- F. Change of Ownership
- G. Chlorine Minimization
- H. Proper Sludge Disposal
- I. TMDL/WLA Analysis
- J. Fecal Coliform Reporting
- K. Effluent Pipe Cleaning
- L. Visual Observation
- M. Sampling at the Beehive Structure
- N. Laboratory Certification
- O. WETT at Renewal
- P. WET Monitoring
- Q. Stormwater Condition

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 not in effect.

**PA0050326**, SIC Code 3312, **ArcelorMittal Plate, LLC**, 900 Conshohocken Road, Conshohocken, PA 19428. Facility Name: ArcelorMittal Plate Conshohocken Plant. This existing facility is located in Plymouth Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for a discharge of treated process wastewater from cleaning slab surface scaling at the steel hot rolling mill, and contact and non-contact cooling water at the heat treatment production facilities through Outfall 001. Site stormwater discharges through Outfalls 002, 003, 004, and 005.

The receiving stream, Schuylkill River, is located in State Water Plan watershed 3-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

Review and approval of chemical additives was based on the following provisional human health criteria, using the most recent scientific data available, and are proposed as site specific criteria:

Chlorite = 200 mg/l

Acrylamide= 0.00007 mg/l

Methylene bis(thiocyanate) = 0.035 mg/l

Acrylamide = 0.00007 mg/l

The proposed effluent limits for Outfall 001 are based on a design flow of 1.2 MGD.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Daily Maximum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX
			Inst Min		
Total Residual Chlorine	XXX	XXX	0.5	XXX	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids	300	600	30	60	XXX
Oil and Grease	150	XXX	15	XXX	XXX
Total Dissolved Solids	XXX	XXX	1,000	2,000	XXX
Total Iron	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	Report	XXX
Color (Pt-Co Units)	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of an average storm event.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
CBOD <sub>5</sub>	XXX	XXX	XXX	Report	XXX
COD	XXX	XXX	XXX	Report	XXX
pH (S.U.)	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX
Total Arsenic	XXX	XXX	XXX	Report	XXX
Total Cadmium	XXX	XXX	XXX	Report	XXX
Total Chromium	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	Report	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX

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

- Remedial measures if public nuisance
- BAT/ELG reopener clause
- 2°F temperature change
- Change of ownership
- Proper sludge disposal
- Instantaneous maximum limits
- Operations and maintenance plan

- Laboratory certification
- Schuylkill River PCB TMDL condition
- Chemical additives
- Stormwater requirements

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 not in effect.

**PA0026531**, Sewage, SIC Code 4952, **Downingtown Area Regional Authority**, 6 West Lancaster Avenue, Downingtown, PA 19335. Facility Name: DARA Water Pollution Control Center. This existing facility is located in East Caln Township, **Chester 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, East Branch Brandywine Creek, is located in State Water Plan watershed 3-H and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 7.5 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	0.5	XXX	1.6
(Final)	XXX	XXX	XXX	0.35	XXX	1.28
CBOD <sub>5</sub>						
May 1 - Oct 31	626	938	XXX	10	15	20
Nov 1 - Apr 30	1,251	1,877	XXX	20	30	40
BOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	1,877	2,815	XXX	30	45	60
Fecal Coliform	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Total Nitrogen	1,564	XXX	XXX	25	XXX	50
Ammonia-Nitrogen						
May 1 - Oct 31	125	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	375	XXX	XXX	6.0	XXX	12
Total Phosphorus	125	XXX	XXX	2.0	XXX	4.0
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
					Daily Max	
Dichlorobromomethane	XXX	XXX	XXX	XXX	Report	XXX
					Daily Max	
Bis(2-Ethylhexyl)Phthalate	XXX	XXX	XXX	XXX	Report	XXX
					Daily Max	

The proposed effluent limits for Outfall 002 are based on a design flow of 0 MGD (Stormwater).

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD <sub>5</sub>	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
Fecal Coliform	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater requirements;
- Total Residual Chlorine (TRC) schedule and other requirements; and
- Pretreatment requirements.

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 not in effect.

**PA0011657**, IW, SIC Code 4911, **Exelon Generation Co. LLC**, 300 Exelon Way, Kennett Square, PA 19348. Facility Name: Exelon Schuylkill Generating Station. This existing facility is located in City of Philadelphia, **Philadelphia County**.

Description of Existing Activity: The application is for NPDES permit for an existing discharge of cooling wastewater.

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 231.48 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Oxidants	XXX	XXX	XXX	XXX	XXX	0.2
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
PCBs (Dry Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
Spectrus CT 1300	XXX	XXX	XXX	XXX	0.05	XXX

The proposed effluent limits for Monitoring Point 101.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	30.0
Total Copper	XXX	XXX	XXX	1.0	1.0	XXX
Total Iron	XXX	XXX	XXX	1.0	1.0	XXX

The proposed effluent limits for Monitoring Point 201.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	30.0

The proposed effluent limits for Monitoring Point 301.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15.0	20.0	30.0

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

- Public Nuisance
- Temperature Requirement
- Property Rights
- Change of ownership
- Cooling Water Intake
- TRO
- TRO discharge
- PCB TMDL
- Laboratory Certification



- No PCB discharge
- Analysis Method for Spectrus CT1300

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 not in effect.

**PA0244031**, Sewage, SIC Code 4952, **Chadds Ford Township Sewer Authority**, 10 Ring Road, P. O. Box 816, Chadds Ford, PA 19317-0628. Facility Name: Turners Mill STP. This existing facility is located in Chadds Ford Township, **Delaware County**.

Pennsylvania Department of Environmental Protection revised Christina River Basin Total Maximum Daily Load Waste Load Allocations for this facility as below based on actual discharge levels observed from various discharges in the basin:

	<i>CBOD<sub>5</sub></i>	<i>NH<sub>3</sub>-N</i>	<i>TN</i>	<i>TP</i>	<i>DO</i>	<i>CBOD<sub>5</sub></i>	<i>NH<sub>3</sub>-N</i>	<i>TN</i>	<i>TP</i>	<i>DO</i>
Existing	10	1.5	10	0.5	6	12.516	1.878	12.516	0.626	7.511
Proposed	10	1.5	40	1.0	6	12.0	1.8	46.704	1.2	7.511

*Total Maximum Daily Loads of Nutrients and Dissolved Oxygen under Low-Flow Conditions in the Christina River Basin*

*Pennsylvania, Delaware and Maryland*

The Environmental Protection Agency Region III (EPA) established these Total Maximum Daily Loads (TMDLs) for nutrients and other oxygen demanding pollutants in order to attain and maintain the applicable water Quality Standards (WQS) for Dissolve Oxygen (DO) in the Christina River Basin under Low-Flow conditions. The TMDLs were last amended on August 23, 2006. The previous TMDL, and the amendments were developed on assumed total nitrogen levels in the in the point sources. Since then actual total Nitrogen levels are available. Based on available data the Waste Load Allocations (WLAs) for Total Nitrogen are revised, however, the total WLAs for pollutant "Total Nitrogen" for Christina River Basin in unchanged.

The revised Total Nitrogen WLAs are listed in the table below:

#	Permit #	Facility Name	Flow	TN load lbs. / day	
				as per TMDL	Proposed
		<i>Buck Run</i>			
1	PA0057231	Barton Eric SRSTP	0.0005	0.167	0.167
		<i>Brandywine Creek West Branch</i>			
1	PA0056561	Romansville Shop Stormwater	0	0	0
2	PA0029912	Embreeville WWTP	0.1	40.392	25.02
3	PA0053996	Michael Redmond	0.0005	0.167	0.167
4	PA0053228	McCormic SRSTP	0.0005	0.167	0.167
5	PA0053236	Digregorio SRSTP	0.0005	0.167	0.167
6	PA0036897	South Coatesville STP	0.381	97.641	79.438
7	PA0026859	Coatesville STP	7	963.894	875.7
8	PA0011568-001	Arcelormittal Plate LLC Coatesville Plt	0.576	28.308	48.038
9	PA0011568-016	Arcelormittal Plate LLC Coatesville Plt	0.397	50.523	33.11
10	PA0053821	Chester Airport Stormwater	0	0	0
11	PA0056073	Vreeland SRSTP	0.0005	0.167	0.167
12	PA0012416	Rock Run WFP	0.14	0.28	11.676
13	PA0052990	Mitchell SRSTP	0.0005	0.167	0.167
14	PA0052728	Turkey Hill Minit Market No. 177 STP	0.0004	0.081	0.167
15	PA0055697	Spring Run Estates STP	0.049	4.089	8.173
16	PA0036412	Tel Hai Retirement Community STP	0.055	4.59	13.761
17	PA0044776	Northwestern Chester Cnty Mun Auth Honey Brook STP	0.6	50.072	150.12
18	PA0057339	Davidson SRSTP	0.0005	0.167	0.167

## NOTICES

1261

#	Permit #	Facility Name	Flow	TN load lbs./day	
				as per TMDL	Proposed
		<i>Brandywine Creek East Branch</i>			
1	PA0056171	Novak SRSTP	0.0005	0.167	0.167
2	PA0026018	West Chester Taylor Run STP	1.5	125.181	375.3
3	PA0057282	Pope SRSTP	0.0005	0.167	0.167
4	PA0051365	Ingrams Mill WFP	0.233	0.739	0
5	PA0053937	Kratz SRSTP	0.0005	0.167	0.167
6	PA0056324	Mobil SS#16-GBB	0	0.771	0
7	PA0056618	Laurento SRSTP	0.0005	0.167	0.167
8	PA0054305	Sunoco Exton Term. (Closed)	0	0	0
9	PA0053561	Johnson Matthey West Whiteland Plt Groundwater	0.036	0.631	0
10	PA0043982	Broad Run STP	0.4	150.217	133.44
11	PA0012815	Sunoco Downingtown Papermill Facility (Closed)	0	353.973	0
12	PA0026531	Downingtown Reg. Auth STP	7.5	3129.526	1564
13	PA0030228	Keats Glen STP	0.022	1.878	4.587
14	PA0051918	Pepperidge Farm Non-contact	0.036	0.288	0
15	PA0053678	Lamberts Mobil Svc STA FBL	0	0	0
16	PA0053660	Lockhart Jewelry	0	0	0
17	PA0055531	Khalife SRSTP	0.0007	0.141	0.141
18	PA0057126	Former Hess SS 38291	0	0	0
19	PA0054917	Uwchlan Eagleview STP	0.475	39.641	198.075
20	PA0057045	Dorlans Paper Mill (Closed)	0	0	0
21	PA0036374	Eaglepointe Dev Assoc STP	0.015	1.252	6.255
22	PA0052949	Milford Well Station WFP	0.003	0	0
23	PA0057274	Hughes SRSTP	0.0005	0.167	0.167
24	PA0050458	Culbertson Run WWTP	0.053	2.929	6.63
25	PA0057827	McKenna SRSTP	0.0005	0.167	0.167
26	PA0050547	Indian Run Village MH STP	0.0375	3.13	9.382
27	PA0055492	Woods SRSTP	0.0005	0.167	0.167
28	PA0054691	Fisher SRSTP	0.0005	0.167	0.167
29	PA0058378	St. Andrew Brae STP	0.0036	0	0.9
30	PA0244333	Overlook Road Farm WWTP	0.138	0	17.264
31	Not assigned	Brandywine Creek Campground STP	0.0063	0	1.576
		<i>Brandywine Creek Main Stem</i>			
1	DE0050952	AMTRAK	0	0	0
2	DE0021768	Winterthur Museum	0.025	2.086	2.086
3	PA0053082	Mendenhall Inn STP	0.0206	1.719	3.436
4	PA0052663	Knights Bridge STP	0.09	7.511	15.012
5	PA0055476	Ridings of Chadds Ford STP	0.08	3.338	20.016
6*	PA0244031	Turner's Mill STP	0.14	12.518	46.704
7	PA0055484	Keating SRSTP	0.0005	0.167	0.167
8	PA0030848	Chad Ford Elementary STP	0.0063	4.732	2.627
9	PA0056120	Mims SRSTP	0.0005	0.167	0.167
10	PA0031097	Radley Run Country Club STP	0.017	6.867	7.089
11	PA0053449	Birmingham Twp STP	0.15	12.518	50.04
12	PA0057011	Bridlewood Farm STP	0.103	6.451	21.475

## NOTICES

#	Permit #	Facility Name	Flow	TN load lbs./day	
				as per TMDL	Proposed
13	PA0036200	Radley Run Mews STP	0.032	12.925	8.006
14	PA0050005	Sun Company (Closed)	0.14	2.454	0
15	PA0051497	Lenape Forged Products Corp Non-contact	0.03	0.06	0
* WLA for Total Phosphorous is revised from 0.626 lbs/day to 1.2 lbs/day					
<i>Borroughs Run</i>					
1	PA0055425	Dambrio LOT 22 SRTSTP	0.0005	0.167	0.167
<i>Red Clay Creek West Branch</i>					
1	PA0053554	Scotts Co Potting Soil Stormwater	0	0	0
2	PA0024058	Kenneth Square WWTP	1.1	91.799	183.48
3	PA0050679	NVF Co.	0	0.509	0
4	PA0057720— Outfall 001	Sunny Dell Foods, Inc.	0.072	6.009	6.009
5	PA0057720— Outfall 002	Sunny Dell Foods, Inc.	0.09	0.18	7.506
<i>Red Clay Main Stem And East Branch</i>					
1	DE0000230	Hercules, Inc. Wilmington	0.35	0.701	0.701
2	DE0021709	GREENVILLE COUNTRY CLUB	0.015	1.252	1.252
3	DE0050067	Center for Creative Arts STP	0.0015	0.501	0.501
4	DE0000451	NVF Yorklyn	2.17	4.346	4.346
5	PA0055107	East Marlborough TWP STP	N/A	12.518	0
<i>Red Clay Creek Middle Branch</i>					
1	PA0053783	PENN London Elem School	0.02	1.669	6.672
2	PA0024066	West Grove Borough STP	0.25	24.243	41.7
<i>White Clay Creek East Branch</i>					
1	PA0052451	The Wool House STP	0.0012	0.242	0.2
2	PA0057029	Hewlett Packard Avondale GWCU	0	2.524	0
3	PA0025488	Avondale Boro STP	0.5	125.181	83.4
4	PA0056898	TO JO Mushrooms Facility	0.049	17.657	20.433
5	PA0029343	Chatham Acres Nursing Center STP	0.027	0	7.881
6	PA0040436	Bowling Green of Brandywine STP	0.009	1.502	3.753
7	PA0040665	Stone Barn Rentals STP	0.011	2.02	2.293

*TMDL Summary by Subwatersheds for Christina River Basin*

#	Name of Subwatershed	as per TMDL	TN Load lbs./day	
				Revised
<i>Sum of Individual Waste Load Allocations (WLA)</i>				
1	Brandywine Creek Main Stem	73.513		176.825
2	Brandywine Creek East Branch	3811.633		2318.886
3	Brandywine Creek West Branch	1240.872		1246.205
4	Buck Run	0.167		0.167
	Total WLA for Brandywine Creek Watershed	5126.185		3742.083
1	Christina River West Branch	63.84		63.84
2	Little Mill Creek	0		0
3	Christina River Main Stem	0		0
	Total WLA for Christina River Watershed	63.84		63.84
1	Borroughs Run	0.167		0.167
2	Red Clay Creek West Branch	98.497		196.995

#	Name of Subwatershed	TN Load lbs./day	
		as per TMDL	Revised
3	Red Clay Creek Main Stem	19.318	6.8
	Total WLA for Red Clay Creek Watershed	117.982	203.962
1	White Clay Cr. Middle Branch	25.912	48.372
2	White Clay Cr. East Branch	149.126	117.96
3	Muddy Run	0	0
4	Pike Creek	0	0
5	Mill Creek	0	0
6	White Clay Cr. Main Stem	0	0
	Total WLA for White Clay Creek Watershed	175.038	166.332
	Total WLA for Christina River Basin	5483.045	4176.217

In addition to above proposed WLAs for Total Nitrogen, following is proposed WLAs for CBOD5, NH3-N and Total Phosphorous in East Brandywine Creek. This is proposed due to a new discharge Overbrook Farm and a closed Sunoco Downingtown Papermill facility. The proposed WLAs are:

	CBOD <sub>5</sub>		NH <sub>3</sub> -N		TP	
	Mg/l	lbs/day	Mg/l	lbs/day	Mg/l	lbs/day
Downingtown Reg. Authority STP (DARA)	10	625.5	2	125.10	2	125.1
SUNOCO (closed)	0	0	0	0	0	0
Overlook Farm	24.5	28.2	3.0	3.45	2	2.3
Total proposed WLAs lbs/day	653.7		128.65		127.4	
Existing TMDL WLAs lbs/day for SUNOCO and DARA	653.7		131.9		131.48	

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

**PAS123501**, Storm Water, SIC Code 2064, **Linette Quality Chocolates**, 336 Hill Road, Womelsdorf, PA 19567. Facility Name: Linette Quality Chocolates Inc. This proposed facility is located in Heidelberg Township, **Berks County**.

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

The receiving stream(s), Unnamed Tributary of Tulpehocken Creek, is located in State Water Plan watershed 3-C and is classified for Trout Stocking (designated use), aquatic life, water supply and recreation; and High Quality—Cold Water Fishes (existing use) The discharge is not expected to affect public water supplies.

The proposed parameter list for Outfall 001:

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

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

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

The EPA Waiver is in effect.

**PA0261793**, SIC Code 6514, **William S & Laura Lee Kauffman**, 110 Union Hall Road, Carlisle, PA 17013. Facility Name: Kauffman SFTF. This proposed facility is located in North Middleton Township, **Cumberland County**.

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

The receiving stream(s), Drainage swale to Unnamed Tributary to Conodoguinet Creek, is located in State Water Plan watershed 7-B 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 0.0005 MGD.

Parameters	Mass (lb/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	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1000
UV Light				Geo Mean Clean		

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.

**PA0008281**, SIC Code 4911, **PPL Brunner Island LLC**, P O Box 221 Wago Road, York Haven, PA 17370. Facility Name: Brunner Island Steam Electric Station. This existing facility is located in East Manchester Township, **York County**.

Description of Existing Activity: The application is to renew the NPDES permit for existing discharge of treated industrial wastewater.

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 7-I 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 795 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Plant Intake Temperature (°F)	XXX	XXX	XXX	Report	Report	XXX
Effluent Temperature (°F)	XXX	XXX	XXX	Report	Report	XXX
Heat Rejection Rate (MBTUs/day)						
(December 1 - February 29)	Report	167,040	XXX	XXX	XXX	XXX
(March 1 - April 30, November 1-30)	Report	91,870	XXX	XXX	XXX	XXX
(May 1-31, October 1-31)	Report	83,520	XXX	XXX	XXX	XXX
(June 1 - September 30)	Report	75,170	XXX	XXX	XXX	XXX
Hourly In-stream Temperature Change (°F)	XXX	XXX	XXX	XXX	XXX	2.0
Total Residual Oxidants (mg/L)	XXX	XXX	XXX	0.2	XXX	0.2
Trihalomethanes (mg/L)	XXX	XXX	XXX	Report	Report	XXX
pH (S.U.)	XXX	XXX	XXX	From 6.0 to 9.0 Inclusive		

The proposed effluent limits for Outfall 002 (incidental waste treatment basin discharge) for a design flow of 2.0 MGD are:

Parameters	Mass (lb/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	XXX	From 6.0 to 9.0 Inclusive		
Oil & Grease	XXX	XXX	XXX	15	20	30
Total Suspended Solids	XXX	XXX	XXX	30	50	50
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Arsenic	XXX	XXX	XXX	Report	Report	XXX
Total Cadmium	XXX	XXX	XXX	Report	Report	XXX
Chromium (Hexavalent)	XXX	XXX	XXX	Report	Report	XXX
Total Copper	XXX	XXX	XXX	Report	Report	XXX
Total Lead	XXX	XXX	XXX	Report	Report	XXX
Total Mercury	XXX	XXX	XXX	Report	Report	XXX
Total Molybdenum	XXX	XXX	XXX	Report	Report	XXX
Total Nickel	XXX	XXX	XXX	Report	Report	XXX
Total Selenium	XXX	XXX	XXX	Report	Report	XXX
Total Zinc	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 (sewage effluent discharge) for a design flow of 0.032 MGD are:

Parameters	Mass (lb/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	XXX	From 6.0 to 9.0 Inclusive		

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
NH <sub>3</sub> -N	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform						
(5/1 to 9/30)	XXX	XXX	XXX	200	XXX	1000
(10/1 to 4/30)	XXX	XXX	XXX	2000	XXX	10000
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	XXX

The proposed final effluent limits for Outfall 004 (Ash Basin No. 6 polishing pond discharge) for a design flow of 4.8 MGD, following installation of a filtration system, are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	From 6.0 to 9.0 Inclusive		
Oil & Grease	XXX	XXX	XXX	15	20	30
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	50
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Total Arsenic	XXX	XXX	XXX	XXX	Report	XXX
Total Cadmium	XXX	XXX	XXX	XXX	Report	XXX
Chromium (Hexavalent)	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Total Mercury	XXX	XXX	XXX	XXX	Report	XXX
Total Molybdenum	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Selenium	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed monitoring requirements for Outfall 006 (groundwater discharge from ash basins) are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Total Arsenic	XXX	XXX	XXX	XXX	Report	XXX
Total Boron	XXX	XXX	XXX	XXX	Report	XXX
Total Cadmium	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 Mercury	XXX	XXX	XXX	XXX	Report	XXX
Total Molybdenum	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Selenium	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed final effluent limits for Outfall 007 (Flue Gas Desulfurization Treatment Plant) for a design flow of 0.520 MGD, following installation of a filtration system, are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Oil & Grease	XXX	XXX	XXX	15	20	30
Total Suspended Solids	XXX	XXX	XXX	30	100	100
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Antimony	XXX	XXX	XXX	0.853	1.331	2.132
Total Arsenic	XXX	XXX	XXX	Report	Report	XXX
Total Boron	XXX	XXX	XXX	118.6	185.0	296.5
Total Cadmium	XXX	XXX	XXX	0.031	0.048	0.077

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Chromium (Hexavalent)	XXX	XXX	XXX	Report	Report	XXX
Total Copper	XXX	XXX	XXX	0.205	0.319	0.512
Total Iron	XXX	XXX	XXX	Report	Report	XXX
Total Lead	XXX	XXX	XXX	Report	Report	XXX
Total Mercury	XXX	XXX	XXX	Report	Report	XXX
Total Molybdenum	XXX	XXX	XXX	Report	Report	XXX
Total Nickel	XXX	XXX	XXX	Report	Report	XXX
Total Selenium	XXX	XXX	XXX	0.760	1.185	1.90
Total Thallium	XXX	XXX	XXX	0.036	0.057	0.09
Total Zinc	XXX	XXX	XXX	Report	Report	XXX

The proposed final effluent limits for Outfall 008 (Industrial Wastewater Treatment Plant) for a design flow of 5.5 MGD, following installation of a filtration system, are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	From 6.0 to 9.0 Inclusive		
Oil & Grease	XXX	XXX	XXX	15	20	30
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Arsenic	XXX	XXX	XXX	Report	Report	XXX
Total Cadmium	XXX	XXX	XXX	Report	Report	XXX
Chromium (Hexavalent)	XXX	XXX	XXX	Report	Report	XXX
Total Copper	XXX	XXX	XXX	Report	Report	XXX
Total Lead	XXX	XXX	XXX	Report	Report	XXX
Total Mercury	XXX	XXX	XXX	Report	Report	XXX
Total Molybdenum	XXX	XXX	XXX	Report	Report	XXX
Total Nickel	XXX	XXX	XXX	Report	Report	XXX
Total Selenium	XXX	XXX	XXX	Report	Report	XXX
Total Zinc	XXX	XXX	XXX	Report	Report	XXX

This NPDES renewal includes stormwater outfalls 009 through 030. Outfalls 028, 029 and 030 are new stormwater outfalls and Outfall 027 is formerly 008. Outfalls 013, 014, 015 and 026 include annual sampling requirements.

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.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.*

**PA0234028**, Sewage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8499. Facility Name: Advanced Water Treatment Building. This facility is located in College Township, **Centre County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of Class A Reclaimed Water.

The receiving surface water(s), Slab Cabin Run and High Purity Water Wetland, is located in State Water Plan watershed 9-C and is classified for Cold Water Fishes (CWF), aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Internal Monitoring Point 101 are based on a design flow of 3.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD <sub>5</sub>	Report	Report	XXX	2.0	4.0	5.0
Turbidity (NTU)	XXX	XXX	XXX	2.0	XXX	5.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	2.2	XXX	23
Ammonia-Nitrogen	Report	Report	XXX	3.0	6.0	7.5
Total Nitrogen	Report	Report	XXX	10	20	25
Total Organic Halogens	Report	Report	XXX	0.2	0.4	0.5

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
UV Dosage (mjoules/cm <sup>2</sup> )	XXX	XXX	50	XXX	XXX	XXX
Total Organic Carbon	Report	Report	XXX	10	20	25

The proposed effluent limits for Internal Monitoring Point 201 are based on a design flow of 3.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Residual Chlorine	XXX	XXX	XXX	0.27	XXX	0.88

The proposed effluent limits for Internal Monitoring Point 301 are based on a design flow of 3.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Internal Monitoring Point 101.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	0			
Net Total Phosphorus	Report	0			

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

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on the Permit Effective Date. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012.

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

- In the event that the final treated reclaimed water does not meet the effluent limitations required by this permit (i.e., off-specification water), the off-specification water may be recycled back to the Spring Creek Pollution Control Facility (SCPCF) prior to the effluent sampling and flow monitoring point and not be considered a discharge to the High Purity Water Wetland and/or Slab Cabin Run. When off-specification water is recycled back to the SCPCF and not discharged to the High Purity Water Wetland and/or Slab Cabin Run, the total volume of water, date and time of the recycling shall be recorded and included with the standard monthly reporting submissions required by this permit.

- The permittee shall not use reclaimed water for any Class A+ uses as identified in the Reuse of Treated Wastewater Guidance Manual (362-0300-009, DRAFT January 10, 2009). The use of reclaimed water for Class A+ uses must first be approved by a permit amendment to include Class A+ parameters, treatment standards and monitoring frequencies.

- This permit approves offsets for TN and TP for use in permits PA0234028 and PA0026239. One permitted facility may provide an offset to the other permitted facility based on treatment performance. The monthly offset shall be reported as pounds offset for that month on the DMR Supplemental form for Nitrogen and Phosphorous. For the permitted facility giving an offset to the other permitted facility, the offset will be reported as a negative value. For the permitted facility receiving the offset, the offset will be reported as a positive value. The offsets described in this paragraph are not to be considered permanent and may vary month to month. These offsets shall not be used to adjust the nutrient cap loads in future permits.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

**PA0209350**, Sewage, SIC Code 4952, **Delmar Township STP**, 610 N. Lawton Road, Wellsboro, PA 16901-7941. Facility Name: Delmar Township STP (Smithville). This existing facility is located in Delmar Township, **Tioga 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), Heise Run, is located in State Water Plan watershed 9-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies. The nearest downstream public water supply intake for Jersey Shore Area Joint Water Authority is located on Pine Creek and is 65 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.007 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	3.0
CBOD <sub>5</sub>						
May 1 - Sep 30	XXX	XXX	XXX	10	15	30
Oct 1 - Apr 30	XXX	XXX	XXX	20	30	40
BOD <sub>5</sub> (lbs/mo)						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids (lbs/mo)						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	20	30	40
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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

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

**PA0027138**, Sewage, SIC Code 4952, **City of Sharon Sanitary Authority**, 155 W Connelly Boulevard, Sharon, PA 16146-1717. Facility Name: Sharon STP. This existing facility is located in the City of Sharon, **Mercer 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, the Shenango River, is located in State Water Plan watershed 20-A 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 8.66 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	1,806	2,889	XXX	25	40	50
Total Suspended Solids	2,167	3,250	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 2,000 Geo Mean	XXX	10,000

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

- Pretreatment Program Implementation
- Whole Effluent Toxicity testing required for the renewal permit
- Electronic discharge monitoring reporting requirement
- Stormwater best management practices

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 not in effect.

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

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

**WQM Permit No. 0912401**, Sewage, **Wrightstown Township**, 2033 Second Street Pike, Wrightstown, PA 18940.

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

Description of Action/Activity: Construction and operation of a wastewater treatment system which consist of individual grinder stations and a force main conveyance to treatment lagoon.

**WQM Permit No. 1512402**, Sewage, **Easttown Municipal Authority**, 566 Beaumont Road, Devon, PA 19333.

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

Description of Action/Activity: Construction of a new wet well/dry well sewage pumping station and emergency generator/control building, associated with piping and electrical work, site work, demolition of the existing station.

**WQM Permit No. 1505428**, Sewage, **Amendment, Borough of Spring City**, 6 South Church Street, Spring City, PA 19475.

This proposed facility is located in Spring City Borough, **Chester County**.

Description of Action/Activity: Construction of chemical feed facilities for the addition of ferric chloride and/or aluminum sulfate at the Borough's WWTP to reduce effluent phosphorus concentrations.

**WQM Permits No. 1505420**, Sewage, **Renewal, West Vincent Township**, 729 St. Matthews Road, Chester Springs, PA 19425.

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

Description of Action/Activity: Renewal of existing WQM permit.

**WQM Permit No. 2312401**, Sewage, **Delaware County Regional Water Quality Control Authority**, P. O. Box 999, Chester, PA 19016-0999.

This proposed facility is located in Rose Valley Borough, **Delaware County**.

Description of Action/Activity: The previous chlorination system that used chlorine gas is being replaced by on that uses a sodium hypochlorite solution. The previous dechlorination system that used sulfite tablets is being replaced by on that uses sodium thiosulfate dry crystals.

**WQM Permit No. 2312402**, Sewage, **Little Washington Wastewater Company**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489.

This proposed facility is located in Media Borough, **Delaware County**.

Description of Action/Activity: Construction and operation of a pump station.

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

**WQM Permit No. 3874404, Amendment 12-1**, Sewerage, **Northern Lebanon County Authority**, PO Box 434, Jonestown, PA 17038.

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

Description of Proposed Action/Activity: Seeking permit approval for plant upgrades for nutrient removal.

**WQM Permit No. 2882419 Amendment 12-1**, Sewerage, **Saint Thomas Township Municipal Authority**, 175 Saint Thomas Edenville Road, St. Thomas, PA 17252.

This proposed facility is located in St. Thomas Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit approval for plant upgrades for nutrient removal.

**WQM Permit No. 3112401**, Sewerage, **Cromwell Township Board of Supervisors**, 10999 Valley Street, Shirleysburg, PA 17260.

This proposed facility is located in Cromwell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction of the installation of approximately 23,300 L.F. of conventional gravity sewer, 7,100 L.F. of force main, and 800 L.F. of low pressure sewer, a pump station, and necessary appurtances to connect 88 residential customers and Southern Huntingdon High School.

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

**WQM Permit No. 1400403-A3**, Sewerage [SIC 4952], **Martha's Furnace MHP, LLC**, 105 Peppermint Lane, Julian, PA 16844.

This proposed facility is located in Huston Township, **Centre County**.

Description of Proposed Action/Activity: The modifications to the existing facility consist of the installation of a Membrane Bioreactor (MBR) treatment system to replace the activated sludge extended aeration plant. In general, this will entail the installation of two (2) Polylok effluent filters in the settling tank, the former clarifier will be converted to an equalization basin, the former aeration basin will be converted into an overflow basin, an new anoxic tank will be installed, the former dosing tank will be converted to a sludge holding tank, Two (2) MaxFlow MBR units will be installed, the existing East sand filter will be clean and used in overflow scenarios, Sanitaire Membrane tube diffusers will be installed in the MBR basin, a Goulds submersible sewage pump will be placed in the equalization tank, and two (2) VFD controlled Moyno 500 progressing cavity permeate pumps will be installed with an IFM magnetic flow sensor.

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

**WQM Permit No. 2712401**, Sewerage, **OM Recreation, Inc. d/b/a Seldom Inn**, P. O. Box 126, Tionesta, PA 16353.

This existing facility is located in Green Township, **Forest County**.

Description of Proposed Action/Activity: Application for the creation of a small flow treatment facility.

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**IV. NPDES Applications for Stormwater Discharges from MS4**


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**V. Applications for NPDES Waiver Stormwater Discharges from MS4**


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151203	Mar-J-Builders, Inc. and Highpointe Meadow, LP PO Box 137 Chester Heights, PA 19017	Chester	Franklin Township	Big Elk Creek (HQ-TSF-MF)
PAI01 151204	Progressive Casualty Insurance Co. 5910 Landerbrook Drive Mayfield Heights, OH 44124	Chester	Charlestown Township	Unnamed Tributary Valley Creek (EV)
PAI01 151205	Phillip DiGiore 511 Preston Court Exton, PA 19341	Chester	East Nantmeal Township	Unnamed Tributary Beaver Creek (EV)
PAI01 4607003-R	Dennis Maloomian 1000 Chesterbrook Boulevard Berwyn, PA 19312	Montgomery	Upper Merion Township	Trout Creek (WWF)
PAI01 231202	Tyler Arboretum 515 Painter Road Media, PA 19063-4424	Delaware	Middletown Township	Ridley Creek (HQ-TSF-MF)
PAI01 231203	William Massaro 38 Darby Road Havertown, PA 19083	Delaware	Edgmont Township	Rocky Run (HQ-CWF-MF)

*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024512001	Frank J. Riccobono P. O. Box 1217 Marshalls Creek, PA 18335	Monroe	Pocono Twp.	Pocono Creek, HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023905005R	David Jaindl Jaindl Land Co. 3150 Coffeetown Rd. Orefield, PA 18069	Lehigh	Upper Macungie Twp., and Lower Macungie Twp.	Schaefer Run, HQ-CWF, MF; Spring Creek, HQ-CWF, MF

*Pike County Conservation District: 556 Route 402, Ste. 1, Hawley, PA 18428, 570-226-8220.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025211005	Jewish Reconstructionist Camping Corp. Saposnik, Isaac 101 Greenwood Ave. Suite 430 Jenkintown, PA 19046	Pike	Greene Twp.	UNT to Wallenpaupack Creek, EV; UNT to Freeling Run, EV

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

Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501 (814) 445-4352

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAI055610004	Big Salvage, LLC 44 East 30th Street, 10th Floor New York, NY 10016	Somerset	Greenville, Larimer, Northampton & Southampton Townships	Laurel Run (EV/HQ-CWF), Gladdens, Mountain & UNTB to Wills Creek (HQ-CWF) Jennings Run & Flaugherty Creek (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**

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Renewal / New
Andrews Sow Farm 1050 Shiprock Road Willow Street, PA 17548	Lancaster	7.4	576.5	Swine	NA	Renewal
Denise and Dennis Staub 904 Germany Road East Berlin, PA 17316	Adams	4	433.87	Turkey	NA	New
Mt. Pleasant Farms Lynn Eberly 2071 Mt. Pleasant Rd. Fayetteville, PA 17222	Franklin	561.4	255.0 130.19	Heifers Ducks	NA	Renewal
John Pepper Enterprise, LLC 2642 Granville Road Granville Summit PA 16926	Bradford	48.6	802.17	Swine & Dairy	none	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

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

**Permit No. 0112502**, Public Water Supply.

Applicant	<b>Bonneauville Borough Municipal Authority</b>
Municipality	Bonneauville Borough
County	<b>Adams</b>
Responsible Official	Bernie Shanebrook, Borough Manager 86 West Hanover Street Gettysburg, PA 17325
Type of Facility	Public Water Supply
Consulting Engineer	Daniel Cargnel, P.E. Buchart Horn, Inc. 445 West Philadelphia Street York, PA 17404
Application Received:	2/12/2012
Description of Action	Installation of greensand filters for manganese removal at Well No. 9.

**Permit No. 3112502**, Public Water Supply.

Applicant	<b>Huntingdon Borough</b>
Municipality	Huntingdon Borough
County	<b>Huntingdon</b>
Responsible Official	Karen A. Foust, Borough Secretary 530 Washington Street PO Box 592 Huntingdon, PA 16652-0592
Type of Facility	Public Water Supply
Consulting Engineer	William A. LaDieu, P.E. CET Engineering Services 1240 N Mountain Road Harrisburg, PA 17112
Application Received:	2/15/2012
Description of Action	Modifications to the Huntingdon Water Treatment Plant which include the raw water intake, raw water pump station, rapid mixer, flocculation and sedimentation basins, filters, clearwell and the sendout pump station.

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

**Permit No. 6312501**, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive PO Box 888 Hershey, PA 17033
[Township or Borough]	Independence, Cecil, Robinson, Mount Pleasant, North Franklin and Jefferson Townships
Responsible Official	David Kaufmann, Vice-President - Engineering Pennsylvania American Water Company 800 West Hersheypark Drive PO Box 888 Hershey, PA 17033
Type of Facility	Water system
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road PO Box 200 Indianola, PA 15051
Application Received Date	February 23, 2012
Description of Action	Construction of approximately 35,200 feet of waterline and a booster pump station.

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

**Permit No. 1012501**, Public Water Supply

Applicant	<b>Bernie's Mobile Home Park</b>
Township or Borough	Winfield Township
County	<b>Butler</b>
Responsible Official	Carl McKruit

Type of Facility	Public Water Supply
Consulting Engineer	William J. McGarvey, P.E. McGarvey Engineering 172 Woodcrest Road Butler, PA 16002
Application Received Date	February 21, 2012
Description of Action	Add two additional detention tanks to increase the chlorine detention time of the system. Add small flow restrictor plate to the finished water supply line to minimize surges.

<b>Permit No. 3712502</b> , Public Water Supply	
Applicant	<b>Wampum Borough</b>
Township or Borough	Wampum Borough
County	<b>Lawrence</b>
Responsible Official	Charles Kelly, Sr.
Type of Facility	Public Water Supply
Application Received Date	February 1, 2012
Description of Action	Abandon Well No. 4.

#### WATER ALLOCATIONS

#### Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

**WA 24-1000**, Water Allocations. **Fox Township Toby Water**, P. O. Box 184, Kersey, PA 15846-0184, Fox Township, **Elk County**. The permittee has submitted a renewal application and requested an allocation of 40,000 gpd on and average daily basis from Lost Run Reservoir. Three springs are impounded by Lost Run Reservoir, which drains to Saw Mill Run.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

##### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or

suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**10 Dewberry Lane**, Bristol Township, **Bucks County**. Stephen A. Wheeler, Wheeler Environmental Services, PO Box 501, Boyertown, PA 19512, Christine Dimming State Farm Fire & Casualty Company, PO Box 13, Concordville, PA 19331 on behalf of Mr. Francis DiRenzo & Ms. Cynthia Herrera 10 Dewberry Lane, Levittown, PA 19055 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Courier Times* on November 11, 2011.

**Maple Glen Dry Cleaners**, Upper Dublin Township, **Montgomery County**. Gloria Hunsberger, Kleinfelder, 180 Sheree Blvd, Suite 3800, Exton, PA 19341, Mark Warchol, Kleinfelder, 180 Sheree Blvd, Suite 3800, Exton, PA 19341 on behalf of Jeffrey Brown, Genuardi's Family Markets, LP, 5918 Stoneridge Mall Road, Pleasanton, CA 94588 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of voc's and pce. The intended future use of the site will remain as commercial. A summary of the Notice of Intent to Remediate was to have been published in the *Ambler Gazette* on December 23, 2011.

**Girard Medical Center**, City of Philadelphia, **Philadelphia County**. Richard D. Trimpi, Trimpi Associates Inc. 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Michael Leierendecker, Girard Medical Center, 8th Street Girard Avenue, Philadelphia, PA 19122 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of n.6 fuel oil. The current and future use of the site is commercial. A summary of the Notice of Intent to Remediate was to have been reported in the *Intelligencer* on December 2, 2011.

**Westnor LP Facility**, West Norriton Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc. 215 West Church Road, King of Prussia, PA 19406 on behalf of Martin MacGregor, Westnor, L.P. 10059 Sandmeyer Lane, Philadelphia, PA 19116 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of pce. The proposed future use of the site is to remain nonresidential. A summary of the Notice of Intent to Remediate was to have been reported in the *Times Herald* on April 12, 2011.

**Minute Mann Press**, Bristol Township, **Bucks County**. Staci Cottone, J&J Spill Service and Supplies, Inc. PO Box 370, Blue Bell, PA 19422 on behalf of Ted Pagano, 413 Inc., has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain commercial. A summary of the Notice of Intent to Remediate was to have been reported in the *Bristol Pilot* on November 17, 2011.

**Pitt Estate**, Jenkintown Borough, **Montgomery County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Clare Erskine, Allstate Insurance Company, 1200 Atwater Drive, Suite 110, Malvern, PA 19355, Bill Neef, ServiceMASTER by ARTec, 150 East Baltimore Avenue, PO Box 271, Clifton Heights, PA 19018, on behalf of Courtney Pitt, 429 Clement Road, Jenkintown, PA 19046 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was to have been published in the *Times Chronicle/Glenside News* on December 13, 2011.

**Florig Equipment Company Inc.**, 906 Ridge Pike, Plymouth Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc. 215 West Church Road, King of Prussia, PA 19406 on behalf of Alicia M. Lyskanycz, Florig Environmental Company, Inc, 906 Ridge Pike, Conshohocken, PA 19428 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release no. 2 fuel oil. The future use of the site is commercial. A summary of the Notice of Intent to Remediate was to have been published in the *Times Herald* on December 12, 2011.

**Dubow Residence**, Lower Merion Township, **Montgomery County**. Douglas B. Schott, P.G. Brickhouse Environmental, 515 South Franklin Street, West Chester PA 19382, Christina Ruble, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Mr. & Mrs. Steven Dubow, 635 Revere Road, Merion Station, PA 19066 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

**Ludwigs Construction Equipment**, West Vincent Township, **Chester County**. Richard D. Trimpi, Trimpi

Associates Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Frank Lynch, EnviroLink Inc. 165 Daleville Road Cochranville, PA 19330 on behalf of Rob Haly, Ludwig's Construction Equipment, 1235 Pottstown Pike, Glenmoore, PA 19343 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The intended future use of the site is commercial and residential A summary of the Notice of Intent to Remediate was to have been published in the *Chester County Press* on November 16, 2011.

**Sunoco Inc. Phila Refinery Schuylkill River Tank Farm AO1-8**, City of Philadelphia, **Philadelphia County**. Colleen Costello, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1500, Philadelphia, PA 19103, James Oppenheim, Sunoco, Inc. (R&M) 100 Green Street, Marcus Hook, PA 19061 on behalf of Scott Baker, Sunoco, Inc. (R&M) 3144 Passyunk Avenue, Philadelphia, PA 19145 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of lead and other organics. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was to have been published in the *Philadelphia Daily News* on October 6, 2011.

**Chelsea Pipeline Station & Tank Farm**, Upper Chichester Township, **Delaware County**. Daniel P. Cusick, Conestoga-Rovers & Associates, 103 Gamma Drive, Extension, Suite 190, Pittsburgh, PA 15238, Catherine Grzybek, Conestoga-Rovers & Associates, 103 Gamma Drive, Extension, Suite 190, Pittsburgh, PA 15238 on behalf of Deborah LaMond, ConocoPhillips Company, Risk Management & Remediation, 1400 Park Avenue, Room BOB S 206- Linden, NJ 07036 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of unleaded gasoline. The intended use of the properties impacted area as a pipe line station and tank farm, and a public road, respectively, for the foreseeable future.

**Weiss Residence**, Northampton Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Robin Sigler, State Farm Insurance Company, PO Box 8061, Ballston Spa, NY 12020-8061 on behalf of Erich Weiss, 31 Cardinal Drive, Holland, PA 18966 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A Notice of Intent to Remediate was to have been published in the *Bucks Count Courier Times* on November 9, 2011.

**Hopkins Residence**, Lower Southampton Township, **Bucks County**. Charles Burger, Mountain Research LLC, 825 25th Street, Altoona, PA 16601, Jason Bean, Allstate Insurance Company, 309 Lakeside Drive Suite 100, Horsham, PA 19044 on behalf of Shirley Hopkins, 2543 Buffalo Avenue, Trevoise, PA 19053 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

**Solid State Scientific Inc., Building #2**, Montgomery Township, **Montgomery County**. Paul C. Miller, P.E., Environmental Alliance, Inc. 5341 Limestone Road, Wilmington, DE 19808 on behalf of Anthony Cino, 160 Commerce Drive, LP 301 Oxford Valley Road, Suite 702 Yardley, PA 19067-7713 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of other organics. The future use of the site will remain the same. A Notice of Intent to

Remediate was to have been published in the *Times Herald* on December 10, 2011.

**Feasterville Plaza Shopping Center**, Lower Southampton Township, **Bucks County**. Michael A. Christie, PG, Penn Environmental & Remediation, Inc. 2755 Bergey Road Hatfield, PA 19440, Thomas Jones, Penn Environmental & Remediation, Inc. 2755 Bergey Road Hatfield, PA 19440 on behalf of Deborah A. Colson, Federal Realty Investment Trust, 1626 East Jefferson Street, Rockville, MD 20852 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of chlorinated solvents. Future use of the property is anticipated to remain non-residential for commercial use.

**Chapel Steel Pottstown**, Borough of Pottstown, **Montgomery County**. John Tabella, SCS Engineers, 11260 Roger Bacon Drive, Reston, VA 20190 on behalf of Pat Jones, Chapel Steel, PO Box 1000, Spring House, PA 19477 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with release of other organic's. The future use of the site will remain the site.

**Dansko Distribution Center**, Penn Township, **Chester County**. Jennifer Risser, Reliance Environmental, Inc. 130 East Chester Street, Lancaster, PA 19390 on behalf of Daria Payne. Cabot Kjellerup Realty Trust, 8 Federal Road, West Grove, PA 19390 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

**Horsham Valley Golf Club**, Horsham Township, **Montgomery County**. Mark Fortan, DelVal Soil & Environmental Consultations, Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA 18902 on behalf of Harry C. Barbin III, Horsahm Valley Golf Club, 500 Babylon Road, Ambler PA 19002 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of other organics. The intended future use of the site is a residential development.

**Brasalind Properties Inc.**, Borough of West Chester, **Chester County**. Michael S. Welsh, PE, Welsh Environmental, Inc. 313 Clearview Drive Downingtown, PA 19355, James Moretti, Brasalind Properties, Inc. 10 Springhouse Lane, Media, PA 19063 on behalf of Jack Lowe, 220 Chestnut Associates, LP, 55 County Club Drive, Downingtown, PA 19355 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no 6 fuel oil. The future use of the site will remain the same.

**Kinder Morgan Fertilizer Dome Lease Area 3 & 4**, Fall Township, **Bucks County**. Colleen Costello, Langan Engineering and Environmental Services Inc. 2700 Kelly Road, Suite 200, Warrington, PA 18976 on behalf of Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburg, PA 15219 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of other organics. The future use of the site will remain the same.

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

**Wells Fargo Property**, 2778 Old Post Road, North Whitehall Township, **Lehigh County**. David Crowther, BlackRock Environmental, LLC, P. O. Box 288, Nazareth, PA 18064 has submitted a Notice of Intent to Remediate on behalf of his client Wells Fargo Bank, NA, 1 Home Campus, Des Moines, IA 50328, concerning the remedia-

tion of soil found to have been impacted by No. 2 fuel oil as a result of a release from a non-regulated, 275-gallon aboveground storage tank due to a copper piping robbery. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. The future use of the property is anticipated to remain residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Mulik Residence**, 600 McIntosh Lane, West Penn Township, **Schuylkill County**. Patrick Crawford, Crawford Environmental Services, LLC, 195 Proudfoot Drive, Birdsboro, PA 19508 has submitted a Notice of Intent to Remediate on behalf of his clients, Kim and Stephen Mulik, 600 McIntosh Lane, Andreas, PA 18211, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from the overflow of a 275-gallon aboveground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. The current and intended future use of the property is for residential use. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**CamTran Bus Facility**, City of Johnstown, **Cambria County**. Gannett Fleming, Inc. 207 Senate Ave, Camp Hill Pa 17011 on behalf of Cambria County Transit Authority, 726 Central Ave, Johnstown, PA 15902 has submitted a Notice of Intent to Remediate for the construction of a new bus garage at the former Bethlehem Steel/FreightCar America facility. The site will be remediated to meet a site specific standard for soils and groundwater contaminated with metals and SVOC's.

**H P Knauf #6 Gas Well**, North Mahoning Township, **Indiana County**. Hull and Associates Inc., 300 Business Center Drive, Pittsburgh PA 15205 on behalf of XTO Energy—Appalachia Division, 395 Airport Road, Indiana PA 15701 has submitted a Notice of Intent to Remediate. On November 25 2011 a release of 336 gallons of production water was released to surface soils at the site. The site is being remediated to a statewide health standard for soils and groundwater.

#### RESIDUAL WASTE—RENEWAL OF GENERAL PERMIT

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

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

**General Permit Application No. WMGR081D014. Skills of Central Pennsylvania, Inc.**, 5805 William Penn Highway, Mifflintown, PA 17059-9578. This application is for renewal of a residual waste general permit for processing of electronic materials. Processing is limited to dismantling, sorting, and packaging/shipping of electronic



waste materials. The application for renewal was deemed to be administratively complete by Central Office on February 23, 2012.

Persons interested in reviewing the application may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### RESIDUAL WASTE GENERAL PERMITS

**Application(s) Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGR081D013. Towanda Iron and Metal, Inc., 1 River Street, Towanda, PA 18848.**

General Permit WMGR081 is established for the processing (i.e., sizing, shaping, separating and volume reduction only) of e-waste (i.e., damaged, obsolete, and/or reusable electronic devices) prior to reuse or recycling. The processing will be conducted at the Towanda Iron and Metal, Inc. facility, located at 1 River Street, Towanda, **Bradford County**. Central Office received the application on December 22, 2011 and determined it administratively complete on February 16, 2012.

Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

#### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application(s) received for Determination of Applicability under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone 412-442-4000.*

**General Permit No. WMGR038SW011. Blairsville Environmental Rubber, LLC, 43 Ash Road, Blairsville, PA 15717. BER Facility, 5490 Route 217 N, Blairsville, PA 15717.** A residual waste general permit for beneficial use and processing prior to beneficial use of waste tires, tire derived material, and tire derived fuel for use as fuel in boilers or other combustion units, civil engineering practices, recapping and as an ingredient in or as a commercial product in Blacklick Township, **Indiana County**, was received in the Regional Office on September 2, 2011.

Comments concerning the application should be directed to Diane McDaniel, Environmental Engineering

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

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application received, under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate a Solid Waste Processing or Disposal Area or Site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.*

**Permit ID No. 301071. MAX Environmental Technologies, Inc., 1815 Washington Road, Pittsburgh, PA 15241-1423. MAX Environmental Yukon, 233 MAX Lane, Yukon, PA 15698-9801.** Application for a major modification to revise the radiation protection plan to address radiation screening measures at a residual waste impoundment in South Huntingdon Township **Westmoreland County** was received in the Regional Office on February 22, 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.

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**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.**

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

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

**09-0027G: Fres-Co System USA, Inc.** (3005 State Road, Telford, PA 18969) for a new 10 station Rotogravure Press to replace an existing press in West Rockhill Township, **Bucks County**. Fres-co is a Title V Facility. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

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

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

**06-03117G: Custom Processing Services, Inc.** (2 Birchmont Drive, Reading, PA 19606) for construction of an additional micro milling unit and associated collection system at their facility in Exeter Township, **Berks County**.

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

This plan approval is for the authorization to construct an additional micronizer grinder. Particulate matter (PM) emissions are not expected to increase beyond 3.15 tons per year. The Plan Approval and Operating permit will contain additional testing, recordkeeping, and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The project will not trigger PSD or NSR requirements.

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

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

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

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

Tom Hanlon, 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, protests, or requests for a public hearing.

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 Managers—Telephone: 412-442-4163/5226*

**04-00084: Monomoy Capital Partners LP—Anchor Acquisition** (400 Ninth Street, Monaca, PA 15061) for an increase in the rolling 30-day glass furnace production rate from 240 tons per day (tpd) to 285 tpd by re-commissioning the gas-oxy system including the replacement of two gas-oxy burners, each rated at 4 MMBtu/hr, at the Anchor Hocking Monaca, Plant Monaca Borough, **Beaver County**.

In accordance with 25 Pa. Code §§ 127.44—127.46, the Department of Environmental Protection intends to issue Air Quality Plan Approval PA-04-00084B to allow an increase in the rolling 30-day glass furnace production rate from 240 tons per day (tpd) to 285 tpd by re-commissioning the gas-oxy system including the replacement of two gas-oxy burners, each rated at 4 MMBtu/hr, at the Anchor Hocking Monaca Plant located in Monaca Borough, Beaver County. The applicant is also proposing to install a multi-pollutant ceramic activated dust filtration (CADF) control system to achieve reductions in emissions from the glass melting furnace of: filterable PM through ceramic filtration; nitrogen oxides (NO<sub>x</sub>) through selective catalytic reduction; and sulfur dioxide (SO<sub>2</sub>) through injection of a dry sorbent.

The facility currently has a potential to emit (PTE) NO<sub>x</sub> greater than the major source threshold. As part of this project the applicant has proposed to accept a facility-wide federally enforceable emission restriction of 99.0 tpy for NO<sub>x</sub>. The facility does not have a PTE greater than the major source threshold for any other pollutant and after the proposed NO<sub>x</sub> emission restriction the facility will no longer be subject to Title V requirements. The PTE for sources covered by this Plan Approval is estimated by the applicant to be 89.3 tons of NO<sub>x</sub>, 25.5 tons

of SO<sub>2</sub>, 27.2 of particulate matter less than 10 microns (PM<sub>10</sub>), 27.0 tons of particulate matter less than 2.5 microns (PM<sub>2.5</sub>), 20.4 tons of carbon monoxide (CO), 10.5 tons of volatile organic compounds (VOC), and 70,967 tons of carbon dioxide equivalents (CO<sub>2</sub>e) per year. The authorization is subject to State regulations including 25 Pa. Code §§ 123.13 and 123.41, as well as, 25 Pa. Code §§ 129.301—129.310 requirements for control of NO<sub>x</sub> emissions from glass melting furnaces. Compliance with the federally enforceable NO<sub>x</sub> emission limitations from the glass melting furnace will be determined by the installation and operation of a continuous emission monitor as required by 25 Pa. Code § 129.308. The reporting of greenhouse gas emissions in the form of CO<sub>2</sub>e and on a mass basis has also been required in this Plan Approval. This Plan Approval has been conditioned to ensure compliance with all applicable rules which includes stack testing, work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

Interested persons may submit written comments, suggestions, or objections concerning the proposed Plan Approval to Alex Sandy, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments submitted to the Department shall include the following:

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

Identification of the proposed Plan Approval (PA-04-00084B).

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

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

For additional information you may contact Alex Sandy at 412-442-4030.

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

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

**10-350C: iDL Worldwide Inc.** (500 Grant Avenue, East Butler, PA 16029) for construction of the Sheet Polymer Mounting Department and the Cyrel Platemaking Operations in East Butler Borough, **Butler County**. This is a State Only 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 State Only operating permit at a later date.

This construction of the Sheet Polymer Mounting Department and the Cyrel Platemaking Operations could result in an increase in emissions of 31.81 tpy for VOC and 1.611 tpy for HAPs. However, the facility VOC limit of 49.5 tpy will not be changed. This Plan Approval will contain emission restriction, recordkeeping, 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 25 Pa. Code § 129.77

In accordance with 25 Pa. Code § 127.44(f)(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(f)(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; Phone # (814) 332-6940 and must contain the following:

- Name, address and telephone number of the person submitting the comments
- Identification of the proposed plan approval [10-350C]
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

In accordance with 25 Pa. Code § 127.45(a)(6), 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 25 Pa. Code §§ 127.521—127.524 for Title V operating permits.

**25-1021A: Team Hardinger Transportation** (1314 West 18th Street, Erie PA 16502) for an increase in VOC emissions from the painting operation at their facility in the City of Erie, **Erie County**. The paint booth at this site was exempted from a plan approval on January 27, 2009. The facility is proposing to increase throughput, using the equipment currently in place.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 25-1021A to Team Hardinger Transportation for an increase in VOC emissions from the painting operation. This facility is located in the City of Erie, Erie County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 25-1021A is for an increase in VOC emissions from the painting operation. Based on the information provided by the applicant and DEP's own analysis, the subject source will have the potential to emit approximately 10 tons a year of volatile organic compounds.

The Plan Approval will contain testing, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

#### OPERATING PERMITS

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

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

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

**26-00588: Laurel Mountain Midstream, LLC** (Westpointe Center Three, 1605 Coraopolis Heights Road, Moon Township, PA, 15108) for compressing natural gas in the field on a contract basis at their Shamrock Compressor Station in German Township, **Fayette County**. This is a Title V Operating Permit Application submittal.

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

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

**10-00267: Alcoa Commercial Windows LLC** (71 Progress Avenue, Cranberry Township, PA 16066) to modify the Title V Only Operating Permit for their facility in Cranberry Township, **Butler County**. The facility has two sources that are affected by this modification. Source 101 is the Tellkamp line & Binks booth controlled by a thermal oxidizer. Source 102 is the coated extrusion bake oven which is also controlled by the same thermal oxidizer. The facility is a major facility due to its potential to emit volatile organic compounds (VOCs). The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is also subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for surface coating of miscellaneous metal parts and products (40 CFR 63, Subpart Mmmm). The modification is specifically to include additional compliance options allowed under Subpart Mmmm to be included in the permit. The facility is proposing to use the facility-specific emissions limit alternative in combination with the emission rate without add-on controls option for compliance with Subpart Mmmm for Sources 101 and 102. This modification will not increase VOC or HAP emissions at the facility.

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

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*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*

**38-03017: Keystone Spikes Corp.** (255 North Lincoln Avenue, Lebanon, PA 17046) for their railroad spike manufacturing facility in Lebanon City, **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.

The subject facility has actual emissions of 1.3 tpy of SO<sub>x</sub> and 0.1 tpy of NO<sub>x</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following:

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

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

Mr. Thomas Hanlon, 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.

**67-05080: York Building Products Co., Inc.** (P. O. Box 1708, York, PA 17405) for operation of their Thomasville Lincoln Stone Plant in Jackson Township, **York County**.

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

The subject facility had the following actual emissions in 2010: 6 TPY of PM<sub>10</sub>. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. Portions of the aggregate processing plant are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

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

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

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

Daniel C. Husted, P.E., New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality

Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

**08-00014: New Enterprise Stone and Lime Co., Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for issuance of a State-Only (Synthetic Minor) Operating Permit renewal for operation of their Towanda Plant facility in Wysox Township, **Bradford County**. New Enterprise Stone and Lime Co., through its division-Eastern Industries, Inc., operates a 150 tph batch mix asphalt plant (Source ID P101), two 15,000 gallon asphalt storage tanks and one 10,000 gallon asphalt storage tank (Source ID P102), a 12,000 gallon fuel oil storage tank (Source ID P103), a batch concrete plant (Source ID P105), and an immersion parts washer (Source P106). The Department of Environmental Protection proposes to issue State-Only (Synthetic Minor) Operating Permit 08-00014. The proposed renewal operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping, and reporting conditions regarding compliance with all applicable requirements are included.

**41-00063: Ralph S. Alberts Co., Inc.** (60 Choate Circle, Montoursville, PA 17754-9791) to issue a state only operating permit for their polyurethane foam parts manufacturing facility in Fairfield Township, **Lycoming County**. The facility's main sources include five surface-coating spray booths, a solvent cleaning sink, and various natural gas-fired space heaters. The facility has the potential to emit all criteria pollutants below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping, and reporting conditions regarding compliance with all applicable requirements are included.

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

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

**11-00277: Northern Cambria School District** (600 Joseph St., Northern Cambria, PA, 15714-1233) for a Synthetic Minor Operating Permit renewal for the Northern Cambria Elementary & Middle Schools in Northern Cambria Boro, **Cambria County**. Equipment at this facility includes one tri-fuel boiler equipped to burn either coal or fuel oil, a fuel oil-fired boiler, and an emergency generator fired on fuel oil. Potential emissions from the facility are based on a limit of burning 2,000 tons of coal per consecutive 12 month period in the tri-fuel boiler and are estimated to be 15.0 tons NO<sub>x</sub>, 1.4 tons VOCs, 12.4 tons CO, 5.4 tons particulate matter and 97.0 tons SO<sub>x</sub>. Actual emissions from the facility are much lower. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

**30-00177: Coresco, LLC.** (308 Dents Run Road, Morgantown, WV 26501) for continued operation of a coal transport facility in Dunkard Township, **Greene County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) in-

tends to issue a State Only Operating Permit (SOOP) to Coresco, LLC's Dooley Run Terminal located in Dunkard Township, Greene County to authorize the continued operation of a coal transport facility. The facility consisting of belt lines, stockpile, and haul road and other supporting equipment for the purpose of transporting coal across the state line into West Virginia.

The allowable throughput is 3,000,000 tons per year through this facility. Potential emissions from the facility are estimated to be 43.99 tons of particulate matter (PM) per year and 12.85 tons of particulate matter under 10 microns (PM10) per year. A road sweeper and a pressurized water truck are available to the site and to be used for dust suppression purposes. In-plant roads and areas of vehicle traffic should be watered, as needed on a preventative basis, and earth or other material transported from the site should be removed promptly such that visible fugitive emissions do not cross the property line. The proposed SOOP contains conditions relating to monitoring, recordkeeping and work practice standards.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may submit the information to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226. Written comments must contain the following:

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

Identification of the proposed Operating Permit (SOOP-30-00177), 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.

## 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*

**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 Gilmore Township, **Greene County** to install the 13 West Airshaft Site. One NPDES discharge point will be added. Surface Acres Proposed 57.1. Receiving stream: Unnamed Tributary to Bloody Run, classified for the following use: WWF. The application was considered administratively complete on February 23, 2012. Application received April 20, 2011.

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

**26110101 and NPDES Permit No. PA0252123, Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Pending application for a bituminous surface mine also, includes a request for a Section 401 Water Quality Certification, located in Wharton Township, **Fayette County**, affecting 95.4 acres. Receiving streams: unnamed tributaries to Stony Fork and Stony For, classified for the following use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: September 26, 2011.

**63100102 and NPDES Permit No. PA0251968, Arthur J. Boyle** (P. O. Box 400, Laughlintown, PA 15655). Pending application for a bituminous surface mine also, includes a request for a Section 401 Water Quality Certification, located in Centerville Borough, **Washington County**, affecting 32.2 acres. Receiving streams: unnamed tributaries to Monongahela River, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: PA American Water Co., Brownsville Plant. Application received: March 30, 2011.

**26040105 and NPDES Permit No. PA0250635, Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Revision application for land use change to the affected forestland area to a post-mining

land use of unmanaged natural habitat to an existing bituminous surface mine, located in Dunbar Township, **Fayette County**, affecting 382.7 acres. Receiving streams: unnamed tributaries to Laurel Run and Ferguson Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: February 22, 2012.

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

**33070101. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous surface mine in Oliver Township, **Jefferson County** affecting 53.6 acres. Receiving streams: Unnamed tributary to Hadden Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: February 21, 2012.

**4673SM15 and NPDES Permit No. PA0258237, Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface mine in Jay Township, **Elk County** affecting 173.8 acres. Receiving streams: Two unnamed tributaries to Spring Run, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: February 23, 2012.

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

**17060113 and NPDES No. PA0256471, Black Cat Coal, LLC** (107 West First Ave., Clearfield, PA 16830). Permit renewal and revision to an existing bituminous surface mine located in Brady Township, **Clearfield County** affecting 60.9 acres. This renewal contains revisions to the existing operation consisting of adding the Middle Kittanning and Lower Kittanning coal seams as seams to be mined and adding auger mining to the permit. Receiving streams: unnamed tributaries to Stump Creek and an unnamed tributary to Limestone Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: February 22, 2012.

#### *Noncoal Applications Received*

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

**01870301 and NPDES Permit No. PA0593931, Vulcan Construction Materials, LP**, 875 Oxford Avenue, Hanover, PA 17331, renewal of NPDES Permit, Berwick, Conewago, Oxford Townships, **Adams County**. Receiving stream(s): unnamed tributaries to South Branch Conewago Creek (locally known as Slagle Run and North Stream), classified for the following use(s): warm water fisheries (WWF) and migratory fishes (MF). The first downstream potable water supply intake from the point of discharge is New Oxford Municipal Authority and Hanover Municipal Water Works. Application received: February 13, 2012.

**4074SM12 and NPDES Permit No. PA0599352, New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Jefferson Township, **Somerset County**. Receiving stream(s): UTS to/and Kooser Run classified for the following uses(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 16, 2012.

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

**65100401 and NPDES Permit No. PA0252051. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Pending application for a bituminous surface mine also, includes a request for a Section 401 Water Quality Certification, located in Fairfield Township, **Westmoreland County**, affecting 302.8 acres. Receiving streams: unnamed tributaries to Freeman Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: December 7, 2010.

**65120801. James T. Leonard, Jr.** (538 Pittsburgh Pike, Ruffsdale, PA 15679). Application for commencement, operation and reclamation of small noncoal surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 4.5 acres. Receiving stream: Big Sewickley Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: January 18, 2012.

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

**36120301 and NPDES Permit No. PA0225266. ICM of Pennsylvania, Inc.**, (638 Lancaster Avenue, Malvern, PA 19355), commencement, operation and restoration of a limestone quarry operation in Upper Leacock and Manheim Townships, **Lancaster County** affecting 106.3

acres (encompass existing SMP No. 8274SM1 & adding 34.55 acres), receiving stream: Conestoga River, classified for the following uses: warm water fishes and migratory fishes. Application received: February 16, 2012.

**MINING ACTIVITY NPDES DRAFT PERMITS**

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

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

*Effluent Limits for Coal Mining Activities*

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

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

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

\* The parameter is applicable at all times.

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

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

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

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

*Effluent Limits for Noncoal Mining Activities*

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public

notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

*Coal NPDES Draft Permits*

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

**NPDES No. PA0215694 (Mining Permit No. 17851501), RES Coal, LLC**, (224 Grange Road, Armagh, PA 15650). A renewal to the NPDES and mining activity permit for Clearfield Siding in Boggs Township, **Clearfield County**. Surface Acres Affected 10.85. Receiving streams; Long Run; classified for the following use: CWF and Clearfield Creek; classified for the following use: WWF. Clearfield Creek TMDL. The application was considered administratively complete on October 15, 2010. Application received August 2, 2010.

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 proposed average daily discharge rate for Outfall 001 is 0.060 MGD

Outfall 001 discharges to: Clearfield Creek

The proposed effluent limits for Outfall 001 Lat: 40° 59' 48" Long: 78° 27' 07" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Total Settable Solids (ml/l)		0.2	0.4	0.5

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

The proposed average daily discharge rate for Outfall 002 is 0.004 MGD

Outfall 002 discharges to: Long Run

The proposed effluent limits for Outfall 002 Lat: 40° 59' 37" Long: 78° 24' 20" are:

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

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



The proposed average daily discharge rate for Outfall 003 is 0.004 MGD

Outfall 003 discharges to: Long Run

The proposed effluent limits for Outfall 003 Lat: 40° 59' 36" Long: 78° 24' 19" are:

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

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

The proposed average daily discharge rate for Outfall 004 is 0.004 MGD

Outfall 004 discharges to: Long Run

The proposed effluent limits for Outfall 004 Lat: 40° 59' 36" Long: 78° 24' 20" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		2.12	4.24	7.0
Manganese (mg/l)				4.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)				70
Total Settable Solids (ml/l)		0.2	0.4	0.5

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

**NPDES No. PA0215694 (Mining Permit No. 17851501), RES Coal, LLC**, (224 Grange Road, Armagh, PA 15650). A revision to the NPDES and mining activity permit for Clearfield Siding in Boggs Township, **Clearfield County** and related NPDES permit to add a coal prep plant with support facilities and to relocate NPDES Outfall 001 and add NPDES Outfall 005 and Outfall 006. Surface Acres Affected 35.3. Receiving streams; Long Run; classified for the following use: CWF and Clearfield Creek; classified for the following use: WWF. Clearfield Creek TMDL. The application was considered administratively complete on June 23, 2011. Application received January 26, 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 proposed average daily discharge rate for Outfall 001 is 0.060 MGD

Outfall 001 discharges to: Clearfield Creek

The proposed effluent limits for Outfall 001 Lat: 40° 59' 48" Long: 78° 24' 07" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Total Settable Solids (ml/l)		0.2	0.4	0.5

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

The proposed average daily discharge rate for Outfall 005 is 0.018 MGD

Outfall 005 discharges to: Clearfield Creek

The proposed effluent limits for Outfall 005 Lat: 40° 59' 37" Long: 78° 24' 04" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.50	3.00	4.50
Manganese (mg/l)		1.00	2.00	2.50
Aluminum (mg/l)		0.75	1.50	1.87
Alkalinity greater than acidity <sup>1</sup>				
Total Settable Solids (ml/l)		0.2	0.4	0.5

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

The proposed average daily discharge rate for Outfall 006 is 0.013 MGD

Outfall 006 discharges to: Long Run

The proposed effluent limits for Outfall 006 Lat: 40° 59' 37" Long: 78° 24' 04" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.50	3.00	4.50
Manganese (mg/l)		1.00	2.00	2.50
Aluminum (mg/l)		0.75	1.50	1.87
Alkalinity greater than acidity <sup>1</sup>				
Total Settable Solids (ml/l)		0.2	0.4	0.5

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

**NPDES No. PA0235831 (Mining Permit No. 30080703), River Processing Corporation**, (PO Box 1020, 158 Portal Road, Waynesburg, PA 15370). A new NPDES and mining activity permit for the Freeport Coal Refuse Disposal Area No. 1 in Jefferson Township, **Greene County** for a new coal refuse disposal facility. Surface Acres Affected 146.6. Receiving stream; Unnamed Tributary to Tenmile Creek, classified for the following use: WWF. Monongahela River. The application was considered administratively complete on July 8, 2007. Application received November 26, 2008.

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 proposed average daily discharge rate for Outfall 001 is 0.058 MGD

Outfall 001 discharges to: Unnamed Tributary to Tenmile Creek

The proposed effluent limits for Outfall 001 Lat: 39° 58' 30.036" Long: 80° 01' 10.149" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.50	3.00	3.8
Manganese (mg/l)		1.0	2.0	2.6
Aluminum (mg/l)		0.8	1.5	1.9
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mOs/kg)		51	102	128
Total Dissolved Solids (mg/l)		375	750	938
Sulfates (mg/l)		125	250	313
Chlorides (mg/l)			Monitor and Report	
Specific Conductance (umho)			Monitor and Report	

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

**NPDES No. PA0214060 (Mining Permit No. 30921601), River Processing Corporation** (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). A revision to the NPDES and mining activity permit for the Freeport Surface Facilities in Jefferson Township, **Greene County** to add NPDES Outfall 003 and to revise the effluent limits for Outfall 002 for surface coal preparation and support area at the site formerly named Monongahela Resources Tipple. Surface Acres Affected 188. Receiving streams: Monongahela River and Tributary to Rush Run, both classified for the following use: WWF. Monongahela River. The application was considered administratively complete on October 22, 2008. Application received May 30, 2008.

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 proposed average daily discharge rate for Outfall 002 is 0.02 MGD

Outfall 002 discharges to: Monongahela River

The proposed effluent limits for Outfall 002 Lat: 39° 58' 05" Long: 80° 00' 44" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)			Monitor and Report	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Total Dissolved Solids (mg/l)			Monitor and Report	
Sulfates (mg/l)			Monitor and Report	
Chlorides (mg/l)			Monitor and Report	

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

The proposed average daily discharge rate for Outfall 003 is 1.40 MGD

Outfall 003 discharges to: Tributary to Rush Run

The proposed effluent limits for Outfall 003 Lat: 39° 58' 04" Long: 80° 01' 34" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	3.0	3.8
Manganese (mg/l)		1.0	2.0	2.6
Aluminum (mg/l)		0.8	1.5	1.9
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mOs/kg)		50	101	126
Total Dissolved Solids (mg/l)			Monitor and Report	
Sulfates (mg/l)			Monitor and Report	
Chlorides (mg/l)			Monitor and Report	

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

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

**NPDES No. PA0268917 (Mining permit no. 11120101), E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, new NPDES permit for a bituminous surface mine in White Township, **Cambria County**, affecting 92 acres. Receiving stream(s): Dutch Run and unnamed tributary to Dutch Run, classified for the following use(s): cold water fishery. The receiving streams are included in the Clearfield Creek TMDL. Application received: January 23, 2012. Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The treated wastewater outfall(s) listed below discharge to Dutch Run.

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

The stormwater outfall(s) listed below discharge to Dutch Run.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003	Y
005	Y

The stormwater outfall(s) listed below discharge to Unnamed Tributary to Dutch Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004	Y

The NPDES for outfall 001A (treatment facility D-1) is revised for change in the effluent limits from the previous published notice dated December 3, 2011. **NPDES No. PA0234231 (Mining permit no. 56960107), PBS Coals, Inc.**, 1576 Stoystown Road, P. O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for reclamation only with post-mining discharges in Jenner Township, **Somerset County**, affecting 125.4 acres. Receiving stream(s): unnamed tributaries to Quemahoning Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: September 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 treated wastewater outfall(s) listed below discharge to unnamed tributary to Quemahoning Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001A	N

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

<i>Outfalls: 001A Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Osmotic Pressure			50.0 milliosmoles/cm
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to unnamed tributary to Quemahoning Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
006	N

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

<i>Outfalls: 006</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

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

**NPDES No. PA0258792 (Permit No. 33090106), MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801) Revision to an NPDES permit for a bituminous surface mine in Knox Township, **Jefferson County**, affecting 54.1 acres. Receiving streams: Unnamed tributaries to Five Mile Run, classified for the following uses: CWF. TMDL: None. Application received: December 28, 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 unnamed tributaries Nos. 1 and 2 to Five Mile Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	N
TP2	N
TP2A	N
SPC	Y

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

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

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

The outfall(s) listed below discharge to unnamed tributary No. 1 to Five Mile Run:

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

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

<i>Parameter</i>	<i>30-Day</i> <i>Minimum</i>	<i>Daily</i> <i>Average</i>	<i>Instant.</i> <i>Maximum</i>	<i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0		9.0	
Iron (mg/l)			7.0	
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l) 0			0.5	

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA 0257826 (Mining permit no. 057112501), Jack L. McClintock**, 15222 US Hwy 220, Muncy Valley, PA 17758, new NPDES permit for noncoal surface mining in Shrewsbury Township, **Sullivan County**, affecting 10 acres. Receiving stream(s): Unnamed Tributary to Muncy Creek, classified for the following use(s): HQ-CWF. Application received: August 24, 2011.

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

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF 1	Y
ST 1	Y

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

## 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. §§ 131—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

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

**E51-250. Philadelphia Water Department, Aramark Tower**, 1101 Market Street, 2nd Floor, Philadelphia, PA 19107-2994, City of Philadelphia, ACOE Philadelphia District.

To enclose and maintain approximately 416 linear feet of an UNT of Pennypack Creek by utilizing an 84-inch RCP.

The site is located near the intersection of Bustleton Avenue and Scotchbrok Drive (Germantown, PA USGS Quadrangle N: 4.1 inches; W: 3.7 inches).

**E15-823. Chester County Conservation District**, 688 Unionville Road, Suite 200, Kennett Square, PA 19348, East Bradford Township, **Chester County**, ACOE Philadelphia District.

To restore and maintain approximately 1,200 linear feet of Plum Run and its tributary. Work will include streambank stabilization, minor channel realignment, floodplain grading and fish enhancement structures.

The site is located approximately one half mile south of the intersection of US-322 Business and S.R. 0052. (West Chester, PA USGS Quadrangle N: 9.5 inches; W: 6.3 inches).

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

**E40-725. Patrick Kane**, 45 Yeager Avenue, Forty Fort, PA 18704, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing 1,044 square-foot boathouse and concrete retaining wall and to construct and maintain a pile supported boathouse/dock in Harvey's Lake having 2,188 square-foot surface area over the lake and to construct and maintain a 75-foot long boulder retaining wall along the shoreline of the lake. The project is located along Lakeside Drive at Pole #21 (Harveys Lake, PA Quadrangle Latitude: 41°21'35"; Longitude: -76°01'55").

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4802.*

**E06-676. Pa. Department of Transportation, Engineering District 5-0**, 1002 Hamilton Street, Allentown, Pennsylvania 18101, in Hereford Township, **Berks County**, ACOE Philadelphia District

To: 1) remove the existing structure and construct and maintain a single span composite steel plate girder bridge having a clear span of 97.83 feet, a width of 32.38 feet, and an minimum underclearance of 3.50 feet across Perkiomen Creek (TSF, MF), 2) remove the existing pipe culvert and to install and maintain a 48.0-inch by 76.0-inch RCP having a length of 38.00 feet in an unnamed tributary to Pachwechen Run (TSF, MF), and 4) construct and maintain two stormwater outfalls to the Perkiomen Creek (TSF, MF) at the proposed bridge location, all for the purpose of improving transportation safety and roadway standards. The project is located along SR 1022 (Tollgate Road) (East Greenville, PA Quadrangle; N: 9.2 inches, W: 7.4 inches; Latitude: 40°25'32", Longitude: -75°33'11") in Hereford Township, **Berks County**.

**E38-177. Pennsylvania Game Commission**, 2001 Elmerton Ave., Harrisburg, PA 17110-9797, Bethel Township, **Lebanon County**, ACOE Baltimore District

To construct and maintain 1. a 14.0-foot wide, single span bridge having a normal span of 73.0 feet and an underclearance of 8.0 feet across Bear Hole Run (CWF, MF); 2. a dual 20.0-foot long, 24.0-inch high density plastic pipe, temporary stream crossing in Bear Hole Run (CWF, MF); 3. to restore and stabilize approximately 40.0-feet of streambank along Bear Hole Run (CWF, MF) all for the purpose of providing access to State Game Lands. The project is located along Swope Valley Road approximately 1.0 mile south of the intersection of Route 443 (Pine Grove, PA Quadrangle: Latitude: 40°30'53.8", Longitude: 76°28'12.6") in Bethel Township, **Lebanon County**.

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

**E59-512. Pennsylvania Department of Transportation, Engineering District 3-0**, PO Box 218 Montoursville, PA 17754-0218. SR 4007 Section 003, California Brook Bridge Replacement, Westfield Township, **Tioga County**, ACOE Baltimore District (Potter Brook, PA Quadrangle N: 41° 55' 47"; W: 77° 31' 28").

PA DOT Engineering District 3-0 proposes to replace a single span timber deck steel I-beam bridge with a single span rigid frame culvert. The existing bridge has a span of 17.9 Ft., a skew of 45 degrees, an underclearance of 4.45 Ft. and a low chord of 1376.14 Ft. The proposed bridge has a span of 24 Ft., a skew of 47 degrees, an underclearance of 4.44 Ft., and a low chord of 1376.13 Ft. The proposed structure is beyond the limits of the General Permit 11 for increased length upstream to downstream. The project will not impact any jurisdictional wetlands and does not require mitigation. California Brook is classified as Warm Water Fishery by Title 25, Chapter 93 Water Quality Standards. The project will not require mitigation.

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

**E02-1661. Municipality of Mount Lebanon**, 710 Washington Road, Pittsburgh, PA 15228, Mount Lebanon Township, **Allegheny County**. ACOE Pittsburgh District.

The applicant proposes to construct and maintain a retaining wall approximately 100.0 feet long and 7.5 feet high in the channel and along the banks of Scrubgrass Run (WWF) and to operate, maintain and extend the existing 60-inch diameter culvert under Scrubgrass Road for the purpose of preventing erosion to the existing stream banks. There will be approximately 111.0 linear feet of stream channel impacted. The project is located along Scrubgrass Road, approximately 400.0 feet northeast from the intersection of Scrubgrass Road and Swallow Hill Road (Pittsburgh West PA Quadrangle N: 1.8 inches; W: 9.4 inches; Latitude: 40°-23'-06"; Longitude: 80°-23'-03")

**E32-490-A1. EME Homer City Generation, L.P.**, 1750 Power Plant Road, Homer City, PA 15478-9558, Center Township, **Indiana County**. ACOE Pittsburgh District.

The applicant proposes to maintain fill in 0.041 acre of wetlands in the Two Lick Creek watershed (CWF) for the

purpose of constructing a storm water management pond for a new Flue Gas Desulfurization system. The project is located east of Power Plant Road, Center Township (Indiana PA Quadrangle N: 2.52 inches; W: 1.27 inches; Latitude: 40°30'50"; Longitude: 79°-11'-56")

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

**E25-744, Greg Ganzer**, 2101 Chapline Street, Wheeling, WV 26003. Watercraft Lift and Dock, in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 42°, 7', 43.4"; W: 80°, 6', 22").

To construct and maintain a private pile supported watercraft lift and dock together measuring approximately 40 feet by 14 feet and an adjacent floating dock measuring approximately 40 feet by 8 feet located at a point on the northeastern corner of the Niagara Pier within Lake Erie's Presque Isle Bay (WWF).

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**D54-027EA. Schuylkill County Municipal Authority**, P. O. Box 960, Pottsville, PA 17901. New Castle Township, **Schuylkill County**, ACOE Philadelphia District.

Project proposes to modify Mount Laurel Dam across Mud Run (HQ-CWF) in order to meet current Dam Safety requirements. Modifications include replacement of the existing spillway, outlet replacement and repair to the downstream embankment slope. Modification will necessitate permanent impacts to 0.09-acre of Palustrine Emergent Wetland. The applicant is proposing wetland compensation via contribution to the Pennsylvania Wetland Replacement Fund. The dam is located approximately 0.4-mile southwest of the intersection of SR 61 and Interstate 80 (Shenandoah, PA Quadrangle, Latitude: 40°46'18"; Longitude: -76°13'55").

**ACTIONS**

**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**

**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

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

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective

permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

### I. NPDES Renewal Permit Actions

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2553.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS212212 (Storm Water)	Premiere Bluestone, Inc. Endless Mountain Stone SR 1021 Susquehanna, PA 18847	Susquehanna County Oakland Township	Unnamed Tributary of Drinker Creek Cold Water Fishes (4-E)	Y
PA0061069 (Industrial Waste)	Schott North America, Inc. 400 York Avenue Duryea, PA 18642-2036	Luzerne County Duryea Borough	Lackawanna River (5-A)	Y
PA0053163 (Sewage)	Webster Youngs SRSTP 5029 Vera Cruz Road Center Valley, PA 18034	Lehigh County Upper Saucon Township	Saucon Creek (2-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0021571 (Sew)	Marysville Borough 200 Overcrest Road Marysville, PA 17053	Perry County Marysville Borough	Susquehanna River / 7-A	Y
PA0081311 (Sew)	South Londonderry Township PO Box 3 20 West Market Street Campbelltown, PA 17010-0003	Lebanon County Londonderry Township	Conewago Creek / 7-G	Y
PA0088421 (Sew)	Patrick J. Gibson 2887 Chaneyville Road Clearville, PA 15535-8828	Bedford County Southampton Township	Swale to Town Creek / 13-A	Y
PA0084883 (Sew)	Broad Top City Borough PO Box 220 Broad Top, PA 16621-0220	Huntingdon County Broad Top City Borough	Shoup Run / 11-D	Y
PA0088536 (Sew)	Camp Hebron 957 Camp Hebron Road Halifax, PA 17032-9520	Dauphin County Halifax Township	Powell Creek / 6-C	Y
PA0044261 (Sew)	PA DCNR-Canoe Creek State Park 205 Canoe Creek Road Hollidaysburg, PA 16648	Blair County Frankstown Township	New Creek / 11-A	Y
PA0083712 Amendment No. 1 (Sew)	Bear Valley Franklin County Pennsylvania Joint Authority PO Box 308 Saint Thomas, PA 17252-0294	Franklin County Saint Thomas Township	Broad Run / 13-C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0080314 Amendment No. 3 (Sew)	Hampden Township 230 South Sporting Hill Road Mechanicsburg, PA 17050-3097	Cumberland County Hampden Township	Sears Run / 7-B	Y
PA0261653 T-1 (Sew)	Cindy W. Arnold 250 Mountain View Road Shippensburg, PA 17257	Cumberland County North Middleton Township	Conodoguinet Creek / 7-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0218821 Sewage	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701	Indiana County Cherryhill Township	Penn Run	Y
PA0218651 Sewage	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701	Indiana County East Wheatfield Township	Mardis Run	Y

\*\*\*\*Renewal individuals

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0046337 (Sewage)	Colonial Village Subdivision STP 9231 Edinboro Road PO Box 62, McKean, PA 16426	Erie County McKean Township	Thomas Run (15-A)	Y

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

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

**NPDES Permit No. PA0050504**, Sewage, **East Goshen Municipal Authority**, 1580 Paoli Pike, West Chester, PA 19380-6107.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as East Goshen Municipal Authority STP & Sewer System to Ridley Creek in Watershed 3-G.

**NPDES Permit No. PA0012637**, IW, **Conocophillips Company**, 4101 Post Road, Trainer, PA 19061-5052.

This proposed facility is located in Trainer Borough, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated process wastewater, noncontact cooling water and stormwater from a facility known as Conocophillips Trainer Refinery to Marcus Hook Creek, Delaware River Estuary Zone 4 and Stony Creek in Watershed 3-G.

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

**NPDES Permit No. PA0065331**, Industrial Waste, SIC Code 5171 and 5541, **Fowler Oil Company**, 183 Fair Avenue, Honesdale, PA 18431.

This proposed facility is located in Honesdale Borough, **Wayne County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated groundwater from an environmental remediation project that is expected to be completed in two to three years.

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

**PA0223034**, Industrial Waste, SIC Code 3316, **NLMK Pennsylvania Corp.**, 15 Roemer Boulevard, Farrell, PA 16121-2201. Facility Name: NLMK Pennsylvania Corp. This existing facility is located in Farrell City, **Mercer County**.

Description of Existing Activity: Issuance of a renewal of an NPDES permit for an existing discharge of treated industrial waste, non-contact cooling water and stormwater.

The receiving stream, the Shenango River, is located in State Water Plan watershed 20-A 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 004 are based on a design flow of 15.408 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>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
Temperature (°F)	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Iron	435	XXX	XXX	XXX	4	XXX

The proposed effluent limits for Suboutfall 104 are based on a design flow of 0.05 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	175	409	XXX	Report	Report	1053
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Iron	XXX	XXX	XXX	1.5	3	3.75
Total Lead	0.9	2.6	XXX	Report	Report	7
Total Zinc	1.2	3.5	XXX	Report	Report	9

The proposed effluent limits for Suboutfall 504 are based on a design flow of 0.5 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	1570	4189	XXX	Report	Report	759
Oil and Grease	XXX	1050	XXX	Report	Report	190
Total Iron	XXX	XXX	XXX	Report	XXX	XXX

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

- Temperature (2° rise)
- Chemical Additives
- Solids Disposal
- Electronic DMR reporting requirement

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 not in effect.

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

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

**WQM Permit No. 1500410**, Sewage, **Renewal**, **East Goshen Municipal Authority**, 1580 Paoli Pike, West Chester, PA 19380.

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

Description of Action/Activity: Permit renewal of the existing wastewater treatment plant and spray irrigation system onto 60 acres of the golf course.

**WQM Permit No. WQG02151113**, Sewage, **Thornbury Township**, 8 Township Drive, Cheyney, PA 19319-1019.

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

Description of Action/Activity: The installation of a low pressure sewer mains, individual grinder pump and appurtenances in and along roadways in an existing development.

**WQM Permit No. 2309408**, Sewage, **DELCORA**, 100 East Fifth Street, Chester, PA 19016-0999.

This proposed facility is located in the City of Chester, **Delaware County**.

Description of Action/Activity: Hydraulic re-rate of an existing plant. Increase capacity from 44 mgd to 50 mgd.

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

**WQM Permit No. 5411406**, Sewage, SIC Code 4952, **Porter-Tower Joint Municipal Authority**, 860 West Grand Avenue, Tower City, PA 17980.

This proposed facility is located in Porter Township, **Schuylkill County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Management Part II Permit for upgrades to the existing wastewater treatment plant.

**WQM Permit No. 4812410**, SIC Code 4952, **Glendon Borough Northampton County**, Borough Of Glendon, Glendon, PA 18042.

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

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

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

**WQM Permit No. 0611402**, Sewerage, **City of Reading, Berks County**, 815 Washington Street, Reading, PA 19601.

This proposed facility is located in Reading City, **Berks County**.

Description of Proposed Action/Activity: Permit approval for sewerage facilities consisting of adding 6,800 feet of new 42 inch force main, and lining portions of the existing force main to be used as a backup. Two new meters will be added at the 6th and Canal Pump Station. Seven new Air/Vacuum valves will be installed. Included also in this permit is 2,000 feet of 42 inch force main from the WWTF to Angelica Creek and two magnetic flow meters and the WWTF. These facilities are included in Contract 1 work.

**WQM Permit No. 0596408, Amendment 11-1**, Sewerage, **Chestnut Ridge Area Joint Authority**, 320 Lane Metal Road, New Paris, PA 15554-9238.

This proposed facility is located in East Saint Clair Township, **Bedford County**.

Description of Proposed Action/Activity: Permit approval to upgrade the existing treatment plant to meet proposed nutrient limits specified in the NPDES permit issued on June 21, 2011 and install new wet well, valve vault and 8" diameter force main at the Camp Pleasant Pump Station to eliminate hydraulic overload.

**WQM Permit No. 0787401, Amendment 11-1**, Sewerage, **Williamsburg Municipal Authority**, 305 East 2nd Street, Williamsburg, PA 16693-1041.

This proposed facility is located in Williamsburg Borough, **Blair County**.

Description of Proposed Action/Activity: Permit approval to demolish the existing conventional activated sludge treatment plant and construct a new Sequencing Batch Reactor (SBR) process treatment plant to meet the nutrient cap load of the Chesapeake Bay Tributary Strategy. The project includes construction of a new Headworks, three SBR basins, two aerobic digesters, sludge dewatering facility and UV disinfection.

**WQM Permit No. 3801401, Amendment 11-1**, Sewerage, **PA Department of Military & Veterans Affairs**, Bldg #0-11, Fort Indiantown Gap, Annville, PA 17003.

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

Description of Proposed Action/Activity: Permit approval for the modification of sewage facilities consisting of replacement of the existing mechanical screen with a fine screen.

**WQM Permit No. 4487402, Amendment 11-1**, Sewerage, **Burnham Borough Authority**, 200 1st Avenue, Burnham, PA 17009-1640.

This proposed facility is located in Burnham Borough, **Mifflin County**.

Description of Proposed Action/Activity: Permit approval for the modification of sewage facilities consisting of: 1) Upgrade the existing treatment plant to meet proposed nutrient limits specified in NPDES permit issued on 2/1/11 and amended on 10/25/11. 2) Construction of approximately 1800' of new 8" PVC sanitary sewer and 15 new manholes within Ridge Street, East Freedom Avenue, Poplar Street and Highland Avenue to eliminate the last remaining CSO 006. 3) Replacement of the three existing 2 HP Duplex Grinder pumps at Logan Blvd., Orchard Grove and Edwardtown Road with three new HP grinder pumps.

**WQM Permit No. 2111401 T-1**, Sewerage, **Cindy W. Arnold**, 250 Mountain View Road, Shippensburg, PA 17257.

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

Description of Proposed Action/Activity: Approval for transfer of sewerage facilities consisting of a small flow treatment plant with septic tank, peat filter, chlorination and discharge to Conodoguinet Creek.

**WQM Permit No. 3811404**, Sewerage, **Fredericksburg Sewer & Water Authority**, PO Box 161, Fredericksburg, PA 17026.

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

Description of Proposed Action/Activity: Approval for the construction of sewage facilities consisting of influent pumping station, screening, grit removal, a sequencing batch reactor, ultraviolet disinfection cascade aeration, alum feed system, supplemental carbon feed system, a caustic feed system and aerobic sludge digesters. An interceptor that will convey flow from the existing wastewater treatment facility to the new plant site. A collection system for the South Fredericksburg Sewage Needs Area.

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

**WQM Permit No. 0310401**, Sewerage, **West Hills Area WPCA**, 257 Linde Road, Kittanning, PA 16201

This proposed facility is located in E. Franklin & N. Buffalo Twps., **Armstrong County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers, force main and pump station.

**WQM Permit No. 6311403**, Sewerage, **Chartiers Township**, 2 Buccaneer Drive, Houston, PA 15342

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

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

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

**WQM Permit No. 4271401**, Sewage, **Amendment, Bradford Sanitary Authority**, 28 Kennedy Street, Bradford, PA, 16701.

This existing facility is located in City of Bradford, **McKean County**.

Description of Proposed Action/Activity: This permit approves the construction/modification/operation of sewerage wastewater facilities.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010908008	WB Homes, Inc. 404 Sumneytown Pike Suite 200 North Wales, PA 19454	Bucks	Milford Township	Unami Creek (HQ-TSF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026410005	Silvio Vitiello 563 Carlton Road Tobyhanna, PA 18466	Wayne	Dreher Twp.	Wallenpaupack Creek, HQ-CWF, MF
PAI023911003	Lehigh Valley Animal Hospital 6350 Tilghman St. Allentown, PA 18106	Lehigh	Upper Macungie Twp.	Iron Run, HQ-CWF, MF
PAI024805014R	Signature Homes by J.T. Maloney P. O. Box 9 Center Valley, PA 18034	Northampton	Tatamy Borough	Bushkill Creek, HQ-CWF, MF

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717-705-4802.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030711001	Williamsburg Municipal Auth. (Woodbury Twp. Sanitary Sewer Project) 305 East Second Street Williamsburg, PA 16693	Blair	Williamsburg Borough and Woodbury Township	Frankstown Branch Juniata River (TSF, MF), Piney Creek (HQ-CWF, MF), and UNTs to Frankstown Branch Juniata River (WWF, MF)
PAI034411003	Mr. Robert C. Knepp Burnham Borough Authority 200 First Avenue Burnham, PA 17009	Mifflin	Burnham Borough	Kishacoquillas Creek (HQ-CWF, MF)

#### VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Makefield Township Bucks County	PAG0200 0910036	Erin Development Company 301 Oxford Valley Road Suite 501A Yardley, PA 19067	Rock Run Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newtown Township Bucks County	PAG0200 0911050	Newtown Crossing Community Association 206 Hidden Valley Drive Newtown, PA 18940	Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem and Bristol Townships Bucks County	PAG0200 0911076	Aqua America 762 West Lancaster Avenue Bryn Mawr, PA 19010-3402	Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Wrightstown Township Bucks County	PAG0200 0911053	Wrightstown Township 2203 Second Street Pike Wrightstown, PA 18940	Neshaminy Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAG0200 09090998-R	Temple Judea of Bucks County 300 East Swamp Road Doylestown, PA 18901	Unnamed Tributary Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Brookhaven and Parkside Boroughs and City of Chester Delaware County	PAG0200 2311801	Texas Eastern Transmission, LP 890 Winter Street, Ste 300 Waltham, MA 02451	Ridley Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Skippack Township Montgomery County	PAG0200 4611068	James Daugenbaugh 2024 Bridge Road Po Box 124 Cedars, PA 19423	Unnamed Tributary Skippack Creek	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4612005	Jeremiah Kaplan 102 Harvard Lane Bryn Mawr, PA 19010	Stony Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Franconia Township Montgomery County	PAG0200 4603163-1R	Christopher Canavan 404 Sumneytown Pike, Ste 200 North Wales, PA 19454	Indian Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAG0200 4608055	Raymond Au 1350 Elon Circle Fort Washington, PA 19034	Unnamed Tributary Neshaminy Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG0200 4611066	Lorenzo A. Desimone 750 Black Rock Road Collegeville, PA 19426	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAG0200 4611061	Jason James Two North Ninth Street (Genn3) Allentown, PA 18101	Unnamed Tributary Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAG0200 4611029	Michael Gambone 1030 West Germantown Pike PO Box 287 Fairview Village, PA 19409	Schuylkill River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511129	Granary Partners, LP 1425 Walnut Street, Suite 300 Philadelphia, PA 19102	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pine Grove Twp., Schuylkill Co.	PAG02005404037R	Newstead Development LLC PO Box 163 Pine Grove, PA 17963	UNT to Upper Little Swatara Creek, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Porter Twp., Schuylkill Co. and Williams Twp., Dauphin Co.	PAG02005411016	Porter Tower Joint Municipal Authority 860 West Grand Ave. Tower City, PA 17980	Wiconisco Creek, WWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Muhlenberg Twp Berks County	PAG02000611036	Frank Sabatucci Re/Max Reading 1290 Broadcasting Road Wyomissing, PA 19610	Laurel Run / WWF, MF	Berks Co Conservation District 1238 County Welfare Rd, Ste 200 Leesport, PA 19533 610.372.4657
Sinking Spring Boro Berks County	PAG02000611052	McDonald's USA LLC c/o Bill Zuccarello 801 Lakeview Drive, Suite 302 Blue Bell, PA 19422	Ironworks Creek, Mill Creek / TSF/MF	Berks Co Conservation District 1238 County Welfare Rd, Ste 200 Leesport, PA 19533 610.372.4657
City of Altoona Blair County	PAG02000712001	WEO, Inc. Carl Ehgartner 6030 6th Avenue Altoona, PA 16602	UNT Brush Run/WWF	Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877
Lower Allen Twp. Cumberland County	PAG02002111019	Walmart Real Estate Business Trust Walmart Store #5888 2001 SE 10th St., Mail Stop 5570 Bentonville, AR 72716	Cedar Run/ CWF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Monroe Township Cumberland County	PAG02002111022	Five Way Partners Middle Farm Homestead One Fawcell Place, Suite 131 Greenwich, CT 06830	Yellow Breeches/ CWF, MF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812
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
West Hanover Twp. Dauphin County	PAG02002211044	Richard Yingst 4712 Smith Street Harrisburg, PA 17109	Walnut Run/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Southampton Township Franklin County	PAG02002811034	Timber Hill Water Tank/ Earl Parshall Shippensburg Boro Authority PO Box 129 Shippensburg, PA 17257-0129	Furnace Run/ CWF/MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202
Waynesboro Boro Franklin County	PAG02002812004	WASD Practice Field Dwight Needham 210 Clayton Avenue Waynesboro, PA 17268	East Branch Antietam Creek/CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202
Greene Township Franklin County	PAG02002811037	Michael Hurt M&T Properties 86 Monroe Drive Chambersburg, PA 17201	UNT to Conococheague Creek/CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202
Huntingdon Boro Huntingdon County	PAG02003112001	Jeff Meadows Juniata College 1700 Moore Street Huntingdon, PA 16652	Muddy Run/WWF	Huntingdon County Conservation District 10605 Raystown Road, Suite A Huntingdon, PA 16652
Fayette Township Juniata County	PAG02033406004R	Don Haubert 15 Central Boulevard Camp Hill, PA 17011	Little Lost Creek/TSF	Juniata County Conservation Dist 146 Stoney Creek Drive, Suite 4 Mifflintown, PA 17059
Union Township Mifflin County	PAG02004410007	Paul B LLC 50 Woodcorner Road Lititz, PA 17543	Kishacoquillas Creek/ CWF	Mifflin County Conservation Dist 20 Windmill Hill #4 Burnham, PA 17009
Fairview Township York County	PAG020067090051	Ajesh Patel East Coast Management 3737 Route 46 East Parsippany, NJ 07054	Yellow Breeches Creek / CWF	York Co. Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717.840.7430

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Springettsbury Township York County	PAG02006711057	Brian Rowe 114 North Main Street Suite 100 Suffolk, VA 23434	UNT to Mill Creek/ Codorus Creek/WWF	York Co. Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717.840.7430
West Hanover Township York County	PAG02002212006	Triple Fleet Services, Inc. 352 N. Fairville Avenue Harrisburg, PA 17112	Manada Creek/ WWF	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Windsor Township York County	PAG02006711054	Keith Kahwajy Red Lion Municipal Authority 11 East Broadway Red Lion, PA 17356	Cabin Creek / WWF, MF	York Co. Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717.840.7430

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Athens Township Bradford County	PAG02000812013	Dan Sparks Chesapeake Energy Corporation 6100 N Western Ave Oklahoma City OK 73118	Chemung River WWF	Bradford County Conservation District Stoll Natural Resource Center 200 Lake Rd Ste E Towanda PA 18848 (570) 265-5539 X 120
Boggs Township Centre County	PAG02001412002	J Alan Witherite II Tavern Terrace Townhomes 121 Allara Ln Bellefonte PA 16823	Bald Eagle Creek CWF	Centre County Conservation District 414 Holmes Ave Suite 4 Bellefonte PA 16823 Phone: (814) 355-6817
Muncy Township Lycoming County	PAG02004107004R	Jeff Camp Vision Properties LLC 633 W Germantown Pike Ste 104 Plymouth Meeting PA 19462	Turkey Run WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
Muncy Creek Township Lycoming County	PAG02004111007	Jason Mitchell JC Bar Development LLC 3100 Market St Camp Hill PA 17011	Muncy Creek TSF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville PA 17754 (570) 433-3003
City of Shamokin Coal Township Northumberland County	PAG02004912001	Shamokin-Coal Twp Jt Sewer Auth 114 Bridge St Shamokin PA 17872	Carbon Run CWF, MF Furnace Run CWF, MF Shamokin Creek WWF, MF	Northumberland Cnty Conservation Dist 441 Plum Creek Rd Sunbury PA 17801 (570) 286-7114 Ext. 4
Shinglehouse Borough Potter County	PAG02005310001R	Robert C Whiteman Oswayo Valley S D 277 Oswayo St Shinglehouse PA 16748	Oswayo Creek CWF	Potter County Conservation District 107 Market St Coudersport PA 16915 Phone: (814) 274-8411 ext. 4
Monroe Township Snyder County	PAG02005507001R	John P Dionis PREIT Services LLC 200 S Broad St Philadelphia PA 19102	UNT to Susquehanna River WWF	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:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Ebensburg Borough Cambria Township Cambria County	PAG02001111023	Ebensburg Borough Municipal Authority 300 West High St. Ebensburg, PA 15931	UNT to South Branch of Blacklick Creek (CWF) Howells Run (CWF) UNT to North Branch of Little Conemaugh River (CWF)	Cambria County CD 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 (814) 472-2120
Adams Township Butler County	PAG02001011028	S&A Homes 2121 Old Gatesburg Road State College PA 16803	Breakneck Creek WWF	Butler Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001012008	21 Stockton Ridge Inc 116700 Woodiebrook Road Chardon OH 44024	Brush Creek WWF	Butler Conservation District 724-284-5270
Foster Township McKean County	PAG02004212001	Bradford Sanitary Authority 28 Kennedy Street Bradford PA 16701	Tunungwant Creek WWF	McKean Conservation District 814-887-4001

*General Permit Type—PAG-03*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Telephone No.</i>
Hatfield Township Montgomery County	PAR800155	Colmar Terminal Inc. 3251 Trewigtown Road Colmar, PA 18915	Unnamed Tributary to West Branch Neshaminy Creek—2F	Southeast Region Clean Water Program 484.250.5970
Eddystone Borough Delaware County	PAR900021	Liberty Electric Power LLC 1000 Industrial Highway Eddystone, PA 19022	Crum Creek—3G	Southeast Region Clean Water Program 484.250.5970
Lititz Borough Lancaster County	PAR203543	Woodstream Corporation 69 N. Locust Street Lititz, PA 17543	UNT to Lititz Run / WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Fayette Township Juniata County	PAR603601	Cocolamus Creek Disposal Services, Inc. 31109 Route 35 N. McAlisterville, PA 17049	UNT of Cocolamus Creek / TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Morgan Township Greene County	PAR226123	Wilson Forest Products, Inc. PO Box 269 Jefferson, PA 15344	South Fork Ten Mile Creek	Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Adams Township Butler County	PAR118331	BASF Corporation 1424 Mars-Evans City Road Evans City, PA 16033	Breakneck Creek 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942



*General Permit Type-PAG-8**Facility Location:  
Municipality &  
County*Hampden Township  
Cumberland County*Permit No.*

PAG083568

*Applicant Name &  
Address*Hampden Township  
230 South Sporting  
Hill Rd.  
Mechanicsburg, PA 17050*Site Name &  
Location*Roth Lane Wastewater  
Treatment Plant  
4200 Roth Lane  
Mechanicsburg, PA 17050*Contact Office &  
Phone No.*DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County*Richmond Township  
Berks County*Permit No.*PAG080002  
PAG080005  
PAG080007  
PAG080011  
PAG080013  
PAG080017  
PAG080018  
PAG080020  
PAG082203  
PAG083518  
PAG083522  
PAG083533  
PAG083551  
PAG083605  
PAG089910*Applicant Name &  
Address*Jesse Baro, Inc.  
157 Quarry Road  
Douglassville, PA 19518*Site Name &  
Location*Kehl Home Farm  
Richmond Twp.  
Berks County*Contact Office &  
Phone No.*DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707*General Permit Type—PAG-12**Facility Location:  
Municipality &  
County*Metal Township  
Franklin County*Permit No.*

PAG123725

*Applicant Name &  
Address*Junbro Farms LLC  
14492 Path Valley Road  
Willow Hill, PA 17271*Receiving  
Water / Use*West Branch  
Conococheague Creek /  
CWF*Contact Office &  
Phone No.*DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 0511504 MA, Minor Amendment, Public Water Supply.**

Applicant

**New Enterprise Water Association**

Municipality

South Woodbury Township

County

**Bedford**

Responsible Official

Ray Reasy, President  
RR 1 Box 326  
New Enterprise, PA 16664

Type of Facility 4-Log Demonstration.  
 Consulting Engineer Timothy A Cooper, P.E.  
 Stiffler McGraw & Associates Inc  
 19 N Juniata Street  
 Hollidaysburg, PA 16648

Permit to Construct 2/10/2012  
 Issued:

**Permit No. 6711514 MA, Minor Amendment, Public Water Supply.**

Applicant **ATG Properties, LLC**  
 Municipality Hellam Township  
 County **York**  
 Responsible Official Leanne Heller,  
 Operations Manager  
 PO Box 677  
 Morgantown, PA 19543

Type of Facility 4-log Demonstration.  
 Consulting Engineer James A. Cieri, P.E.  
 ACT ONE Consultants, Inc.  
 200 S. 41 Street  
 Harrisburg, PA 17111

Permit to Construct 2/10/2012  
 Issued:

**Permit No. 6711512, Public Water Supply.**

Applicant **Red Lion Municipal Authority**  
 Municipality Windsor Township  
 County **York**  
 Responsible Official Keith Kahwajy, Superintendent  
 PO Box 190 Center Square  
 Red Lion, PA 17356

Type of Facility A new 3.5 MGD water treatment Plant and residuals handling facility at the Cabin Creek site. The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the funding source for this project. The Department determined that this project will not individually, cumulatively over time, or in conjunction with other federal, state, local or private actions, have a significant effect on the quality of the environment. On February 21, 2012, the Department approved the project for a categorical exclusion from the State Environmental Review Process (SERP).

Consulting Engineer Jamie R. Shambaugh, P.E.  
 Gannett Fleming, Inc.  
 PO Box 67100  
 Harrisburg, PA 17106-7100

Permit to Construct 2/24/2012  
 Issued:

**Operations Permit** issued to: **Borough of Chambersburg**, 7280005, Greene Township, **Franklin County** on 2/24/2012 for the operation of facilities approved under Construction Permit No. 2808504 MA.

**Operations Permit** issued to: **Aqua Pennsylvania, Inc.**, 7210048, Monroe Township, **Cumberland County** on 2/8/2012 for the operation of facilities approved under Construction Permit No. 2111502 MA.

**Operations Permit** issued to: **Shippensburg Borough Authority**, 7210043, Shippensburg Borough, **Cumberland County** on 2/8/2012 for the operation of facilities approved under Construction Permit No. 2111507 MA.

**Operations Permit** issued to: **Urban Perry Manor, LLC (Perry Manor Apts)**, 7500026, Oliver Township, **Perry County** on 2/24/2012 for the operation of facilities submitted under Application No. 5011511 MA.

**Operations Permit** issued to: **Mt. Rock Manor**, 7280053, Southampton Township, **Franklin County** on 2/24/2012 for the operation of facilities submitted under Application No. 2811504 MA.

**Operations Permit** issued to: **Loysville Youth Development Center**, 7500031, Tyrone Township, **Perry County** on 2/23/2012 for the operation of facilities submitted under Application No. 50120502 MA.

**Operations Permit** issued to: **Southern Cumberland Water Association**, 7210053, Southampton Township, **Cumberland County** on 2/10/2012 for the operation of facilities submitted under Application No. 2112501 MA.

**Operations Permit** issued to: **Woodbury Water Authority**, 4050023, Woodbury Borough, **Bedford County** on 2/24/2012 for the operation of facilities submitted under Application No. 0512501 MA.

**Operations Permit** issued to: **Country Acres MHP**, 7380026, Jackson Township, **Lebanon County** on 2/23/2012 for the operation of facilities submitted under Application No. 3811515 MA.

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

**Permit No. 0889510-T1—Operation Public Water Supply.**

Applicant **Hart's Mobile Home Park**  
 [Township or Borough] Rome Borough  
 County **Bradford**  
 Responsible Official Mr. Roger Brown  
 Hart's Mobile Home Park  
 119 North Fifth Street  
 Towanda, PA 18848

Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued February 21, 2012  
 Description of Action Transfer and operation of Well #1.

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

Applicant **Oak-Lynn Manor**  
 [Township or Borough] Wolf Township  
 County **Lycoming**  
 Responsible Official Mr. Jon P. Hall  
 Phil Hall Real Estate  
 P. O. Box 438  
 Montoursville, PA 17754

Type of Facility Public Water Supply

Consulting Engineer	N/A	Description of Action	Construction and Operation of the new water treatment system. System includes a 1,625 gal. pretreatment tank; Sentry I open air methane removal system (baffled tank, vent, pump and calcium hypochlorite pellet feeder); Kinetico 4060F dual activated carbon/Macrolite filtration system; 5 micron nominal dual-gradient density cartridge filtration system; Freshpoint UF filtration system; sodium hypochlorine feed system; two 1,625 gal. finished water tanks; and several booster pump/hydropneumatic systems.
Permit Issued	February 28, 2012		
Description of Action	4-log inactivation of viruses at Entry Point 100 (Well No. 1).		
<b>Permit No. Minor Amendment—Operation</b>	<b>Public Water Supply.</b>		
Applicant	<b>American Modern Homes</b>		
[Township or Borough]	Rome Township		
County	<b>Bradford</b>		
Responsible Official	Mr. Jon P. Hall Phil Hall Real Estate P. O. Box 438 Montoursville, PA 17754		
Type of Facility	Public Water Supply		
Consulting Engineer	N/A		
Permit Issued	February 28, 2012		
Description of Action	4-log inactivation of viruses at Entry Point 100 (Well No. 1).		
<b>Permit No. Minor Amendment—Operation</b>	<b>Public Water Supply.</b>		
Applicant	<b>Foxcroft Manor Mobile Home Park</b>		
[Township or Borough]	Muncy Creek Township		
County	<b>Lycoming</b>		
Responsible Official	Mr. Jon P. Hall Phil Hall Real Estate P. O. Box 438 Montoursville, PA 17754		
Type of Facility	Public Water Supply		
Consulting Engineer	N/A		
Permit Issued	February 28, 2012		
Description of Action	4-log inactivation of viruses at Entry Point 101 (Well No. 1).		
<b>Permit No. 5911501—Construction and Operation</b>	<b>Public Water Supply.</b>		
Applicant	<b>Pleasant Village Mobile Home Park</b>		
[Township or Borough]	Putnam Township		
County	<b>Tioga</b>		
Responsible Official	Mr. Michael Geiser Effective MHP, LLC 3215 Stein Lane Lewisburg, PA 17837		
Type of Facility	Public Water Supply		
Consulting Engineer	Ben Gilberti, P.E. HRG, Inc. 474 Windmere Drive, Suite 100 State College, PA 16801		
Permit Issued	February 28, 2012		
		<b>Nelson Township Municipal Authority</b> (Public Water Supply), <b>Tioga County</b> : On February 23, 2012, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for Nelson Township Municipal Authority. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327-3650).	
		<i>Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745</i>	
		<b>Permit No. 0211513</b> , Public Water Supply.	
Applicant		<b>Municipal Authority of the Borough of Oakmont</b> , PO Box 73, 721 Allegheny Avenue, Oakmont, PA 15139	
[Borough or Township]	Indiana Township		
County	<b>Allegheny</b>		
Type of Facility	Richhill water storage tank		
Consulting Engineer	NIRA Consulting Engineers, Inc. 950 Fifth Avenue Coraopolis, PA 15108		
Permit to Construct Issued	February 23, 2012		
		<b>Permit No. 0211517</b> , Public Water Supply.	
Applicant		<b>Municipal Authority of the Borough of Oakmont</b> , PO Box 73, 721 Allegheny Avenue, Oakmont, PA 15139	
[Borough or Township]	Indiana Township		
County	<b>Allegheny</b>		
Type of Facility	Indianola water storage tank		
Consulting Engineer	NIRA Consulting Engineers, Inc. 950 Fifth Avenue Coraopolis, PA 15108		
Permit to Construct Issued	February 23, 2012		

**Permit No. 3211507**, Public Water Supply.

Applicant **Green Township Municipal Authority**  
 PO Box 129  
 77 Musser Street  
 Commodore, PA 15729

[Borough or Township] Green Township

County **Indiana**

Type of Facility Water system

Consulting Engineer Keller Engineers, Inc.  
 420 Allegheny Street  
 PO Box 61  
 Hollidaysburg, PA 16648

Permit to Construct February 22, 2012  
 Issued

**Permit No. 1111512**, Public Water Supply.

Applicant **Glendale Valley Municipal Authority**  
 1800 Beaver Valley Road  
 Flinton, PA 16640

[Borough or Township] White Township

County **Cambria**

Type of Facility Water system

Consulting Engineer Keller Engineers, Inc.  
 420 Allegheny Street  
 PO Box 61  
 Hollidaysburg, PA 16648

Permit to Construct February 22, 2012  
 Issued

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

**Operation Permit** issued to **Castle Haven Inc. d/b/a Rocky Ridge Village**, PWSID #6610032, Sandycreek Township, **Venango County**. Permit Number 6188505-MA1, issued February 22, 2012 for the operation of 4-Log treatment of viruses for Entry Point 132. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to **Sugar Creek Station**, PWSID #6610002, Sugarcreek Borough, **Venango County**. Permit Number 6179501-T1-MA1 issued February 22, 2012 for the operation of the 75,000 gallon elevated steel water storage tank located at the UPMC Senior Communities Sugar Creek Station facility. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on January 12, 2012.

**Operation Permit** issued to **West Sheffield Water Association**, PWSID #6620007, Sheffield Township, **Warren County**. Permit Number 6286501-MA1, issued February 27, 2012 for the operation of 4-Log treatment of viruses for Entry Point 117. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to **Edgar Mountain Management Co., LLC d/b/a Woodbine Oaks Mobile Home Park**, PWSID #5100004, Oakland Township, **Butler County**. Permit Number 1009501 issued February 27, 2012 for the operation of the Woodbine Oaks Mobile Home Park located near the intersection of Baumgart Lane and Chicora Road in Oakland Township, Butler, Pennsylvania. This permit is issued in response to an operation inspection conducted by Department of Environmental Protection personnel on November 16, 2011.

**STORMWATER MANAGEMENT**

**Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)**

*Bureau of Point and Non-Point Source Management, P. O. Box 8774, Harrisburg, Pennsylvania 17105-8774*

**The Crum Creek Act 167 Stormwater Management Plan**, submitted by **Delaware County** and **Chester County**, was approved on February 27, 2012. This plan applies to all areas of the Crum Creek watershed within Delaware County and Chester County.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cromwell Township	10999 Valley Street, Shirleysburg, PA 17260	Huntingdon

*Plan Description:* The approved plan provides for extending sewers to 80 EDUs and the Southern Huntingdon High School in the Pogue and Pine Tree Village areas of the township including a pump station and force main within the collection system. The proposed sewer extension is tributary to the Orbisonia Rockhill Joint Municipal Authority sewage collection and treatment system and includes the decommissioning of the Southern Huntingdon High School sewage treatment plant. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report,

risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Biase & Nugent Property**, North Wales Township, **Montgomery County**. Jason Pero, Brilliant Environmental Services, 3070 Bristol Pike, Building 2, Suite 105, Bensalem, PA 19020, Anthony Paratore, Miller Environmental Group, Inc. 105 Riverview Drive Paulsboro, NJ 08066 on behalf of Christine Nugent, 312 West Walnut Street, North Wales, PA 19454 has submitted a 90 day Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**538-552 West Lancaster Avenue Property**, Lower Merion Township, **Montgomery County**. Michael A. Christie, PG, Penn E&R, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Daniel Polett & Scott Lustgarten, Dan Scott 538 Lancaster, LP, 568 West Lancaster Avenue, Haverford PA 19041 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard.

**PECO Distribution Pole #29717**, Bedminster Township, **Bucks County**. George Horvat, PECO, 2301 Market Street, Philadelphia, PA 19103 has submitted a 90 day Final Report concerning remediation of site pcb contaminated with soil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Rite Aid Store 3495-03**, Borough of Royersford, **Montgomery County**. Jeffrey T. Bauer, PG, Whitestone Associates, Inc. 21600 Manor Drive, Suite 220, Chalfont, PA 19446 on behalf of Richard Bradley, Rite Aid Pennsylvania, 11750 Bustleton Avenue, Philadelphia, PA 19116 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**905 Montgomery Avenue Site**, Lower Merion Township, **Montgomery County**. James Manuel, REPSG, 6901 Kingessing Avenue, Philadelphia, PA 19142, Brenda Kellogg, REPSG, 6901 Kingessing Avenue, Philadelphia, PA 19142, Lee Brahin, Brahin Properties, Inc. 1535 Chestnut Street, Philadelphia, PA 19102 on behalf of Joe Savaro, Trust UWO Leon Freeman, 1535 Chestnut

Street, Philadelphia, PA 19102 has submitted a Cleanup Plan and Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Pitt Estate**, Jenkintown Borough, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Clare Erskine, Allstate Company, 1200 Atwater Drive, Suite 110, Malvern, PA 19355 on behalf of Courtney Pitt, 429 Clement Road, Jenkintown, PA 19046 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Westnor LP Facility**, West Norriton Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Martin MacGregor, Westnor, L.P. 10059 Sandmeyer Lane, Philadelphia, PA 19116 has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil and groundwater contaminated with pce. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Delaware Valley Interchange MP 358**, Bristol Township **Bucks County**. John R. Boullanger, GAI Consultants, Inc., 385 East Waterfront Drive, Homestead, PA 15120-5005 on behalf of Deann S. Metro, P.E., Pennsylvania Turnpike Commission, PO Box 67676, Harrisburg, PA 17106 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Minute Man Press**, Bristol Township, **Bucks County**. Staci Cottone, J&J Spill Service and Supplies, Inc., PO Box 370, Blue Bell, PA 19422 on behalf of Ted Pagano, 1 Kerlin Court, Garnett Valley, PA 19060 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Florig Equipment Company Inc.**, Plymouth Township, **Montgomery County**. Craig Herr, RT Environmental Services Inc., 125 West Church Road, King of Prussia PA 19406 on behalf of Edmund Mullin, Esq, Hamburg Ruben Mullen, and Maxwell and Lupin, PCE, 375 Morris Road, Lansdale, PA 19466 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sunoco Pipeline LP Marcus Hook Tank Farm**, Upper Chichester Township, **Delaware County**. Tiffanie Doerr, PG, Auaterra Technologies, 122 South Church Street, West Chester, PA 19382, Brad Fish, Sunoco Logistics Partners, 10 Industrial Highway, MS4, Lester, PA 19029 on behalf of Gus Bozkland, Sunoco Pipeline, LP, 1818 Market Street, Suite 1500, Philadelphia, PA 19103 has submitted a 90 day Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sunoco Inc. Philadelphia Refinery Schuylkill River Tank Farm AO1-8**, City of Philadelphia, **Philadelphia County**. Colleen Costello, Langan Engineering and Environmental Services, 30 South 17th Street, Suite

1500, Philadelphia, PA 19103, James Oppenheim, Sunoco, Inc., (R&M) 100 Green Street, Marcus Hook, PA 19061 on behalf of Scott Baker, Sunoco, Inc. (R&M) 3144 Passyunk Avenue, Philadelphia, PA 19145 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with leas and other organics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Dillon Residence**, Bristol Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Clark Miller, State Farm Insurance, PO Box 8061 Ballston Spa, NY 12020-8061 on behalf of Mr. Buddy and Mrs., Elizabeth Dillon, 115 Violet Wood Drive, Levittown, PA 19054 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Willow Grove Home Depot**, Upper Moreland Township, **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Neil Doornheim, Willow Grove, York LP, 1401 Broad Street, Clifton, NJ 07013 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Family Center Building**, City of Philadelphia, **Philadelphia County**. Thomas Buggey, Roux Associates, Inc. 1222 Forest Parkway, Suite 1909, West Deptford, NJ 08066 on behalf of Charles Silverman, PA Department of General Services, 515 North Office Building, Harrisburg, PA 17125 has submitted a 90 day Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Albert Einstein Medical Center**, City of Philadelphia, **Philadelphia County**. Thomas R. Marks, Marks Environmental, Inc., 140 Bollinger Road, Elverson, PA 19520 on behalf of Craig Sieving, Albert Einstein Medical Center, 5501 Old York Road, Philadelphia, PA 19141 has submitted a Final Report concerning remediation of site Soil groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**33-51 East Laurel Street Site**, City of Philadelphia, **Philadelphia County**. Brooke Ann Briganti, EWMA, 1 Princess Road, Suite B, Lawrenceville, NJ 08648 on behalf of 33-51 East Laurel Street, LLC, 45 Deal Street, Harrington, NJ 07640 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with other organic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Red Lion Inn**, Bensalem Township, **Bucks County**. Richard S. Werner, Environmental Consulting, Inc. 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Robert White, Redevelopment Authority of the County of Bucks, 1 North Wilson Avenue, Bristol, PA 19007 has submitted a Final Report concerning remediation of site groundwater contaminated with diesel fuel, no 2 fuel oil, unleaded gasoline and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Horning Residence**, Tredyffrin Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18703, Linda Arniel,

Allstate Insurance, 1200 Atwater Drive, Suite 110, Malvern PA 19355, Cheryl Carr, Allstate Insurance, 1200 Atwater Drive, Suite 110, Malvern PA 19355 on behalf of Mrs. Lori and Mr. Paul Horning 513 Delancey Circle, Devon, PA 19333 has submitted a Final Report concerning remediation of site soil contaminated with no.2 fuel oil The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Edwards Residence**, Lower Chichester Township **Delaware County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Clare Erskine, Allstate Insurance, 1200 Artwater Drive, Suite 110, Malvern, PA 19355, Bill Neef, ServiceMASTER by ARtec, 150 Baltimore Avenue, PO Box 271, Clifton Heights, PA 19018 on behalf of Raven Edwards, 1309 Market Street, Linwood, PA 19061 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Former Corning Frequency Control Plant 2**, 100 Watts Street, Mount Holly Springs, PA 17065, Borough of Mount Holly Springs, **Cumberland County**. Weston Solutions, Inc., 1400 Weston Way, PO Box 2653, West Chester, PA 19380, on behalf of Corning Incorporated, HP-ME-03-83, Corning, NY 14831 and Vectron International, Inc., 100 Watts Street, Mount Holly Springs, PA 17065, submitted a Remedial Investigation and Risk Assessment Report concerning remediation of site soils contaminated with VOCs and chlorinated solvents. The site will be remediated to the Site-Specific standard.

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

**Mallard Contractors/Sunoco Pipeline Release**, Coal Township, **Northumberland County**. Crawford Environmental Services, 195 Proudfoot Drive, Birdsboro, Pa 19508 on behalf of Mallard Contracting Company has submitted a Final Report concerning remediation of site soil contaminated with benzene, ethylbenzene, Isopropylbenzene (cumene), methyl tertiary butyl ether (MTBE), naphthalene, toluene, xylenes (total), 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Non-residential Statewide Health Standard.

**Former Agway (YAWGA) Energy Products Facility**, Borough of Turbotville, **Northumberland County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310 Harrisburg, PA 17110-9307 on behalf of Former Agway (YAWGA) Energy Products has submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Pocono Produce Company**, Greene Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of Pocono Produce Company, P. O. Box 669, Stroudsburg, PA 18360 has submitted a Final Report concerning remediation of site soil contaminated with an unknown amount of diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**New Castle Industries—Tanner Plating Division**, City of New Castle, **Lawrence County**. SE Technologies, LLC, 98 Vanadium Road, Building D 2nd Floor, Bridgeville, PA 15017 on behalf of New Castle Industries, Inc.—Tanner Plating Division, 925 Industrial Street, New Castle, PA 16102 has submitted a Cleanup Plan concerning remediation of the site soil contaminated with Antimony, Chromium and site groundwater contaminated with Antimony, Chromium, and Arsenic. The Cleanup plan is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Mays Phillips Lane Site**, Robinson Township, **Allegheny County**. Rob Anderson, ARCADIS US, Inc, 310 Seven Fields Blvd, Suite 210, Seven Fields, Pennsylvania, 16046 on behalf of Beazer East Inc, Braskem America Inc. and Ashland Inc., has submitted a Pathway elimination Report and a Cleanup Plan concerning the remediation of site soils and groundwater contaminated with semi-volatile organics, PAH's, phthalate esters, volatile organic chemicals and metals at 5992 Steubenville Pike, McKees Rocks, PA 15136. The CP was noticed in the *Tribune-Review* on January 25, 2012.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

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

existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Regency City Avenue**, City of Philadelphia **Philadelphia County**. George Keil, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Eric Silvers, Regency Centers, LP. One Independent Drive, Suite 114, Jacksonville, FL 32202 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with inorganic. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 9, 2011.

**City Avenue Shopping Center**, City of Philadelphia, **Philadelphia County**. George Keil, URS Corporation, 335 Commerce Drive Suite 300, Fort Washington, PA 19034, Sherry Adams, URS Corporation, 335 Commerce Drive Suite 300, Fort Washington, PA 19034 on behalf of Eric Silvers, City Line Shopping Center Associates, One Independent Drive, Suite 114, Jacksonville, FL 32202 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with pce and other organics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 9, 2011.

**Pathen Chemical Site**, City of Philadelphia, **Philadelphia County**. Bill Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104 on behalf of Sandy Salzman, New Kensington CDC, 2515 Frankford Avenue, Philadelphia, PA 19125 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents and pah, lead, inorganics. The Cleanup Plan and Remedial Investigation were approved by the Department on January 5, 2012.

**Knights Road Shopping Center**, City of Philadelphia, **Philadelphia County**. Nancy Leitner, Island Environmental, Inc., 4252 Old National Pike, Suite 4, Middletown, MD 21769 on behalf of Phillip Schanzer, Knights Road Shopping Center, LP, 708 Third Avenue, New York, NY 10017-4146 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on February 2, 2012.

**201 South Caln Road Multi-Family Properties**, Caln Township **Chester County**. Michael Welsh, Welsh Environmental, Inc., 131 Cleaview Drive Downingtown, PA 19335 on behalf of Tim Townes, Southdown Properties, Inc., 55 County Club Drive, Downingtown, PA 19335 has submitted a Cleanup Plan concerning the remediation

tion of site soil contaminated with metals. The Cleanup Plan was approved by the Department on January 20, 2012.

**Synthes, East Goshen Township Chester County.** Daniel F. Eerdamn Keystone E-Science Group, Inc. 590 East Lancaster Avenue, Suite 200, Frazer, PA 19355 on behalf of Bryan Lee, Synthes USA, HQ, Inc., 1302 Wrights Lance East, West Chester, PA 19380 has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 9, 2012.

**Sunoco Inc. Philadelphia Refinery Schuylkill River Tank Farm AO1-10, City of Philadelphia, Philadelphia County.** James Oppenshiem, Sunoco, Inc. (R&M) 100 Green Street, Philadelphia, PA 19145 on behalf of Colleen Costello, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1500, Philadelphia, PA 19103 has submitted a Remedial Investigation Report concerning the remediation of site groundwater and soil contaminated with petroleum compounds. The Remedial Investigation Report was approved by the Department on January 6, 2012.

**West Conshohocken MGP Gulph Creek Site, West Conshohocken Borough Montgomery County.** Bruce Middleman, Stantec, 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 on behalf of Benjamin Henry, PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA 19101 has submitted a Final Report concerning the remediation of site groundwater contaminated with inorganics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on Site Specific Standard.

**Horning Residence, Tredyffrin Township Chester County.** Richard D. Trimpi Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Linda Arniel, Allstate Insurance, 1200 Atwater Drive, Suite 110, Malvern PA 19355, Cheryl Carr, Allstate Insurance, 1200 Atwater Drive, Suite 110, Malvern PA 19355, Bill Neef, ServiceMASTER by ARTec, 150 Baltimore Avenue, PO Box 271, Clifton Heights, PA 19018 on behalf of Mrs. Lori and Mr. Paul Horning, 513 Delancey Circle, Devon, PA 19333 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 25, 2012.

**Edwards Residence, Lower Chichester Township Delaware County.** Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Clare Erskine, Allstate Insurance, 1200 Artwater Drive, Suite 110, Malvern, PA 19355, Bill Neef, ServiceMASTER by ARTec, 150 Baltimore Avenue, PO Box 271, Clifton Heights, PA 19018 on behalf of Raven Edwards, 1309 Market Street, Linwood, PA 19061 has submitted a Final Report. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 25, 2012.

**Emico Property, Perkasio Borough Bucks County.** Andrew R. Fetterman, P.G. Synergy Environmental, Inc. 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, I Scott Renneisen, P.G. Synergy Environmental, Inc. 155 Railroad Plaza, 1st Floor, Royersford, PA 19468 on behalf of Christopher B. French, Central Bucks Associates, PO Box 252, Bedminster, PA 18910-0252 has submitted a Cleanup Plan/Remedial Investigation Report and Final

Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Cleanup Plan/Remedial Investigation and Final Report were disapproved by the Department on November 4, 2011.

**USPS 30th Street VMF, City of Philadelphia, Philadelphia County.** Glenn Randall, URS Corporation, 335 Corporation Drive, Fort Washington, PA 19034 on behalf of Cheryl Drach, US Postal Service, 22 West Maple Avenue, 2nd Floor, Merchantville, NJ 08109 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on October 13, 2011.

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

**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 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 documented attainment of the Site-Specific Standard for soil and was approved by Central Office on February 17, 2012.

**Former Northern Carrier, 626 West Lackawanna Avenue, Scranton City, Lackawanna County.** Sandra L. Szempruch-Koza, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report on behalf of her client, Penn Security Bank and Trust Company, 150 N. Washington Avenue, Scranton, PA 18503, concerning the remediation of soil found to have been impacted by No. 2 heating oil, used motor oil, and leaded gasoline during the uncovering and removal of three (3) 4,000-gallon and two (2) 3,000-gallon underground storage tanks. The report documented attainment of the Statewide Health Standard for soil and was approved on February 22, 2012.

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

**Brickstone Development-Wyomissing Square, 200 North Park Road, Wyomissing, PA 19610, Borough of Wyomissing, Berks County.** Ransom Environmental, 2127 Hamilton Avenue, Hamilton, NJ 08619, on behalf of JMH, Inc., 200 North Park Road, Suite 400, Wyomissing, PA 19610; Wyomissing Square Condominiums, 200 North Park Road, Suite 400, Wyomissing, PA 19610; Wyomissing Square Apartments, LP, 7850 Walker Drive, Suite 400, Greenbelt, MD 20770; Wyona Retail, Inc., 701 Market Street, Philadelphia, PA 19106; and 3D Reading Hotel Partners, LLC, 3460 Olney-Laytonsville Road, Suite 222, Olney, MD 20832, submitted a Final Report concerning remediation of site soils. The Final Report demonstrated attainment of a combination of Residential Statewide Health (Inorganics, VOCs, PAHs and PCBs) and Background (Arsenic) standards, and was approved by the Department on February 24, 2012.



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

**Pocono Produce Company**, Greene Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of Pocono Produce Company, P. O. Box 669, Stroudsburg, PA 18360 has submitted a Final Report concerning the remediation of site soil contaminated with an unknown amount of diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 17, 2012.

**Toigo Orchards**, Monroe Township, **Snyder County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Toigo Orchards, 750 S. Mountain Estates Road, Chambersburg, PA 17257 has submitted a Final Report concerning the remediation of site soil contaminated with 15-gallons of diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 17, 2012.

#### REGISTRATION FOR GENERAL PERMIT— RESIDUAL WASTE

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

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**General Permit Registration No. WMGR123NC008. Chesapeake Appalachia, LLC**, 3910 Clapper Hill Road, Laceyville, PA 18623. Registration to operate under General Permit No. WMGR123 for treatment and reuse of gas well frac water and production water. The registration was approved by NorthCentral Regional Office on February 21, 2012.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGR081D011. Goodwill of Southwestern Pennsylvania**, 118 52nd Street, Pittsburgh, PA 15201.

The general permit WMGR081D011 is for the processing (i.e., sizing, shaping, separating, and volume reduction only) of e-waste (i.e., damaged, obsolete, and/or reusable electronic devices) prior to reuse or recycling. The processing operation will be conducted at the Goodwill Workforce Development Center facility, located at 118 52nd Street, Pittsburgh, **Allegheny County**. Central Office approved the determination of applicability on February 27, 2012.

Persons interested in reviewing the general permit may contact Scott Walters, General Permits and Beneficial Use Section, Division of Municipal and Residual waste, Bureau of Land Recycling and Waste Management, P. O. Box 69170, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**Permit Application No. 100955. Clinton County Solid Waste Authority**, Wayne Township Landfill, P. O. Box 209, SR 1005 Landfill Lane, McElhattan, PA 17748, Wayne Township, **Clinton County**. A permit modification for a rail spur construction and operation was issued for the Wayne Township Landfill by Northcentral Regional Office on February 21, 2012.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service (800) 654-5984.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*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*

**GP13-28-05019A: Valley Quarries, Inc.** (PO Box 2009, Chambersburg, PA 17201) on February 24, 2012, to install and operate a hot mix batch asphalt plant under GP13 at their Chambersburg Blacktop Plant in Guilford Township, **Franklin County**.

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

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

**GP5-59-226A: SWEPI, LP** (190 Thorn Hill Road, Warrendale, PA 15086) on February 14, 2012, to install one Miratech model IQ-RE-30EH (element)/IQ-30-16-HSG (housing) oxidation catalysts on each of four existing 1380 hp Caterpillar G3516B LE (serial numbers 27302, 27299, 27300, & 27301) four-stroke ultra-lean-burn (ULB) natural gas fired compressor engines and to revise the two Cameron 550 Reconcinator glycol dehydration units to 60.0 MMSCF/day that are each equipped with a separate 0.55 MMBtu/hr reboiler heater, and one 95 hp GM 4.3L Vortec rich-burn natural gas fired generator engine and 10,000 gallon drained water tank at the Lawton Compressor Station in Delmar Township, **Tioga County**.

**GP5-41-648A: SWEPI, LP** (190 Thorn Hill Road, Warrendale, PA 15086) on January 23, 2012, to construct and operate one 215 bhp Caterpillar G3406 NA serial 4FD03542 four-stroke rich-burn compressor engine equipped with a Miratech model VX-RE-10XC non-selective catalytic reduction (NSCR) system, 30.0 MMscf/day NATCO model SB12-6, serial 0811-256 glycol dehydrator unit equipped with a 0.275 MMBtu/hr reboiler heater, and one 10,000 gallon produced water tank at the Graham #2 Compressor Station in McNett Township, **Lycoming County**.

**GP5-18-04: NCL Natural Resources, LLC.** (25231 Grogan Mill Road, Suite 500, The Woodlands, TX, 77380-9110) on February 27, 2012, to construct and operate one 220 bhp Caterpillar model G3306TA four-stroke rich-burn natural-gas-fired compressor engine equipped with a Miratech model IQ-10-04-EC1 non-selective catalytic reduction ("NSCR") unit under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Tract 678 Compressor Station in Noyes Township, **Clinton County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP9-63-00948B: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe St., Tower 2, Suite 700, Denver, CO 80202-2126) on January 31, 2012, to construct and operate two (2) diesel-fired engines for emergency power generation at their Tufta Day Compressor Station in Amwell Township, **Washington County**.

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

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

**GP4-25-079A: Berry Plastics Corp.** (316 West 16th Street, Erie, PA 16502) on February 21, 2012, to operate a burn-off oven (BAQ-GPA/GP-4) in the City of Erie, **Erie County**. Previously permitted under Rexam, Inc.

**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.**

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

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

**41-00078C: Chief Gathering, LLC** (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) on February 17, 2012, to construct four natural-gas fired compressor engines (Source IDs P107-P110) each equipped with oxidation catalysts (C107-C110). The proposed plan approval also incorporates two existing natural-gas fired compressor engines (Source IDs P105 and P106), each equipped with oxidation catalysts (C105 and C106), two existing glycol dehydrators (Source IDs P201 and P202) and three existing natural-gas fired compressor engines (Source IDs P101-P103) each equipped with oxidation catalysts (C101-C103) operated under Plan Approval 41-00078B at the Barto Compressor Station in Penn Township, **Lycoming County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**PA-30-00072H: Consol Pennsylvania Coal Co., LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) on February 21, 2012, for construction and temporary operation of additional air contamination sources and controls associated with the expansion of their Bailey Prep Plant in Richhill Township, **Greene County**.

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

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

**AMS 11339: Pier One Hays Terminal** (2604 Penrose Ferry Road, Philadelphia, PA 19145) on February 22, 2012, to install a coal transshipment operation in the City of Philadelphia, **Philadelphia County**. Coal material is delivered via trucks is unloaded and stockpiled at the facility in a pile in 10,000 ton capacity limit and then front end loaded onto barge via a conveyor for shipment to the end user. In addition the conveyor is installed with a 19 Kw diesel engine that is used to load the coal onto the barge. The potential particulate fugitive emissions from the coal transshipment operation are less than 1.1 tons per rolling 12-month period. The potential particulate emissions from paved roads is less than 1.75 tons per rolling 12-month period. The maximum number of heavy duty diesel vehicle (HDDV) per hour delivering coal shall be less than 12 HDDV/hr based on a daily average during hours of operation. The plan approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**09-0206: Samax Enterprises—Morrisville** (1001 New Ford Mill Road, Morrisville, PA 19067) on February 17, 2012, to operate a tank in Falls Township, **Bucks County**.

**09-0196A: Abington Reldan Metals, LLC** (550 Old Bordentown Road, Fairless Hills, PA 19030) on February 14, 2012, to operate a baghouse in Falls Township, **Bucks County**.

**46-0040: National Label Co.** (2025 Joshua Road, Lafayette Hill, PA 19444) on February 22, 2012, to operate a regenerative thermal oxidizer in Whitmarsh Township, **Montgomery County**.

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

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

**53-00009D: Morgan Advance Materials & Technology, Inc.** (1118 East Second Street, Coudersport, PA 16915) on February 21, 2012, to extend the authorization to temporarily operate an electric powered de-bind oven (Source ID 122) equipped with a natural gas fired thermal oxidizer (control device ID C122) to control the air contaminant emissions from the oven at their Coudersport plant in Eulalia Township, **Potter County** until October 19, 2012. The plan approval has been extended.

**41-00080B: Chief Gathering, LLC** (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090-7386) on February 27, 2012, to extend the authorization for the construction of three natural-gas-fired compressor engines each equipped with oxidation catalysts at the Canoe Run Compressor Station located in Mifflin Township, **Lycoming County** to August 25, 2012. The plan approval has been extended.

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

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

**03-00245A: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on February 28, 2012, to allow the change of ownership and extend the plan approval at the Preparation Plant in Plumcreek Township, **Armstrong County**. This plan approval has been extended.

**30-00077B: Texas Eastern Transmission, L.P.** (P. O. Box 1642, Houston, TX 77251-1642) on February 22, 2012, DEP extended Air Quality Plan Approval PA-30-00077B for 180 days. Extension is to allow additional time for DEP to issue the pending TVOP application. PLA-30-00077B was originally issued to authorize the installation of a new Solar Mars 100-150002S III turbine rated at 15,000 hp, the installation of a turbine fuel gas heater rated at 0.874 mmbtu/hr, the installation of a remote reservoir parts washer, the update of transient emission estimates for an existing Solar Mars 100-150002S II turbine and the deactivation of four existing Cooper Bessemer GMV-10-S internal combustion engines (Sources 103, 104, 105, 107) at Texas Eastern's Holbrook Station located in Wind Ridge, Richhill Township, **Greene County**. The plan approval has been extended.

**63-00963D: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on February 27, 2012, to extend the period of temporary operation of the fractionator tower and natural gas-fired process heater rated at 148 MMBtu/hr authorized under plan approval PA-63-00936D, until August 27, 2012, at the Houston Gas Plant in Chartiers Township, **Washington County**. The plan approval has been extended.

**26-00590: Carlisle Construction Materials** (PO Box 7000, Carlisle, PA 17013) on February 8, 2012, to reflect the initial 180-day period of temporary operation of the Insulfoam expanded polystyrene block molded product manufacturing line began on September 6, 2011, at the

Hunter Panels LLC facility located off of Summit View Drive in the Fayette Industrial Park, Georges Township, **Fayette County**.

**26-00590: Carlisle Construction Materials** (PO Box 7000, Carlisle, PA 17013) on March 6, 2012, to provide an additional 180-day period of temporary operation of the Insulfoam expanded polystyrene block molded product manufacturing line at the Hunter Panels LLC facility located off of Summit View Drive in the Fayette Industrial Park, Georges Township, **Fayette County**. The Plan Approval has been extended.

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

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

**10-001M: AK Steel Corp.** (P. O. Box 832, Butler, PA 16003-0832) on February 27, 2012, to modify the Melt Shop to increase production. This includes the construction of a conventional Electric Arc Furnace (EAF) and a dual station Ladle Metallurgical Facility (LMF) at the Melt Shop facility, Butler Works, in the City of Butler, **Butler County**. This plan approval is subject to the Prevention of Significant Deterioration (PSD) requirements for Carbon Monoxide (CO), Sulfur Dioxide (SO<sub>2</sub>) and Nitrogen Dioxide (NO<sub>2</sub>). The facility currently has a Title V permit which was issued February 13, 2006.

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

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

*Contact: Thomas Huynh, Chief—Telephone: 215-685-9476*

**V05-011: Sunoco Inc.—Schuylkill River Tank Farm** (70th and Essington Avenue, Philadelphia PA 19145) on February 24, 2012, to operate of a tank farm in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include the following: twenty one (21) internal floater tanks with capacities between 2.6 million-4.9 million gallons; two (2) open floater tanks, each with a capacity of 4.8144 million gallons; one (1) oil-water separator; one (1) propane loading rack; one (1) flare; one (1) 290 horsepower diesel fire pump; and one (1) 255 horsepower diesel fire pump.

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#### **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*

**15-00021: Glasgow, Inc.** (P. O. Box 1089, Glenside, PA 19038) on February 23, 2012, for renewal of a State Only Operating Permit in East Whiteland Township, **Chester County**. Glasgow, Inc. operates a stone crushing and asphalt plant at its Catanach Quarry. The primary pollutant of concern is particulate matter emissions from the crushing plant and nitrogen oxides and volatile organic compounds from the asphalt plant. The facility is categorized as a synthetic minor facility. Source ID 501 (Portable Stone Crushing Plant) has been removed from the facility and will be removed from the permit under this renewal. The permit will include monitoring, record

keeping and reporting requirements designed to address all applicable air quality requirements.

**15-00023: Quality Park Products** (2 Tabas Lane, Exton, PA 19341) on February 23, 2012, for renewal of a State Only Operating Permit for a manufacturer of specialty packaging and printed office products in West Whiteland Township, **Chester County**. The facility has taken restriction to remain a synthetic minor for VOC and HAP emissions. The facility is subject to Area Source MACT requirements of 40 CFR Part 63 Subpart KK. This Operating Permit renewal includes emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

**46-00154: Eye Designs, LLC** (220 West 5th Street, Collegetown, PA 19426) on February 24, 2012, for renewal of a State Only Operating Permit to operate three spray booths at a wood office furniture manufacturing facility in Trappe Borough, **Montgomery County**. The facility has taken restriction to remain a synthetic minor for VOC emissions. This Operating Permit renewal includes emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

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

**54-00027: Titanium Wire Corp.** (235 Industrial Park Road, Frackville, PA 17931) on January 31, 2012, for operation of a natural gas fired furnace in West Mahanoy Township, **Schuylkill County**.

**48-00052: Eastern Industries Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) on January 31, 2012, to operate a batch asphalt plant in the City of Bethlehem, **Northampton County**.

**48-00051: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) on January 31, 2012, to operate a batch asphalt plant in East Allen Township, **Northampton County**.

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

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

**26-00475: Amerikohl Aggregates, Inc.—Jim Mountain Quarry** (State Route 653 Mill Run, PA 15464) on February 23, 2012, to operate a limestone processing plant in Springfield Township, **Fayette County**. The subject facility consists of load/unloading and processing of limestone equipped with three crushers, three screens, one sand classifier, and various conveyors and stockpiles. The maximum capacity of the facility is 700 tons per hour. The facility has the potential to emit: 78.36 tpy PM; and 53.77 tpy PM<sub>10</sub>. 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 proposed authorization is subject to State and Federal Regulations (OOO). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

**OP-65-00627: Seton Hill University** (1 Seton Hill Drive, Greensburg, PA, 15601-1548) on February 23, 2012, to renew the operating permit for the Greensburg Campus in the city of Greensburg, **Westmoreland County**. The permit is for the operation of one CNB 600

horsepower tri-fuel boiler burning primarily coal, two Burnham 300 horsepower (each) boilers burning primarily natural gas, and an Onan 250 kVA emergency generator at the university's boiler house. There are a number of miscellaneous combustion sources scattered throughout the campus but these are small and considered trivial on an emissions basis. These units are however listed in the Miscellaneous Section of the permit. The permit will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**23-00014: Kimberly-Clark of Pennsylvania, LLC** (Front and Avenue of the States, Chester, PA 19013) on February 23, 2012, is a Title V facility in the City of Chester, **Delaware County**. This Title V Operating Permit was revised to incorporate plan approval 23-0014G for two air handling units with associated venturi scrubbers to their ST-1 Converting Line. This administrative amendment was performed in accordance with 25 Pa. Code § 127.450.

**46-00198: Blommer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041) on February 23, 2012, is a Title V facility in Upper Hanover Township, **Montgomery County**. This Title V Operating Permit was revised to incorporate plan approval 46-0198O for the addition of a dust collector on the Aspiration Box in Production Line 1. This administrative amendment was performed in accordance with 25 Pa. Code § 127.450.

**15-00078: Centocor, Inc.** (200 Great Valley Parkway, Malvern, Pennsylvania 19355) on February 23, 2012, the operating permit was amended to incorporate Plan Approval 15-0078F for the modification of two existing 16.8 MMBtu/hr boilers, Source Id 031, as permittee has requested to operate two existing boilers simultaneously, at the Centocor, Inc., pharmaceutical research, development and manufacturing facility located at 200 Great Valley Pkwy, Malvern, Pennsylvania 19355, East Whiteland Township, **Chester County**. The facility is synthetic minor for NO<sub>x</sub>. Administrative Amendment of Synthetic Minor Operating Permit is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

**48-00058: Effort Foundry, Inc.** (PO Box 158, Bath, PA 18014-0158) an administrative amendment was issued on February 27, 2012 for this facility in East Allen Township, **Northampton County**.

**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*

**67-03027: Pretium Packaging LLC** (1 Devco Drive, Manchester, PA 17345). Pursuant to 25 Pa. Code § 127.449(i), this notice is for the de minimis emissions increases of 0.18 TPY PM10 and 0.13 TPY VOC resulting from the construction of three (3) injection molding machines at its plant located in East Manchester Township, **York County**. These are the first de minimis emissions increases at the facility during the term of the current operating permit.

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

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

**OP-63-00899: Pleiger Plastics Co.** (498 Crile Road, Washington, PA 15301). Per 25 Pa. Code § 127.449(i), this

Notice is for the following de minimis emission increase at the Pleiger Plastics Co. facility in South Strabane, **Washington County**: Emissions from this project will not exceed 1.0 tpy VOC or 1.0 tpy HAP from the installation and operation of a hand casting table and two electric curing ovens. The list of de minimis increases includes only this project.

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

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

**25-00066: Accuride—Erie Forge** (1015 E. 12th Street, Erie, PA 16503) for their facility in Erie City, **Erie County**. The De minimis emission increase is for construction of the Mega Line project. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on March 23, 2009.

Date	Source	PM10 (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
2/27/12	Mega Line	0.01	0.001	0.1314	0.053	0.111
Total Reported Increases		0.01	0.001	0.1314	0.053	0.111
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**37-00300: North American Forgemasters—New Castle** (710 Moravia Street, New Castle, PA 16101), for its facility located in New Castle City, **Lawrence County**. The De minimis emission increase is for the construction of the 7th oxy-fuel fired forge furnace. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on March 3, 2011.

Date	Source	PM10 (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
2/23/12	7th forge furnace	0.074	0.006	0.48	0.054	0.82
Total Reported Increases		0.074	0.006	0.48	0.054	0.82
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**43-00037: Development of Sharpsville Furnace** (2 North Sixth Street, Sharpsville, PA 16150), for its facility located in Sharpsville Borough, **Mercer County**. The De minimis emission increase is for construction of Powercrusher. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on September 2, 2009.

Date	Source	PM10 (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	CO (tons)
2/23/12	Powercrusher	0.034				
Total Reported Increases		0.034				
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### Coal Permits Actions

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

**56841328 and GP12-56841328-R17. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to renew and revise the GP-12 permit for Mine 78 in Paint Township, **Somerset County** for the related coal mine activity permit and to establish an emission inventory for coal handling based on maximum total annual raw coal throughput of 4,050,000 tons per calendar year. Approval is authorized under General Permit BAQ-GAP/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-56841328-R17. The application was considered administratively complete on March 22, 2011. Application received: March 22, 2011. Permit issued: February 17, 2012.

**17041301 and GP12-17041301-R5, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to renew the GP-12 permit for the Penfield Mine in Huston Township, **Clearfield County** for the coal mine activity permit. Approval is authorized under General Permit BAQ-GAP/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-17041301-R5. The application was considered administratively complete on January 13, 2011. Application received: January 13, 2011. Permit issued: February 17, 2012

**30831303. Cumberland Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Wayne Township, **Greene County** to add underground and subsidence control plan area acres for development mining. Underground Acres Proposed 52.4, Subsidence Control Plan Acres Proposed 112.04. No additional discharges. The application was considered administratively complete on June 6, 2011. Application received: February 23, 2011. Permit issued: February 21, 2012.

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

**32990109 and NPDES No. PA0235148. Bedrock Mines, LP**, 111 Freeport Road, Pittsburgh, PA 15215, permit renewal for reclamation only of a bituminous surface and auger mine in Washington Township, **Indiana County**, affecting 59.9 acres. Receiving stream(s): UTS to/and Sugarcamp Run classified for the following

use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 16, 2011. Permit issued: February 15, 2012.

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

**26050104 and NPDES Permit No. PA02050104. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Renewal permit for reclamation only issued to an existing bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 209.7 acres. Receiving streams: unnamed tributaries to Jacobs Creek and Georges Creek. Application received: October 21, 2011. Permit issued: February 24, 2012.

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

**16050113. Timothy A. Keck** (93 Carrier Street, Summerville, PA 15864) Renewal of an existing bituminous strip operation in Monroe Township, **Clarion County** affecting 19.0 acres. Receiving streams: Unnamed tributary to Sloan Run and unnamed tributary to Reids Run. This renewal is issued for reclamation only. Application received: January 4, 2012. Permit Issued: February 23, 2012.

**24110101 and NPDES Permit No. PA0259055. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838) Commencement, operation and restoration of a bituminous surface and auger mine in Fox Township, **Elk County** affecting 68.0 acres. Receiving streams: Little Toby Creek. Application received: March 31, 2011. Permit Issued: February 23, 2012.

### Noncoal Permits Actions

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

**10960304. Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Renewal of existing NPDES Permit No. PA0227218 in Washington Township, **Butler County**. Receiving streams: Unnamed tributary to South Branch Slippery Rock Creek. Application received: August 19, 2011. Permit Issued: February 22, 2012.

**61122801. William A. Guiste Excavating** (4142 State Route 208, Emlenton, PA 16373) Commencement, operation and restoration of a small industrial minerals mine in Clinton Township, **Venango County** affecting 7.0 acres. Receiving streams: Scrubgrass Creek. Application received: January 17, 2012. Permit Issued: February 23, 2012.

**61122801-GP-104. William A. Guiste Excavating** (4142 State Route 208, Emlenton, PA 16373) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 61122801 in Clinton Township, **Venango County**. Application received: January 17, 2012. Permit Issued: February 23, 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*

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

**16124001. P. J. Greco Sons of Kittanning** (P. O. Box 796, Kittanning, PA 16201) Blasting activity permit for the demolition of a dragline in Perry Township, **Clarion County**. This blasting activity permit will expire on June 1, 2012. Permit Issued: February 22, 2012.

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

**08124111. Hayduk Enterprises, Inc.** (257 Riverside Drive, Factoryville, PA 18419). Blasting for a pipeline located in Standing Stone Township, **Bradford County**. Permit issued: February 21, 2012. Permit expires: June 30, 2012.

**57124105. Maurer & Scott Sales, Inc.** (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for construction of a natural gas well pad located in Cherry Township, **Sullivan County**. Permit issued: February 15, 2012. Permit expires: October 30, 2012.

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

**58124006. Holbert Explosives, Inc.**, (237 Masthlope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for Linde-Springville Gas Pad in Springville Township, **Susquehanna County** with an expiration date of February 18, 2013. Permit issued: February 21, 2012.

**15124103. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Osborne Storage Lagoon in Lower Oxford Township, **Chester County** with an expiration date of February 17, 2013. Permit issued: February 23, 2012.

**36124108. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Angelsea Development in West Earl Township, **Lancaster County** with an expiration date of February 17, 2013. Permit issued: February 23, 2012.

**45124101. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Winona Lakes in Middle Smithfield Township, **Monroe County** with an expiration date of February 28, 2013. Permit issued: February 23, 2012.

**46124102. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Tri County Urology in Lower Pottsgrove Township, **Montgomery County** with an expiration date of February 18, 2013. Thorndale Development in Towamencin Township, Montgomery County with an expiration date of March 1, 2013. Permit issued: February 23, 2012.

**46124103. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Thorndale Development in Towamencin Township, **Montgomery County** with an expiration date of March 1, 2013. Permit issued: February 23, 2012.

**52124101. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Mountain Lake Estates in Lehman, Dingman, Delaware and Lackawaxen Townships, **Pike County** with an expiration date of January 31, 2013. Thorndale Development in Towamencin Township, Montgomery County with an expiration date of March 1, 2013. Permit issued: February 23, 2012.

**46124104. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionville, PA 18092), construction blasting for Country View in Salford Township, **Montgomery**

**County** with an expiration date of February 21, 2013. Permit issued: February 24, 2012.

**58124112. Doug Wathen, LLC**, (16282 State Highway 13, Suite J, Branson West, MO 65737), construction blasting for Hull Gas Pad in Springville Township, **Susquehanna County** with an expiration date of February 15, 2013. Permit issued: February 24, 2012.

**58124113. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Cook Well Site & access road in Rush Township, **Susquehanna County** with an expiration date of July 31, 2012. Permit issued: February 24, 2012.

**58124114. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Mitchell Gathering Pipeline in Franklin Township, **Susquehanna County** with an expiration date of June 30, 2012. Permit issued: February 24, 2012.

**58124115. Doug Wathen, LLC**, (16282 State Highway 13, Suite J, Branson West, MO 65737), construction blasting for Cook Gas Pad in Rush Township, **Susquehanna County** with an expiration date of February 20, 2013. Permit issued: February 24, 2012.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E09-953. Cold Springs Investment Group, L.P.** 301 Oxford Valley Road, Suite 702, Yardley, PA 19067-7713, Yardley borough, **Bucks County**, ACOE Philadelphia District.

To perform the following water obstruction and Encroachment activities across/along Brock Creek associated with the construction of a residential development at the existing US Magnet site (Cold Springs):

1. To construct and maintain a 95-foot long, 6-foot wide, and 8.5-foot high pedestrian bridge.
2. To construct and maintain four outfall structures and one temporary road crossing.
3. To stabilize and maintain approximately 30 linear feet of streambank.
4. To place fill in the floodway associated with the removal of an existing stilling basin.

The site is located near the intersection of Newtown Road and West Afton Avenue (Trenton west, NJ-PA USGS Quadrangle N: 21.5 inches; W: 13.4 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

**E09-907. County Line Storage, Inc.**, 13131 -R Townsend Road, Philadelphia, PA 19154, Warminster Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with a proposed public storage facility:

1. To relocate approximately 338 linear feet of an unnamed tributary of Southampton Creek (TSF-MF) around a proposed public storage facility by enclosing the stream within 325 linear feet of various pipe segments. The stream enclosure will consist of Headwall No. 6, 8, LF of 36" pipe, manhole No. 5, 44 LF of 36" pipe, manhole No. 4, 189 LF of 36" pipe, manhole No. 3, 63 LF of 36" pipe, manhole No. 2, 7 LF of 36" pipe, Endwall No. 1 and associated stilling basin.
2. To place fill within approximately a 320 linear-foot reach of abandoned channel.
3. To place fill within 0.10 acre of adjacent wetland (PFO).

The permittee proposes to construct 0.18 acre of onsite wetland replacement to compensate for wetland losses associated with this project. The wetland replacement will enlarge an existing wetland area with minor grading and the diversion of water from the stream enclosure at manhole No. 3, routed through 78 LF of 15: pipe, to an outfall adjacent to the proposed wetland.

The project is located along County Line Road approximately 700 feet southeast of the intersection of County Line Road and Centennial Roads (Hatboro, PA, USGS Quadrangle N: 9.1 inches, W: 10.9 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

**E51-176. City of Philadelphia**, Capital Program Office, 1515 Arch Street, 11th Floor, One Parkway Building, Philadelphia, Pa, 19102, City and **County of Philadelphia**, ACOE Philadelphia District.

To perform the following activities associated with amendment of permit No E51-176 along a section of the Manayunk Canal (WWF) situated within the 100-year floodplain of the Schuylkill River:

To remove sediment at three locations along the canal. The three sections are located at Domino Lane, the Parker Avenue outfall area, and the sluice house. Also, two 18-inch diameter valves will be installed in the existing steel sheet piling at the sluice gate to allow water flow to the canal.

The site is located adjacent to the Schuylkill River starting at Lock Street (Germantown, PA, USGS Quadrangle N: 4.5 inches; W: 13.8 inches) and terminates west of Parker Avenue (Germantown, PA, USGS Quadrangle N: 5.7 inches; W: 15.3 inches).

**E09-945. SRI-The Landings Assoc. L.P.**, 1008 Upper Gulph Road, Suite 300, Wayne, PA 19087, Bensalem Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain a Marina, and four outfall structures in and along the 100-year floodplain of the Delaware River; impacting 0.03 acre of wetlands associated with the proposed residential development.

The site is located near the intersection of State and Street Roads, (Beverly, PA-NJ USGS Quadrangle N: 13.5 inches; W: 7.7 inches).

**E09-959. PA DOT, 7000 Geerdes Boulevard**, King of Prussia, PA 19406, Riegelsville Borough, **Bucks County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the replacement of the existing Delaware Road Bridge (S.R. 1016, Section BBR) over the Delaware Canal (WWF, MF):

1. To remove the existing bridge, and to construct and maintain, in its place, a single span bridge approximately 28-foot 4 inches long, 54-foot span, and with 7-foot 4 inches underclearance.
2. To construct and maintain a temporary road crossing over the canal.

The project will permanently impact approximately 35 linear feet of stream. The site is located at the intersection of Delaware (S.R. 1016) and Durham Roads in Riegelsville Borough, Bucks County (Riegelsville, PA-NJ, USGS Quadrangle N: 17.20 inches; W: 9.41 inches).

**E15-820. PA DOT, 7000 Geerdes Boulevard**, King of Prussia, PA 19406, East Whiteland Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the final Phase of the S.R. 0202-300 Improvement Project at Section 330. This section proposes to widen 2.5 miles of Route 202 between Route 30 (Exton bypass) and the Valley Creek Bridge. An additional lane and shoulder in each direction



will be added within the existing grass median. This section proposes to permanently impact approximately 0.047 acre of wetlands and temporarily impact 0.021 acre of wetlands. Also, approximately 232 linear feet of stream will be permanently impacted, and approximately 57 linear feet will be temporarily impacted.

1. To place fill and excavate in the 100-year floodplain of an unnamed tributary to Valley Creek (EV) at Mainline Station 259+00 R (Malvern, PA, Quadrangle N: 7.2 inches, W: 11.2 inches, Latitude: 40°02'21", Longitude: 75°34'46"). Temporary floodplain impacts of 0.195 acre (8,491 sq ft), permanent floodplain impact of 0.063 acre (2,764 sq ft), and 116 cubic yards of fill is created to facilitate the construction for proposed Stormwater Detention Basin D-1.

2. An unnamed tributary to Valley Creek (EV) at Mainline Station 259+00 R (Malvern, PA, Quadrangle N: 7.2 inches, W: 11.2 inches, Latitude: 40°02'21", Longitude: 75°34'46"). Temporary stream impact of 34 linear feet and 0.007 acre is created as a result of the limit of disturbance for installing riprap associated with Stormwater Detention Basin D-1.

3. To place fill and excavate in the 100-year floodplain of an unnamed tributary to Valley Creek (EV) at Mainline Station 261+00 R (Malvern, PA, Quadrangle N: 7.2 inches, W: 11.2 inches, Latitude: 40°02'22", Longitude: 75°34'42"). Temporary floodplain impacts of 0.858 acre (37,402 sq ft), permanent floodplain impact of 0.179 acre (7,783 sq ft), and 190 cubic yards of fill is created to facilitate the construction for proposed Stormwater Mitigation Site M-7A.

4. To place fill in the 100-year floodplain of an unnamed tributary to Valley Creek (EV) at Mainline Station 260+50 R (Malvern, PA, Quadrangle N: 7.2 inches, W: 11.2 inches, Latitude: 40°02'23", Longitude: 75°34'44"). A temporary impact of 0.016 acre (677 ft<sup>2</sup>) of fill is created to facilitate the proposed placement of roadway embankment fill.

5. To place fill and excavate in the 100-year floodplain of an unnamed tributary to Valley Creek (EV) at Mainline Station 263+00 L (Malvern, PA, Quadrangle N: 7.4 inches, W: 11.2 inches, Latitude: 40°02'26", Longitude: 75°34'43"). Temporary floodplain impacts of 0.201 acre (8,736 sq ft), permanent floodplain impact of 0.015 acre (674 ft<sup>2</sup>), and 20 cubic yards of fill is created to facilitate the construction for proposed Stormwater Mitigation Site M-7.

6. An unnamed tributary to Valley Creek (EV) at Mainline Station 265+00 R&L (Malvern, PA, Quadrangle N: 4.9 inches, W: 7.4 inches, Latitude: 40°02'28", Longitude: 75°34'41"). A permanent stream impact of 39 linear feet and 0.016 acre is created to facilitate the placement of riprap at both ends of Culvert C-1.

7. To place fill and excavate in the 100-year floodplain of an unnamed tributary to Valley Creek (EV) at Mainline Station 265+00 R&L (Malvern, PA, Quadrangle N: 4.9 inches, W: 7.4 inches, Latitude: 40°02'28", Longitude: 75°34'41"). A permanent floodplain impact of 0.002 acre (78 sq ft) and 9 cubic yards is created to facilitate the placement of riprap at both ends of Culvert C-1.

8. An unnamed tributary to Valley Creek (EV) at Mainline Station 295+00 L (Malvern, PA, Quadrangle N: 8.3 inches, W: 9.7 inches, Latitude: 40°02'43", Longitude: 75°34'10"). A temporary stream impact of 23 linear feet and 0.013 acre are created to facilitate the installation of a temporary access road in the area of Culvert C-2.

9. An unnamed tributary to Valley Creek (EV) at Mainline Station 297+00 R&L (Malvern, PA, Quadrangle N: 5.5 inches, W: 6.4 inches, Latitude: 40°02'42", Longitude: 75°34'10"). A permanent stream impact of 193 linear feet and 0.066 acre are created to facilitate the placement of riprap at both ends of Culvert C-2, including 121 linear feet of reticulated concrete block revetment system within the floor of C-2 for scour protection.

10. To place fill and excavate in the 100-year floodplain of the unnamed tributary to Valley Creek (EV) at Mainline Station 297+00 R&L (Malvern, PA, Quadrangle N: 5.5 inches, W: 6.4 inches, Latitude: 40°02'42", Longitude: 75°34'10"). Temporary floodway impacts of 0.006 acre (256 sq ft), permanent floodway impact of 0.009 acre (383 sq ft), and 43 cubic yards are created to facilitate the placement of riprap at both ends of Culvert C-2.

11. To place fill and excavate in the 100-year floodplain of the unnamed tributary to Valley Creek (EV) at Mainline Station 298+50 R (Malvern, PA, Quadrangle N: 8.4 inches, W: 9.4 inches, Latitude: 40°02'46", Longitude: 75°33'59"). Temporary floodplain impacts of 0.190 acre (8,297 sq ft), permanent floodplain impact of 0.181 acre (7,886 sq ft), and 487 cubic yards are created to facilitate the construction for proposed Stormwater Mitigation Site 8.

12. To place fill and excavate in the 100-year floodplain of the unnamed tributary to Valley Creek (EV) at Mainline Station 298+60 R (Malvern, PA, Quadrangle N: 8.4 inches, W: 9.4 inches, Latitude: 40°02'46", Longitude: 75°33'59"). Temporary floodplain impacts of 0.024 acre (1,066 sq ft) are created to facilitate the fill in the area of the Chester Valley Trail Culvert.

13. To place fill and impact a forested Wetland (B), which drains to Valley Creek (EV) at Mainline Station 321+00 L (Malvern, PA, Quadrangle N: 6.2 inches, W: 6.0 inches, Latitude: 40°03'05", Longitude: 75°33'51"). A temporary wetland impact of 0.014 acre and permanent wetland impact of 0.024 acre are created to facilitate the proposed roadway fill.

14. To place fill and impact a forested/scrub-shrub Wetland (C), which drains to Valley Creek (EV) at Mainline Station 325+00 L (Malvern, PA, Quadrangle N: 6.3 inches, W: 5.9 inches, Latitude: 40°03'07", Longitude: 75°33'47"). A temporary wetland impact of 0.007 acre and permanent wetland impact of 0.023 acre are created to facilitate the proposed roadway fill.

15. To place fill and excavate in the 100-year floodplain of Valley Creek (EV) at Mainline Station 325+00 L (Malvern, PA, Quadrangle N: 6.3 inches, W: 5.9 inches, Latitude: 40°03'07", Longitude: 75°33'47"). Temporary floodplain impacts of 0.033 acre (1,430 ft<sup>2</sup>), permanent floodplain impact of 0.085 acre (3,706 sq ft), and 25 cubic yards of fill are created to facilitate the proposed roadway fill in the area of Wetland C.

16. To place fill and excavate in the 100-year floodplain of Valley Creek (EV) at Mainline Station 325+60 L (Malvern, PA, Quadrangle N: 9.6 inches, W: 9.0 inches, Latitude: 40°03'09", Longitude: 75°33'47"). A temporary floodplain impact of 0.088 acre (3,834 ft<sup>2</sup>) is created to facilitate the construction for proposed Stormwater Mitigation Site 4-1.

17. To place fill and excavate in the 100-year floodplain of Valley Creek (EV) at Mainline Station 341+00 L (Malvern, PA, Quadrangle N: 9.5 inches, W: 8.1 inches, Latitude: 40°03'06", Longitude: 75°32'25"). Temporary floodplain impacts of 0.044 acre (1,951 ft<sup>2</sup>), permanent floodplain impact of 0.077 acre (3,388 sq ft), and 260 cubic yards are

created to facilitate the construction for proposed Stormwater Mitigation Site 20.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-251.*

**E54-351. Porter-Tower Joint Municipal Authority**, 860 West Grand Avenue, Tower City, PA 17980. Porter and Williams Township, Schuylkill and **Dauphin County**, Army Corps of Engineers Baltimore District.

To construct and maintain an at-grade roadway in approximately 0.1 acre of the floodway of Wiconisco Creek (WWF, MF) and to construct and maintain a stormwater basin, roadway, treatment tanks and other site amenities in approximately 1.0 acre of the floodway fringe of Wiconisco Creek. The activities are associated with the Porter-Tower Joint Municipal Authority Wastewater Treatment Plant Expansion Project. The project is located on the south side of US Route 209 approximately 1.9 miles west of its intersection with SR 0325 (Tower City, PA Quadrangle Latitude: 40°35'1"; Longitude: -76°34'50"). Subbasin: 6B

**E48-413. Bushkill Township**, 1114 Bushkill Center Road, Nazareth, PA 18064. Bushkill Township, **Northampton County**, Army Corps of Engineers, Philadelphia District.

To construct and maintain a stormwater outfall structure in the floodway of a tributary to Sobers Run consisting of an 18-inch diameter plastic pipe, flared end section and riprap apron. The project is located along Broad Road near its intersection with State Route 0512 (Wind Gap, PA Quadrangle: Latitude: 40°48'47.7"; Longitude: -75°20'02.7") in Bushkill Township, Northampton County. Subbasin: 1F

**E45-543. Farda Realty Associates, LP**, P. O. Box 130, Tannersville, PA 18372. Pocono Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To remove the existing structures in and along tributaries to Pocono Creek (HQ-CWF) that are associated with the former Summit Resort and to construct and maintain the following water obstructions and encroachments: 1) a 45-L.F., 10-foot wide open bottom concrete arch culvert with a 3.5-foot underclearance crossing tributaries to Pocono Creek (HQ-CWF) and lined with R-5 riprap and erosion control matting; 2) a 185-L.F., 15" diameter HDPE stream enclosure of tributaries to Pocono Creek; 3) various utility line stream crossings of tributaries to Pocono Creek; 4) a 20-foot long x 31-foot wide stormwater outfall consisting of a vegetated channel and R-5 riprap apron within the floodway of tributaries to Pocono Creek; 5) a 6" diameter, concrete encased PVC sewage effluent outfall within the floodway of tributaries to Pocono Creek for the purpose of constructing a lodge and indoor waterpark. The project is located along Crossing Outlet Square, approximately 0.3 miles southwest of the intersection of I-80 and S.R. 715 (Mount Pocono, PA Quadrangle Latitude: 41°2'9"; Longitude: -75°19'0"). Subbasin: 1E

**E52-230. Municipal Authority of Westfall Township**, 155 Westfall Town Drive Matamoras, PA 18336. Westfall Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To construct and maintain sewage pump station in the floodplain of the Delaware River (WWF, MF). The project

is located on the southwest side of Westfall Town Drive approximately 0.4 mile southeast of the intersection of US Route 6 and Hulst Drive (Port Jervis South, NY-NJ-PA Quadrangle Latitude: 41°21'6.8"; Longitude: -74°43'2.1") in Westfall Township, Pike County. Subbasin: 1D

**E40-714. Earth Conservancy**, 101 South Main Street, Ashley, PA 18707. City of Nanticoke, **Luzerne County**, Army Corps of Engineers Baltimore District.

To fill 0.30 acre of wetlands within the Espy Run Watershed for the purpose of mine reclamation and future development of approximately 30 acres of land. The permittee is required to provide 0.34 acre of replacement wetlands. The project is located on the east side of Kosciuszko Avenue approximately 0.25 miles north of Middle Road (Wilkes-Barre West Quadrangle Latitude: 41°11'49"; Longitude: -75°59'11"). Subbasin: 5B

**E64-289. Ken and Kris Tanji**, 285 East Shore Drive, Lake Ariel, PA 18436. Lake Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a boathouse cantilevered over approximately 1,220 square feet of Lake Ariel. The boathouse extends into the lake approximately 35 feet from the shoreline. The project is located at 285 East Lake Shore Drive (Lake Ariel, PA Quadrangle Latitude: 41°26'56"; Longitude: -75°22'33"). Subbasin: 1C

**E35-403. James A. Sposito**, 1155 Whitmore Lane, RR 1 Crystal Lake, Carbondale, PA 18407. Fell Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To authorize the existing fill placed in the floodway of Fall Brook (HQ-CWF) and to stabilize and maintain the fill slope along approximately 440 feet of Fall Brook with R-7 riprap. The project is located on the northeast side of S.R. 0106 approximately 2.6 miles southeast of S.R. 0247 (Carbondale, PA Quadrangle Latitude: 41°35'56"; Longitude: -75°31'08") in Fell Township, Lackawanna County. Subbasin: 5A

**E40-718. Humbolt 105 Land, LLC**, 71 Wacker Drive, Suite 4700, Chicago, IL 60606. Hazle Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To fill 0.44 acre of wetlands for the purpose of constructing a warehouse/distribution center on Lot 105 of Humboldt Industrial Park East. The wetland encroachment was previously authorized under Permit E40-632, which expired prior to completion of the project. Replacement wetlands were constructed under Permit E40-632. The project is located on the eastern side of Commerce Drive approximately 950 feet south of its intersection with Forest Road (Conyngham, PA Quadrangle Latitude: 40°55'58"; Longitude: -76°1'20"). Subbasin: 5D

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4802.*

**E06-671: City of Reading Department of Public Works**, 815 Washington Street, Reading, Pennsylvania 19601-3690, in Reading City, **Berks County**, ACOE Philadelphia District

To: 1) conduct maintenance on an existing 42.0-inch force main in and across the Schuylkill River (WWF, MF) (Latitude: 40°19'24.9594", Longitude: -75°55'37.5594"); 2) install and maintain 6,800.0 feet of 42.0-inch ductile iron force main in and across the Schuylkill River (WWF, MF) (Latitude: 40°19'24.9594", Longitude: -75°55'37.5594"), Angelica Creek (CWF, MF) (Latitude: 40°18'55.4394",

Longitude: -75°54'43.5594"), and two wetlands associated with the Schuylkill River (WWF, MF) (Latitude: 40°18'33.1194", Longitude: -75°55'19.56"); 3) install and maintain two temporary wetland crossings; and 4) install and maintain 882.0 square feet of structures associated with the 42.0-inch force main in the floodway and floodplain of the Schuylkill River all for the purpose of upgrading the sanitary sewer system. The project location begins at the northern most crossing of the Schuylkill River (WWF, MF) at the 6th and Canal Street Pump Station (Reading, PA Quadrangle; N: 13.5 inches, W: 7.3 inches; Latitude: 40°19'24.9594", Longitude: -75°55'37.5594") and terminates at the southern-most crossing of Angelica Creek (CWF, MF) (Latitude: 40°18'55.4394", Longitude: -75°54'43.5594") (Reading, PA Quadrangle; N: 10.7 inches, W: 6.5 inches; Latitude: 40°18'55.4394", Longitude: -75°54'43.5594") in the City of Reading, Berks County. The project will temporarily impact a total of 60.0 linear feet of stream, 0.403 acre of wetland, and 43,022.0 square feet of floodway and floodplain. The project will permanently impact 882.0 square feet of floodway and floodplain.

**E22-544: Lower Paxton Township**, 5000 Commons Drive, Harrisburg, Pennsylvania 17112, in Lower Paxton Township, **Dauphin County**, ACOE Baltimore District

To remove 20.0 feet of existing 24.0-inch diameter outfall pipe and for the construction and maintenance of 600.0 feet of streambank grading and stabilization, including the installation of 250.0 feet of boulder toe, 130.0 feet of 4.0-foot high stacked stone wall, and four 8.0-foot wide log terrace structures in an unnamed tributary to Paxton Creek (WWF), for the purpose of stream stabilization (Harrisburg East, PA Quadrangle: Starting Location: N: 11.23 inches, W: 8.29 inches; Latitude: 40°18'42.6", Longitude: -76°48'34.2", Ending Location: N: 11.45 inches, W: 8.48 inches; Latitude: 40°18'47", Longitude: -76°48'39.1") in Lower Paxton Township, Dauphin County.

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

**E03-455. West Hills Area Water Pollution Control Authority**, 257 Linde Road, Kittanning, PA 16201-4719. North Buffalo Township, **Armstrong County**. ACOE Pittsburgh District.

Has been given consent to construct and maintain a 6 ft. wide, 5 ft. high, depressed 1 ft. with baffles, and 28 ft. long box culvert with wing walls, over an UNT to the Allegheny River (WWF) and to construct and maintain an aerial sewer crossing over an UNT to Glade Run (CWF), all for the purpose of extending a wastewater collection system. The project is located near Furnace Run in North Buffalo Township, Armstrong County. (Box Culvert Kittanning, PA Quadrangle, North 18.26" West 7.11" Latitude 40° 51' 02"; Longitude 79° -33'-05"; Aerial line crossing: Kittanning, PA Quadrangle, North 8.17"; West 10.34"; Latitude 40° 47' 42"; Longitude 79° -34' -29")

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

**E25-741, PA Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA 16301, (Swansville, PA Quadrangle N: 42°, 04', 41.1"; W: 80°, 11', 9.9") in Millcreek Township, **Erie County**.

to remove the existing 56.7 ft. long Box Culvert and to construct and maintain a 12 ft. by 8.0 ft. by 77 ft. long Reinforced Precast Concrete Box Culvert depressed 1.0 ft. in Wilkins Run on SR 4009 Segment 0020 Offset 0103 (Asbury Road), just South of its intersection with West

Lake Rd S.R. 0005. The Culvert is being lengthened on downstream side to facilitate the widening of Asbury Road

### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

ESCGP-1 # ESX12-117-0008  
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) Charleston Township  
Receiving Stream(s) and Classification(s) Caitlin Hollow/  
Susquehanna River Basin in Pennsylvania (List H);  
Secondary: Crooked Creek to Tioga River (TSF, MF)

ESCGP-1 # ESX12-081-0017  
Applicant Name Anadarko E&P Company LP  
Contact Person Rane A. Wilson  
Address 33 W. 3rd Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Cummings Township  
Receiving Stream(s) and Classification(s) Dam Run, First  
Fork Larry's Creek (HQ);  
Secondary: Little Pine Creek (HQ, TSF)

ESCGP-1 # ESX12-015-0024  
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 and Columbia Counties  
Receiving Stream(s) and Classification(s) Elk Run (TSF,  
MF) and Tioga River (HQ, CWF)

ESCGP-1 # ESX11-015-0168 (03)  
Applicant Name Talisman Energy USA, Inc.

Contact Person Tracy Gregory  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Bradford County  
Township(s) Columbia Township  
Receiving Stream(s) and Classification(s) Wolfe Creek  
(TSF, MF), North Branch of Sugar Creek (TSF, MF)  
and UNTs to North Branch Sugar Creek (TSF, MF)

ESCGP-1 # ESX12-015-0035  
Applicant Name EOG Resources, Inc.  
Contact Person Jon Jorgenson  
Address 2039 South Sixth Street  
City, State, Zip Indiana, PA 15701  
County Bradford County  
Township(s) Springfield Township  
Receiving Stream(s) and Classification(s) UNT Leonard  
Creek and UNT Mill Creek;  
Secondary: Leonard and Mill Creeks

ESCGP-1 # ESX12-015-0026  
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) Wilmot Township  
Receiving Stream(s) and Classification(s) Panther Lick  
Creek & UNT to Panther Lick Creek (CWF);  
Secondary: Sugar Run Creek (CWF)

ESCGP-1 # ESX11-115-0189  
Applicant Name Cabot Oil & Gas Company  
Contact Person Jeffrey Keim  
Address 5 Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna County  
Township(s) Gibson Township  
Receiving Stream(s) and Classification(s) Bell Creek,  
Tunkhannock Creek and its tribs. (CWF-MF)

ESCGP-1 # ESX12-015-0042  
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) Athens Township  
Receiving Stream(s) and Classification(s) UNT to Saterlee  
Creek (WWF);  
Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX12-015-0040  
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) Overton Township  
Receiving Stream(s) and Classification(s) UNT to Level  
Branch Lick Creek, Tributary to Loyalsock Creek (EV);  
Secondary: Loyalsock Creek (EV)

ESCGP-1 # ESX12-015-0041  
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) Athens Township  
Receiving Stream(s) and Classification(s) UNT Susque-  
hanna River (WWF);  
Secondary: Susquehanna River (WWF)

ESCGP-1 # ESX10-117-0256 (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) Middlebury Township  
Receiving Stream(s) and Classification(s) Losey Creek/  
Tioga River Basin (List H), Tioga River

ESCGP-1 # ESX12-0115-0038  
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) Litchfield Township  
Receiving Stream(s) and Classification(s) Bullard Creek  
(CWF)/Wysox Creek;  
Secondary: Bullard Creek (CWF)

ESCGP-1 # ESX12-115-0004  
Applicant Name WPX Energy Appalachia, LLC  
Contact Person David Freudenrich  
Address 1000 Town Center Suite 130  
City, State, Zip Canonsburg, PA 15317-5834  
County Susquehanna County  
Township(s) Silver Lake Township  
Receiving Stream(s) and Classification(s) Little Snake  
Creek (CWF)  
Secondary: Snake Creek

ESCGP-1 # ESX12-015-0012  
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) Albany Township  
Receiving Stream(s) and Classification(s) UNT to Ladds  
Creek, Trib. To South Branch of Towanda Creek (CWF);  
Secondary: Ladds Creek, Trib. To South Branch of  
Towanda Creek (CWF)

ESCGP-1 # ESX11-117-0115 (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) Charleston Township Supervisors  
Receiving Stream(s) and Classification(s) UNT to Catlin  
Hollow, Catlin Hollow (Both TSF), UNT to Hills Creek  
(WWF)

ESCGP-1 # ESX12-113-0008  
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) Elk Run,  
Gallows Run (Both EV);  
Secondary: West Branch Fishing Creek (HQ-CWF)

ESCGP-1 # ESX12-131-0004  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.  
Address 100 Ist Center  
City, State, Zip Horseheads, NY 14845  
County Wyoming and Susquehanna Counties

Township(s) Washington, Lemon and Springville Townships  
Receiving Stream(s) and Classification(s) CWF, MF; West Branch Meshoppen Creek; Tributaries 29397, 29398, 29399 and 29401 to Meshoppen Creek; Meshoppen Creek

ESCGP-1 # ESX12-113-0011  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.  
Address 100 Ist Center  
City, State, Zip Horseheads, NY 14845  
County Sullivan County  
Township(s) Forks and Cherry Townships  
Receiving Stream(s) and Classification(s) Drains to UNT to Lick Creek, 5 UNT's to Black Creek, Black Creek, and UNT to Streby Run (EV); Loyalsock Creek Watershed;  
Secondary: Lick Creek, and Black Creek (EV)

ESCGP-1 # ESX12-115-0018  
Applicant Name WPX Energy Appalachia, LLC  
Contact Person David Freudenrich  
Address 1000 Town Center Suite 130  
City, State, Zip Canonsburg, PA 15317-5834  
County Susquehanna County  
Township(s) Silver Lake Township  
Receiving Stream(s) and Classification(s) UNT to Little Snake Creek;  
Secondary: Snake Creek (CWF, MF)

ESCGP-1 # ESX12-015-0037  
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) Wilmot Township  
Receiving Stream(s) and Classification(s) UNT to Susquehanna River (CWF); Susquehanna River (CWF)

ESCGP-1 # ESX12-033-0007  
Applicant Name Northeast Natural Energy, LLC  
Contact Person Brett Lofflin  
Address 707 Virginia Street, Suite 1400  
City, State, Zip Charleston, WV 25301  
County Clearfield County  
Township(s) Graham Township  
Receiving Stream(s) and Classification(s) UNT to Browns Run;  
Secondary: West Branch Susquehanna River

ESCGP-1 # ESX12-015-0023  
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) Windham and Warren Townships  
Receiving Stream(s) and Classification(s) Wappasening Creek (CWF, MF), Pendleton Creek (CWF, MF)

ESCGP-1 # ESX12-113-0010  
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) UNT to Elk Run (EV);  
Secondary: West Branch Fishing Creek (HQ-CWF)

ESCGP-1 # ESX12-015-0029  
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) UNT to Tioga River (HQ-CWF/MF);  
Secondary: Tioga River (HQ)

ESCGP-1 # ESX12-015-0045  
Applicant Name Appalachia Midstream Services, LLC  
Contact Person Patrick Myers, Jr.  
Address 100 Ist Center  
City, State, Zip Horseheads, NY 14845  
County Bradford and Sullivan Counties  
Township(s) Albany and Cherry Townships  
Receiving Stream(s) and Classification(s) The Black East Gathering line, the Coyle BRA Well Line and the LW Well Line from Station 0+00 to Station 35+75 drain to 3 UNTs to South Branch Towanda Creek (CWF) and South Branch Towanda Creek (CWF) Towanda Creek Watershed. The LW Well Line and station 35+75 to its terminus drain to 3 UNTs to Lick Creek (EV), Loyalsock Creek Watershed. The E&S design criteria have been split based on the EV and on-EV segments referenced above.  
Secondary: South Branch Towanda Creek (CWF) and Lick Creek (EV)

ESCGP-1 # ESX12-015-0044  
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) Stevens Township  
Receiving Stream(s) and Classification(s) UNT to Rockwell Creek, Rockwell Creek (WWF, MF);  
Secondary: Wyalusing Creek (WWF, MF)

ESCGP-1 # ESX12-117-0017  
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) Corey Creek

*Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA*

1/27/2012  
ESCGP-1 No: ESX11-059-0049 Major Revision  
Applicant Name: Laurel Mountain Midstream LLC  
Contact Person Clayton Roesler  
Address: 1605 Coraopolis Heights Road  
City: Moon Township State: PA Zip Code: 15108  
County: Greene Township: Greene & Monongahela  
Receiving Stream (s) And Classifications: UNTs to Little Whiteley Creek WWF, UNTs to Whiteley Creek WWF, Monongahela River Watershed

11/01/2011  
ESCGP-1 No.: ESX11-125-0104  
Applicant Name: Rice Drilling B LLC  
Contact Person: Toby Rice  
Address: 171 Hillpointe Dr Suite 301  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Amwell

Receiving Stream(s) and Classifications: UNT to Little Tenmile Creek/Tenmile Creek Watershed UNT to Bane Creek/Bane Creek Watershed

01/06/2012  
 ESCGP-1 No.: ESX12-125-0003  
 Applicant Name: Rice Drilling B LLC  
 Contact Person: Toby Rice  
 Address: 171 Hillpointe Dr Suite 301  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): North Bethlehem and Somerset  
 Receiving Stream(s) and Classifications: South Brank Pigeon Creek and UNTs, Other

12/30/2011  
 ESCGP-1 No.: ESX11-129-0047  
 Applicant Name: Chevron Appalachia LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Westmoreland Township(s): South Huntingdon  
 Receiving Stream(s) and Classifications: Sewickley Creek and UNT to Sewickley Creek/Lower Youghiogheny River Watershed, Other

01/17/2012  
 ESCGP-1 No.: ESX12-059-0003  
 Applicant Name: CNX Gas Company LLC  
 Contact Person: Daniel Bitz  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 COUNTY Greene Township(s): Morris  
 Receiving Stream(s) and Classifications: UNT to Enlow Fork & Boothe Run/Wheeling Creek WWF, Other

12/22/2011  
 ESCGP-1 No.: ESX11-125-0017 Major Revision  
 Applicant Name: MarkWest Liberty Midstream & Resources LLC  
 Contact Person: Rick Lowry  
 Address: 824 Morganza Road  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Blaine, Buffalo, Hopewell  
 Receiving Stream(s) and Classifications: UNTs to Brush Run HQ-WWF, Brush Run HQ-WWF, UNTs to Buffalo Creek HQ-WWF, UNTs to Cross Creek HQ-WWF, Brush Run & Buffalo Creek Watersheds, HQ

11/01/2011  
 ESCGP-1 No.: ESX11-125-0103  
 Applicant Name: MarkWest Liberty Midstream & Resources LLC  
 Contact Person: Rick Lowry  
 Address: 824 Morganza Road

City: Canonsburg State: PA Zip Code 1515317  
 County: Washington Township(s): Amwell & Morris  
 Receiving Stream(s) and Classifications: UNT to Pleasant Valley Run TSF, Pleasant Valley Run TSF, Fork of Bane Creek TSF, UNTs to Tenmile Creek TSF, Tenmile Creek TSF, Other

10/03/2011  
 ESCGP-1 No.: ESX11-059-0059  
 Applicant Name: M3 Appalachia Gathering LLC  
 Contact Person: James Roberts  
 Address: 1099 Main Avenue Suite 210  
 City: Durango State: CO Zip Code: 81301-5157  
 County: Greene Township(s): Jefferson, Franklin, Whiteley, Perry and Wayne  
 Receiving Stream(s) and Classifications: UNT to South Fork Tenmile Creek/Tenmile Creek; UNT to Muddy Creek/Tenmile Creek; UNT to Coal Lick Run/Tenmile Creek; UNT to Mount Phoebe Run/Whiteley Creek; Mount Phoebe Run/Whiteley; Tributary to Mount Phoebe Run/Whiteley Creek; UNT to Dyers Fork/Whiteley Creek; Tributary to Dyers Fork/Whiteley Creek; Dyers Fork/Whiteley Creek; Whiteley Creek/Monongahela River; UNT to Whiteley Creek/Monongahela River; Tributary to Whiteley Creek/Monongahela River; Tributary to Rudolph Run/Dunkard Creek; UNT to Patterson Run/Whiteley Creek; Rudolph Run/Whiteley Creek; and UNT to Rudolph Run/Whiteley Creek, Other

11/23/2011  
 ESCGP-1 No.: ESX11-007-0021  
 Applicant Name: Chesapeake Appalachia LLC  
 Contact Person: Eric Haskins  
 Address: 101 North Main Street  
 City: Athens State: PA Zip Code: 18810  
 County: Beaver Township(s): Ohioville  
 Receiving Stream(s) and Classifications: North Fork Bieler Run WWF Bieler Run WWF, Other

01/23/2012  
 ESCGP-1 NO.: ESX11-059-0007 Major Revision  
 Applicant Name: Chevron Appalachia LLC  
 CONTACT PERSON: Jeremy Hirtz  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA 15478  
 County: Greene Township(s): Cumberland  
 Receiving Stream(s) and Classifications: UNT to Monongahela River an Monongahela River/ Tenmile Creek Watershed, 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
OG04-12-003	National Fuel Gas Supply Corp. c/o Glenn McCrea 1100 State Street Erie, PA 16501	Beaver	Daugherty Township North Sewickley Township	UNTs to Blockhouse Run & Blockhouse Run (WWF), UNTs to Brush Creek and Brush Creek (WWF)

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-019-0113-Goldscheitter Well Site  
 Applicant Range Resources Appalachia LLC  
 Contact Justin Wagner  
 Address 3000 Town Center Blvd  
 City Canonsburg State PA Zip Code 15317  
 County Butler Township(s) Clinton(s)  
 Receiving Stream(s) and Classification(s) UNT to Lardintown Run/Lower Allegheny River Watershed

ESCGP-1 #ESX12-019-0130-Hixon Unit 1H, 2H, 3H, 4H  
 Applicant XTO Energy  
 Contact Jesse Hickman  
 Address 502 Keystone Drive  
 City Warrendale State PA Zip Code 15086  
 County Butler Township(s) Forward(s)  
 Receiving Stream(s) and Classification(s) UNT of Glade Run-WWF, Glade Run-WWF

ESCGP-1 #ESX12-073-0009—Hufnagel Well Pad  
 Applicant Rex Energy Operating Corporation  
 Contact Russell D Macaw  
 Address 476 Rolling Ridge Drive, Suite 300  
 City State College State PA Zip Code 16801  
 County Lawrence Township(s) Perry(s)  
 Receiving Stream(s) and Classification(s) UNT of Camp Run, Camp Run/Camp Run Watershed—WWF

ESCGP-1 #ESX11-047-0038—Church Run Pad A  
 Applicant Seneca Resources Corporation  
 Contact Michael C. Clinger  
 Address 51 Zents Boulevard  
 City Brookville State PA Zip Code 15825  
 County Elk Township(s) Millstone(s)  
 Receiving Stream(s) and Classification(s) Wyncoop Run, Clarion River, CWF

ESCGP-1 #ESX11-083-0058—Lot 345  
 Applicant Catalyst Energy  
 Contact Mr. Douglas Jones  
 Address 800 Cranberry Woods Drive, Suite 290  
 City Cranberry Township State PA Zip Code 16066  
 County McKean Township(s) Wetmore(s)  
 Receiving Stream(s) and Classification(s) Rock Run / West Run High Quality

ESCGP-1 #ESX12-019-0129—Hixon Unit Freshwater Impoundment  
 Applicant XTO Energy Inc  
 Contact Ms. Melissa Breitenbach  
 Address 502 Keystone Drive  
 City Warrendale State PA Zip Code 15086  
 County Butler Township(s) Forward(s)

Receiving Stream(s) and Classification(s) UNT of Glade Run—WWF; Glade Run—WWF

ESCGP-1 #ESX12-019-0128—Marburger Farm Dairy B Unit No. 1H, 2H  
 Applicant XTO Energy Inc  
 Contact Ms. Melissa Breitenbach  
 Address 502 Keystone Drive  
 City Warrendale State PA Zip Code 15086  
 County Butler Township(s) Forward(s)  
 Receiving Stream(s) and Classification(s) UNT of Glade Run—WWF; Glade Run—WWF

ESCGP-1 #ESX12-019-0127—Marburger Farm Dairy B Unit Freshwater Impoundment  
 Applicant XTO Energy Inc  
 Contact Ms. Melissa Breitenbach  
 Address 502 Keystone Drive  
 City Warrendale State PA Zip Code 15086  
 County Butler Township(s) Forward(s)  
 Receiving Stream(s) and Classification(s) UNT of Glade Run-WWF; Glade Run—WWF

ESCGP-1 #ESX12-019-0126—Bricker Pipeline Applicant Keystone Midstream Service, LLC  
 Contact Patrick A. Redalen  
 Address 11400 Westmoor Circle, Suite 325  
 City Westminster State CO Zip Code 80021  
 County Butler Township(s) Connoquenessing(s)  
 Receiving Stream(s) and Classification(s) UNT to Little Connoquenessing Creek—CWF, Semiconon Run—CWF, Little Connoquenessing Creek

ESCGP-1 #ESX12-121-0010-Stephens Oil Lease  
 Applicant Vista Operating, Inc.  
 Contact Joel Hoffman  
 Address 61 McMurray Road, Suite 300  
 City Pittsburgh State PA Zip Code 15241  
 County Venango Township(s) Richland and Rockland  
 Receiving Stream(s) and Classification(s) Bear Run—CWF, Pryor Run—CWF, Pine Run—WWF

ESCGP-1 #ESX11-065-0039-Frano Pipeline Project  
 Applicant EQT Gathering LLC  
 Contact Lauren Parker  
 Address 455 Racetrack Road  
 City Washington State PA Zip Code 15301  
 County Jefferson Township(s) Snyder & Washington(s)  
 Receiving Stream(s) and Classification(s) Trib 50286 to Curry Run CWF, UNT 1 to Trib 50286 to Curry Run CWF, UNT 2 to Trib 50286 to Curry Run CWF, UNT to Rattlesnake Creek CWF, Trib 50302 to Rattlesnake Run, Rattlesnake Run, Trib 50300 to Rattlesnake Run, Trib 48767 to Wolf Run, UNT to Trib 48767 to Wolf Run

**STORAGE TANKS**

**SITE-SPECTIFIC 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
12-40-011	Sunoco Partners Marketing & Terminals, L.P. 525 Fritztown Road Sinking Spring, PA 19608 Attn: Jed A. Werner	Luzerne	Edwardsville Borough	2 ASTs storing petroleum products	2,310,000 gallons total

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
12-09-012	ML 35 LLC 35 Runway Road Levittown, PA 19057-4700 Attn: James Roder	Bucks	Bristol Township	1 AST storing diesel fuel	50,000 gallons

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## SPECIAL NOTICES

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### Plan Revision Approval under the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

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

The Department of Environmental Protection (DEP) approved a revision to the Pike County Municipal Waste Management Plan on February 23, 2012.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, 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 may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of this 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 itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

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

The plan revision is a public document and may be viewed at the DEP Regional Office noted above.

Questions concerning this approval should be directed William Tomayko, Regional Waste Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

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

The Department of Environmental Protection (Department) approved the Northumberland County Municipal Waste Management Non-Substantial Plan Revision ("Revision") on February 16, 2012. Key features of the Revision include disposal of municipal waste generated in the county at several designated disposal sites and options for recycling. The Revision is a public document and may be viewed at the Northcentral Regional Office, at the address noted above. Questions concerning the approval of the Revision should be directed to Larry Holley, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg,

PA 17105-8472, 717-787-7382, or to Michelle Ferguson, Regional Manager, Office of Pollution Prevention and Energy Assistance, at the Northcentral Regional Office at 570-327-3636.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, 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 Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of 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 itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

### Letters of Interest for the Reclamation of an Abandoned Strip Mine Project

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

Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowner and licensed mine operators for the reclamation of an abandoned strip mine project identified as Project No. PBF 16820107.3, located in Redbank Township, Clarion County.

R.E.M. Coal Company, Inc., Permit No. 16820107 on the Audrey D. & Henry M. Brinker property, requires construction of an access road with gate and passive treatment system consisting of two bioswales, one vertical flow pond, one horizontal flow limestone bed, and related structures designed to treat a discharge of 83 gallons per minute with a pH of 4, acidity of 80, iron of 3.7 mg/l, manganese of 23.5 mg/l and aluminum of 4.1 mg/l.

Letters of interest must be received by Joseph Ferrara, Compliance Manager, Department of Environmental Protection, P. O. Box 669, Knox, PA 16232, no later than 4:00 p.m. April 2, 2012, to be considered. Telephone inquiries shall be directed to Mr. Ferrara at 814-797-1191.

[Pa.B. Doc. No. 12-406. Filed for public inspection March 9, 2012, 9:00 a.m.]



### Air Quality Technical Advisory Committee Meeting Cancellation

The Air Quality Technical Advisory Committee meeting scheduled for Wednesday, March 14, 2012, has been cancelled. The next meeting is scheduled for Thursday, April 12, 2012, in Room 105, Rachel Carson State Office Building, Harrisburg, at 9:15 a.m. The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keyword: "Air Quality Technical Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Connie Hartlaub at (717) 787-9495 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-407. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Bid Opportunity

**OSM 40(4060)101.1, Abandoned Mine Reclamation Project, Alden Mountain East, Newport Township, Luzerne County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; grading 213,100 cubic yards; drainage excavation 8,210 cubic yards; rock lining 5,790 square yards; and seeding 39.7 acres. This bid issues on March 9, 2012, and bids will be opened on April 5, 2012, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-408. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Interstate Pollution Transport Reduction; Proposed 2012 Ozone Season NO<sub>x</sub> Emission Limits for Nonelectric Generating Units

The Department of Environmental Protection (Department) is providing notice and an opportunity for comment concerning the proposed Nonelectric Generating Unit (non-EGU) 2012 Ozone Season Nitrogen Oxide (NO<sub>x</sub>) emission limitations established in accordance with 25 Pa. Code § 145.8(d) (relating to transition to CAIR NO<sub>x</sub> trading programs). The 15-day public comment period will end on March 25, 2012.

In April 2008, the Commonwealth's Clean Air Interstate Rule (CAIR) adopted by the Environmental Quality Board included NO<sub>x</sub> Budget Trading Program amend-

ments to allow the owners and operators of non-EGUs in this Commonwealth to transition to the CAIR NO<sub>x</sub> Trading Program. (See 38 Pa.B. 1705 (April 12, 2008).) Specifically, 25 Pa. Code § 145.8(d) establishes a non-EGU NO<sub>x</sub> Budget Trading Program budget of 3,619 tons of NO<sub>x</sub>, less a specified adjustment amount, to serve as a Statewide Ozone Season NO<sub>x</sub> emissions cap for new and existing non-EGUs. This NO<sub>x</sub> emissions cap also applies to CAIR-exempt EGUs that were subject to the NO<sub>x</sub> Budget Trading Program. If total emissions from all of the units exceed the Statewide NO<sub>x</sub> emissions cap of 3,438 tons, the owners and operators of non-EGUs must comply with the NO<sub>x</sub> emission limitations established under 25 Pa. Code § 145.8(d). The owners and operators of units exceeding their individual NO<sub>x</sub> limits would need to purchase and then surrender one CAIR NO<sub>x</sub> Ozone Season allowance and one CAIR NO<sub>x</sub> allowance for each ton of excess emissions. The proposed NO<sub>x</sub> emissions limitations for individual units ensure that non-EGUs in this Commonwealth continue to meet the emission limits of the NO<sub>x</sub> Budget Trading Program, as required under the United States Environmental Protection Agency's (EPA) CAIR.

The Statewide cap for 2011 was not exceeded. Therefore, non-EGUs do not need to purchase allowances to meet their 2011 Ozone Season NO<sub>x</sub> emission limitations established under 25 Pa. Code § 145.8(d). The preliminary NO<sub>x</sub> emissions for the 2011 Ozone Season (May through September) reported to the EPA by the owners and operators of the affected non-EGUs are 1,550.78 tons. The Department's permanent retirement of 3,438 allowances under 25 Pa. Code § 145.8(b) covers all the NO<sub>x</sub> emissions from the affected non-EGUs in 2011.

The NO<sub>x</sub> emissions cap provides 181 tons of NO<sub>x</sub> emissions for non-EGUs and the other units that need to address their emissions through accounting adjustments, including units that previously participated in the NO<sub>x</sub> Budget Trading Program; emissions from these units were below the 25-ton exemption threshold. Adjustments were also made for the permanent retirement of NO<sub>x</sub> allowances due to generation of emission reduction credits. The Department will also use a portion of the 181 tons of the budgeted NO<sub>x</sub> emissions, if necessary, to address mistakes or miscalculations. This year, the Department is proposing to use 121 tons of the 181 tons of NO<sub>x</sub> for account adjustments, leaving 60 tons available for any additional adjustments at the end of the control period.

The Department made accounting adjustments for the following facilities:

*Retired Units:* Naval Surface Warfare Division Unit 98; Shenango Units Nos. 6 and 9 (the generation of emission offsets for small non-NO<sub>x</sub> Budget Trading Program units resulted in a permanent NO<sub>x</sub> accounting adjustment of 45 tons).

*Exempt Units:* Each of the following units has a 25-ton NO<sub>x</sub> permit limit: Armagh Compressor Station (Unit 31301); Entriken Compressor Station (Unit 31601); and the Naval Surface Warfare Division (Unit 100). The Naval Surface Warfare Division (Unit 99) has a 1-ton NO<sub>x</sub> permit limit. All of these 25-ton exempt status units account for a total adjustment of 76 tons of NO<sub>x</sub> emissions.

Units subject to the requirements in 25 Pa. Code § 145.8 are required to meet the monitoring and reporting requirements of the EPA's CAIR, found in 40 CFR Part 96, Subpart HHHH (relating to monitoring and

reporting) and maintain general accounts and account representatives under 40 CFR Part 96, Subparts BBBB and FFFF (relating to CAIR designated representative for CAIR NO<sub>x</sub> ozone season sources; and CAIR NO<sub>x</sub> ozone season allowance tracking system). The Proposed Non-EGU 2012 Ozone Season NO<sub>x</sub> Emission Limits table below lists the following: the facility name, ORIS Code, the unit ID for each non-EGU unit, the operating year, the heat input for the 2011 Ozone Season, the calculated 2012 rate and the 2012 Ozone Season limit.

*Written Comments*

Written comments on the proposed non-EGU 2012 Ozone Season NO<sub>x</sub> Emission Limits 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 25, 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 non-EGU 2012 Ozone Season NO<sub>x</sub> emission limits" 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*

**Table 1: Proposed Non-EGU 2012 Ozone Season NO<sub>x</sub> Emission Limits**

<i>Facility Name</i>	<i>ORIS Code</i>	<i>UNIT ID</i>	<i>OP Year</i>	<i>NO<sub>x</sub> Rate lb/MMBtu</i>	<i>NO<sub>x</sub> Mass tons</i>	<i>Heat Input MMBtu</i>	<i>2012 Rate</i>	<i>2012 OS Limit</i>
Armagh Compressor Station	880071	31301	2011	0	0	0	0.25433	0
Bernville Station	880049	32001	2011	0	0	0	0.25433	0
ConocoPhillips Co., Trainer Refinery	880025	33	2011	0.1707	49.691	575399.6	0.25433	73
ConocoPhillips Co., Trainer Refinery	880025	34	2011	0.0044	1.097	513279.1	0.25433	65
ConocoPhillips Co., Trainer Refinery	880025	35	2011	0.0041	1.416	672467.4	0.25433	85
Domtar Paper Company, LLC	54638	40	2011	0.305	132.183	877754.9	0.25433	112
Domtar Paper Company, LLC	54638	41	2011	0.3056	125.553	830653.337	0.25433	106
Entriken Compressor Station	880072	31601	2011	0.7003	0.529	1511.8	0.25433	0
FPL Energy MH50	50074	1	2011	0.1086	5.823	122856.436	0.25433	16
FPL Energy Marcus Hook, LP	55801	AB01	2011	0.023	5.49	473152.405	0.25433	60
FPL Energy Marcus Hook, LP	55801	AB02	2011	0.0306	10.084	652180.461	0.25433	83
FPL Energy Marcus Hook, LP	55801	AB03	2011	0.0277	7.446	540079.541	0.25433	69
FPL Energy Marcus Hook, LP	55801	AB04	2011	0.0351	11.708	663033.281	0.25433	84
Honeywell Resins & Chemicals, LLC	880007	52	2011	0.0717	18.987	531722.569	0.25433	68

<i>Facility Name</i>	<i>ORIS Code</i>	<i>UNIT ID</i>	<i>OP Year</i>	<i>NO<sub>x</sub> Rate lb/MMBtu</i>	<i>NO<sub>x</sub> Mass tons</i>	<i>Heat Input MMBtu</i>	<i>2012 Rate</i>	<i>2012 OS Limit</i>
Kimberly—Clark Tissue Company	50410	34	2011	2	0.001	1.2	0.25433	0
Kimberly—Clark Tissue Company	50410	35	2011	0.0635	92.288	2913048.075	0.25433	370
Merck & Company— West Point	52149	39	2011	0.0841	12.473	298184.649	0.25433	38
Merck & Company— West Point	52149	40	2011	0.0219	15.005	1331429.092	0.25433	169
P H Glatfelter Company	50397	34	2011	0.4839	294.795	1222578.925	0.25433	155
P H Glatfelter Company	50397	35	2011	0.4841	232.474	957308.15	0.25433	122
P H Glatfelter Company	50397	36	2011	0.1374	121.857	1797582.275	0.25433	229
Philadelphia Refinery	52106	150137	2011	0.0395	14.733	747469.612	0.25433	95
Philadelphia Refinery	52106	150138	2011	0	0	0	0.25433	0
Philadelphia Refinery	52106	150139	2011	0.0395	17.365	893684.8	0.25433	114
Philadelphia Refinery	52106	150140	2011	0.0395	29.404	1464095.2	0.25433	186
Procter & Gamble Paper Products	50463	328001	2011	0.1392	125.598	1816778.899	0.25433	231
Shermans Dale Station	880050	31801	2011	0	0	0	0.25433	0
US Steel (Clairton Coke)	50729	CLBLR1	2011	0.1803	146.607	1537965.9	0.25433	196
US Steel (Clairton Coke)	50729	CLBLR2	2011	0.0845	6.952	163243.47	0.25433	21
US Steel (Edgar Thomson)	50732	ETBLR1	2011	0.0166	12.629	1545487.825	0.25433	196
US Steel (Edgar Thomson)	50732	ETBLR2	2011	0.0161	11.449	1523492.693	0.25433	194
US Steel (Edgar Thomson)	50732	ETBLR3	2011	0.0201	29.827	1855491.3	0.25433	236
Veolia Energy Philadelphia— Edison Sta	880006	1	2011	0.3504	0.588	4156	0.25433	1
Veolia Energy Philadelphia— Edison Sta	880006	2	2011	2	0.035	35.1	0.25433	0
Veolia Energy Philadelphia— Edison Sta	880006	3	2011	0.2993	1.197	9899.5	0.25433	1

Facility Name	ORIS Code	UNIT ID	OP Year	NO <sub>x</sub> Rate lb/MMBtu	NO <sub>x</sub> Mass tons	Heat Input MMBtu	2012 Rate	2012 OS Limit
Veolia Energy Philadelphia— Edison Sta	880006	4	2011	0.2671	1.299	11245.9	0.25433	1
United Refining	880099	4	2011	0.0734	14.2	488399.5	0.25433	62
				Totals	1550.783	27035668.9		3438

[Pa.B. Doc. No. 12-409. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Nutrient Credit Trading Program; Actions

The Department of Environmental Protection (Department) provides notice of the following action under the Nutrient Credit Trading Program (Trading Program). This action was taken under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients.

Persons aggrieved by an action may appeal, 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), 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, (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 of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, 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 to the Board at (717) 787-3483 for more information.

For further information about this action or the Trading Program, contact Karen Price, Interstate Waters Office, Department of Environmental Protection, P. O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-4785, kprice@pa.gov or visit the Department's web site at www.dep.state.pa.us (DEP Keywords: "Nutrient Trading").

The following certification request has been approved by the Department. The approval of this request is considered a final action of the Department.

**TeamAg Incorporated on behalf of Oregon Dairy and in coordination with Lancaster Farmland Trust.** This approval is applicable to nitrogen reduction credits to be generated from the pollutant reduction activity of continuous no-till and cover crops. This approval includes a verification plan and authorizes the generation of 922 nitrogen reduction credits. This certification of annual credits is valid until September 30, 2016, as long as the pollution reduction activity is implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2016, credits for the pollution reduction activity may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 6932 (December 24, 2011).

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 12-410. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Recycling Program Development and Implementation Grants under Section 902 of Act 101 The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988

The Department of Environmental Protection (Department) announces the availability of applications to municipalities for recycling program grant assistance under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P. S. § 4000.902). Municipalities eligible for recycling grants include counties, cities, boroughs, incorporated towns, townships, home rule municipalities, councils of governments, consortiums or similar entities established by two or more municipalities under 53 Pa.C.S. Chapter 23, Subchapter A (relating to intergovernmental cooperation).

Applicants must be in compliance with the act and the implementing regulations, the Department's Guidelines for Proper Management of Recyclable Materials and any previous grant contract provisions to be eligible to receive grant funding. County applicants should be in compliance with planning and other county-related provisions of the act. Applicants who are not in compliance with the act's annual reporting requirements or the program requirements in the act of November 9, 2006 (P. L. 1347, No. 140) will not be considered in this grant application round. Municipalities that were a grant recipient from

the last 902 grant award round in 2010 will not be considered for funding this solicitation period. Programs operating in municipalities covered by land use plans and ordinances (as outlined under the acts of June 22, 2000 (P. L. 483, No. 67) and (P. L. 495, No. 68)) or projects that are in compliance with their municipality's land use plan will receive priority over similar programs and projects absent those conditions.

Municipalities are eligible for 90% funding of approved recycling program costs. Municipalities considered financially distressed by the Department of Community and Economic Development under the Financially Distressed Communities Act are eligible for 100% of approved costs. No application requesting more than \$250,000 in grant funding will be accepted.

Applicants are required to complete the Sustainability Plan portion of the application that includes definitive actions and strategies for optimizing program self-sufficiency. The plan shall include, at a minimum: strategies for reducing costs and generating revenues, provisions for establishing incentives associated with waste reduction and recycling, mechanisms for public outreach and stakeholder input and tracking mechanisms to document progress toward sustainability milestones until optimum sustainability is realized. The Department's technical report on *Building Financially Sustainable Recycling Programs* can provide assistance in developing these methods and strategies. The technical report can be found on the Department's web site at [www.dep.state.pa.us/dep/deputate/airwaste/wm/recycle/document/fin\\_sust\\_rec.pdf](http://www.dep.state.pa.us/dep/deputate/airwaste/wm/recycle/document/fin_sust_rec.pdf). Applicants that fail to complete the Sustainability Plan portion of the application will not be considered for funding.

Applicants requesting support for the following (and demonstrating how the request will lead toward greater program self-sufficiency) will receive priority for funding:

- Newly mandated municipalities based on the 2010 decennial census by the Bureau of the Census of the United States Department of Commerce.
- An incentive based pricing and collection program designed to increase the quantities and types of recyclable materials and reduce the quantity of waste collected.
- Multi-municipal collection, processing and/or materials marketing program where capital costs are reduced and/or recycling marketability is enhanced due to inter-governmental cooperation.
- The development of electronic notices for recycling events and programs.
- New or expanded collection, education and outreach for commercial and institutional establishments, including school recycling programs.

In addition, communities whose existing recycling programs contain the following components will receive additional consideration:

- Municipally operated or municipal contracted waste and recycling services that provide consistency and uniformity of the waste and recycling programs.
- The collection of six or more of the following materials: newsprint, office paper, corrugated paper, other marketable grades of paper, aluminum cans, steel or bimetallic cans, colored glass containers, clear glass containers and plastics.

Only those projects involving municipalities that have a mandatory trash collection program or projects seeking support for a residential recycling program that have a

corresponding commercial recycling program will be considered for funding. Applicants seeking funds to replace curbside collection containers and/or collection vehicles will need to demonstrate that the new equipment will increase collection efficiencies and tonnage of materials.

Eligible recycling program development costs include: recycling program design costs, recycling market investigations, development of recycling market commitments, development of recycling program ordinances, development of recycling public education programs and the costs of developing contracts for procuring equipment or services necessary for the operation of the recycling program.

Eligible recycling program implementation costs include: purchasing or leasing vehicles used to collect recyclables (including automated and single-stream collection vehicles), transport recyclables to processing facilities or markets and vehicles used in the operation of a materials recovery facility; reusable containers for the collection or storage of recyclable materials; acquiring and/or renovating buildings for the processing or storage of recovered materials; equipment used to process or manufacture recyclable materials into usable products; improvements to land needed to operate a recycling facility or yard waste composting facility authorized under 25 Pa. Code § 271.103(h) (relating to permit-by-rule for municipal waste processing facilities other than for infectious or chemotherapeutic waste; qualifying facilities; general requirements); and the costs associated with educating the public on recycling program requirements. Under this grant solicitation, promotional items, glass crushing equipment (unless specific marketing arrangements have been identified), vehicles equipped with compaction units (except for the sole collection of yard waste, paper fiber and/or single-stream collection where a facility equipped to process such material has been identified), backyard composting units and public recycling containers for parks and streetscapes will not be considered eligible for funding. Other eligible and noneligible costs are listed in the grant application packet. Composting projects and programs will be considered to be recycling projects or programs accordingly.

A municipality must retain sole ownership of equipment or facilities funded by the grant. Funding for equipment or facilities purchased for the recycling program used for recycling and other purposes will be prorated according to its recycling use (no equipment used for recycling less than 50% of the time will be eligible for funding). Funding for certain leaf and yard waste collection equipment may be limited according to its seasonal use. Funding for wood chipping equipment will be approved only when the equipment is part of an approved yard waste composting facility operating under the Department's guidelines and where the material is collected curbside from residents. Funding of street sweepers for the purpose of leaf collection will not be considered.

Funding may be restricted in situations where equipment or services requested through a grant application may be available from the public or private sector within the county of the applicant. Public notices may be required before the grant application may be submitted depending upon the nature of the funding request. When the municipality submits the recycling grant application to the Department, it must include proof of compliance with the notification requirements, a description of any responses received to the notice, and an explanation of why the municipality has concluded that the mechanical processing equipment is not available to the program from the private sector.

Potential applicants must contact the appropriate Department regional planning and recycling coordinator to schedule a preapplication conference to discuss application requirements and program particulars. Applications will be returned to municipalities that fail to schedule preapplication conferences. Grant application forms are available from the Department's regional offices and the Department's web site, [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword "Recycling Grants").

Grant applications must be received or postmarked by June 29, 2012. Applications received by the Department after that date will not be considered during the current round of solicitation. Applications must be on forms provided by the Department, with two copies submitted to the Department Central Office (Rachel Carson State Office Building, Harrisburg) and one copy submitted to the appropriate county recycling coordinator. Grant awards will be predicated on the receipt of recycling fees required by sections 701 and 702 of the act (53 P.S. §§ 4000.701 and 4000.702) and the availability of moneys in the Recycling Fund.

Inquiries concerning this notice should be directed to Mark Vottero, Recycling Grants Coordinator, Department of Environmental Protection, Rachel Carson State Office Building, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472, [mvottero@state.pa.us](mailto:mvottero@state.pa.us).

MICHAEL L. KRANCER,  
*Secretary*

#### Regional Planning and Recycling Coordinators

##### Southeast Region

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

DEP, Waste Management Program, Calvin Ligons, Ann Ryan, Mary Alice Reisse, 2 East Main Street, Norristown, PA 19401, (484) 250-5900, [cligons@pa.gov](mailto:cligons@pa.gov), [aryan@pa.gov](mailto:aryan@pa.gov), [mreisse@pa.gov](mailto:mreisse@pa.gov)

##### Northeast Region

Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne and Wyoming Counties

DEP, Waste Management Program, Rachel Miller, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2434, [rachmiller@pa.gov](mailto:rachmiller@pa.gov)

##### Southcentral Region

Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry and York Counties

DEP, Waste Management Program, John Lundsted, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4927, [jlundsted@pa.gov](mailto:jlundsted@pa.gov)

##### Northcentral Region

Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga and Union Counties

DEP, Waste Management Program, Michelle Ferguson, 208 West 3rd Street, Suite 101, Williamsport, PA 17701, (570) 327-3783, [miferguson@pa.gov](mailto:miferguson@pa.gov)

##### Southwest Region

Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties

DEP, Waste Management Program, Sharon Svitek, Stephen Sales, Bradley Cunningham, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000, [ssvitek@state.pa.gov](mailto:ssvitek@state.pa.gov), [ssales@state.pa.gov](mailto:ssales@state.pa.gov), [bcunningham@state.pa.gov](mailto:bcunningham@state.pa.gov)

##### Northwest Region

Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango and Warren Counties

DEP, Pollution Prevention and Compliance Assistance, Guy McUmbler, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848, [gmcumber@state.pa.gov](mailto:gmcumber@state.pa.gov)

[Pa.B. Doc. No. 12-411. Filed for public inspection March 9, 2012, 9:00 a.m.]

#### Stream Redesignation Evaluations; Water Quality Standards Review

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on all or portions of the following streams to determine the proper Aquatic Life Use or Special Protection designations in this Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
Perkiomen Creek	Montgomery, Berks, Bucks, Lehigh	Schuylkill River
Unnamed Tributary 99425110 to Mountain Creek (Barton's Hollow), Basin	Fayette	Mountain Creek
Trout Creek, Basin	Lehigh	Lehigh River

Persons who have technical data concerning the water quality, instream habitat or biological condition of these stream sections are encouraged to make it available to the Department for consideration in the assessment. These assessments may lead to recommendations to the Environmental Quality Board for redesignation.

Data should be submitted to Tony Shaw, Division of Water Quality Standards, Bureau of Point and Non-Point Source Management, P. O. Box 8774, Harrisburg, PA 17105-8774, [tshaw@pa.gov](mailto:tshaw@pa.gov). Data should be submitted no later than 30 days following publication of this notice. Questions concerning this evaluation can be directed to Tony Shaw at (717) 787-9637.

More information on stream redesignation notifications is available online at [www.dep.state.pa.us](http://www.dep.state.pa.us), Keyword: "Stream Assessment Notification."

The Perkiomen Creek basin is currently designated High Quality Trout Stocking from its source to State Route (SR) 1010 and Trout Stocking (TSF) from SR-1010 to the Green Lane Reservoir Dam. The West Branch Perkiomen Creek basin is currently designated Cold Water Fishes (CWF) from its source to SR-1022, Exceptional Value from SR-1022 to SR-2069, and CWF from SR-2069 to the mouth. The Hosensack Creek and Macoby Creek basins are currently designated CWF and TSF, respectively. The Study area will include the entire Perkiomen Creek Basin.

Barton's Hollow from the source to the mouth is currently designated CWF. The study area will include the entire Barton's Hollow basin.

The Trout Creek basin from the source to the mouth is currently designated CWF. The study area will include the entire Trout Creek basin.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Tony Shaw directly at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 12-412. Filed for public inspection March 9, 2012, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Allegheny Reproductive Health Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allegheny Reproductive Health Center, Inc. has requested an exception to the requirements of 28 Pa. Code §§ 551.22(2), (3)(i) and (ii), and (4), 553.4(h), 553.24, 555.24(b) and (f)(5), 555.31(a), 555.33(d)(6), 559.3(b), 567.11(5), 569.37(b)(4), 571.1, 571.2(d) and 571.11.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-413. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Allentown Women's Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allentown Women's Center has requested an exception to the requirements of 28 Pa. Code §§ 551.22(2),

(3)(i) and (ii), and (4), 553.4(h), 553.24, 555.24(b) and (f)(5), 555.31(a), 555.33(c)(6), 559.3(b), 567.11(5), 569.37(b)(4), 571.1 and 571.11.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-414. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Berger & Benjamin, LLP for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Berger & Benjamin, LLP has requested an exception to the requirements of 28 Pa. Code §§ 551.22(2), (3)(i) and (ii), and (4), 553.4(h), 553.24, 555.24(b) and (f)(5), 555.31(a), 555.33(d)(6), 559.3(b), 567.11(5), 569.37(b)(4), 571.1, 571.2(d) and 571.11.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-415. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Berwick Hospital Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Berwick Hospital Center has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-416. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Chambersburg Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Chambersburg Endoscopy Center has requested an exception to the requirements of 28 Pa. Code §§ 559.2 and 553.31 (relating to director of nursing; and administrative responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-417. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Conemaugh Valley Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Conemaugh Valley Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 125.14 (relating to removal of a dead body from patient unit to morgue).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-418. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Easton Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Easton Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.10-3.2.1.1(2), 3.10-3.2.8, 3.10-3.4.2, 3.10-3.7.2.2, 3.10-3.8.1 and 3.10-3.8.2.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation



to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-419. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Ephrata Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Ephrata Community Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-8.5.3.2 (relating to size of technology distribution room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-420. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application for Exception to 28 Pa. Code § 101.42

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 101.42 (relating to building occupancy):

Crozer-Chester Medical Center Newborn Nursery  
Crozer-Chester Medical Center Outpatient Infusion  
Service

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Divi-

sion of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-421. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application for Exception to 28 Pa. Code § 117.26(a)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 117.26(a) (relating to physician on-call schedule for basic and general emergency service):

St. Luke's Hospital  
St. Luke's Hospital—Anderson  
St. Luke's Miners Memorial  
St. Luke's Quakertown Hospital

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-422. Filed for public inspection March 9, 2012, 9:00 a.m.]

**Application for Exception to 28 Pa. Code § 123.25(2)**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards):

Lewistown Hospital  
UPMC Hamot

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-423. Filed for public inspection March 9, 2012, 9:00 a.m.]

**Application for Exception to 28 Pa. Code § 127.32**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders):

Conemaugh Memorial Medical Center  
Fox Chase Cancer Center

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-424. Filed for public inspection March 9, 2012, 9:00 a.m.]

**Application of Fairgrounds Surgical Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Fairgrounds Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(3) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-425. Filed for public inspection March 9, 2012, 9:00 a.m.]

**Application of Geisinger Medical Center Outpatient Surgery—Woodbine for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Medical Center Outpatient Surgery—Woodbine has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously

listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-426. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Grove City Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grove City Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.2.2.3, 3.1-3.8.1, 3.1-7.2.2.1, 3.1-7.2.2.2, 3.1-7.2.2.3, 3.12-3.4.2 and 3.12-3.8.5.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-427. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Harrisburg Interventional Pain Management Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Harrisburg Interventional Pain Management Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.7-3.8.1.1 (relating to clothing change or gowning area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-428. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Hillcrest Women's Medical Center—Harrisburg for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hillcrest Women's Medical Center—Harrisburg has requested an exception to the requirements of 28 Pa. Code § 551.31(a) (relating to licensure).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-429. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Jefferson Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jefferson Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.16.4.2 (relating to airborne infection isolation room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT: (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-430. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Kindred Hospital South Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Kindred Hospital South Philadelphia has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-431. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Magee Womens Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Magee Womens Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.7-1.3.4.1, 3.7-3.3.2.1, 3.7-3.3.2.2, 3.7-3.3.6.2, 3.7-3.4, 3.7-3.6.5, 3.7-3.6.10, 3.7-3.6.11, 3.7-3.6.12 and 3.7-3.8.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-432. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Muncy Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Muncy Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-3.4.3.2 (relating to tomography and radiography/fluoroscopy room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-433. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of OSS Orthopaedic Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that OSS Orthopaedic Hospital has requested an exception to the requirements of 28 Pa. Code §§ 553.1, 553.31(a) and (b), 555.1, 555.2, 555.3, 555.4, 557.2, 557.3, 557.4, 561.2, 563.1, 567.2 and 567.3.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-434. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of OSS Orthopaedic Hospital Clinics for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that OSS Orthopaedic Hospital Clinics have requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication for the following clinics:

Camp Hill Clinic: 3.1-3.2.2.3, 3.1-3.8.1, 3.1-6.1.1 and 3.1-7.2.2.1.

Lewisberry Clinic: 3.1-3.2.2.2, 3.1-3.2.2.3, 3.1-3.8.1 and 3.1-6.1.1.

Hanover Clinic: 3.1-6.1.1 (relating to vehicular drop off).

East Clinic: 3.1-3.2.2.2, 3.1-3.2.2.3, 3.1-3.8.1, 3.1-6.1.1 and 3.1-7.2.2.1.

Harrisburg Clinic: 3.1-3.2.2.2, 3.1-3.2.2.3, 3.1-6.1.1 and 3.1-3.8.1.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-435. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Penn State Hershey Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn State Hershey Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: A2.1-5.3 (relating to surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-436. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Philadelphia Women's Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Philadelphia Women's Center, Inc. has requested an exception to the requirements of 28 Pa. Code §§ 551.22(2), (3)(i) and (ii), and (4), 553.4(h), 553.24, 555.24(b) and (f)(5), 555.31(a), 555.33(d)(6), 569.37(b)(4), 571.1, 571.2(d) and 571.11.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-437. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Planned Parenthood Association of Bucks County Warminster for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood Association of Bucks County Warminster has requested an exception to the requirements of 28 Pa. Code §§ 551.22(2), (3)(i) and (ii), and (4), 553.3(16), 553.4(h), 553.24, 555.2, 555.24(b), (d) and (f)(5), 555.31(a), 555.32, 555.33(d)(6), 555.34, 555.35, 559.1, 559.3(b), 567.11(5), 569.37(b)(4), 571.1, 571.2(d) and 571.11.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-438. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Planned Parenthood of Central PA—York Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Central PA—York Health Center has requested an exception to the requirements of 28 Pa. Code §§ 551.22(2), (3)(ii), and (4), 553.4(h), 553.24, 555.2, 555.24(b) and (f)(5), 555.33(d)(6), 559.1, 559.3(b), 567.11(5), 569.37(b)(4), 571.1 and 571.11.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-439. Filed for public inspection March 9, 2012, 9:00 a.m.]

### **Application of Planned Parenthood of Northeast and Mid-Penn Allentown Facility for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Northeast and Mid-Penn Allentown Facility has requested an exception to the requirements of 28 Pa. Code §§ 551.22(2), (3)(i) and (ii), and (4), 553.3(16), 553.4(h), 553.24, 555.2, 555.24(b), (d) and (f)(5), 555.31(a), 555.32, 555.33(d)(6), 555.34, 555.35, 559.1, 559.3(b), 567.11(5), 569.37(b)(4), 571.1 and 571.11.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-440. Filed for public inspection March 9, 2012, 9:00 a.m.]

### **Application of Planned Parenthood of Northeast and Mid-Penn Reading Facility for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Northeast and Mid-Penn Reading Facility has requested an exception to the requirements of 28 Pa. Code §§ 551.22(2), (3)(i) and (ii), and (4), 553.3(16), 553.4(h), 553.24, 555.2, 555.24(b), (d) and (f)(5), 555.31(a), 555.32, 555.33(d)(6), 555.34, 555.35, 559.1, 559.3(b), 567.11(5), 569.37(b)(4), 571.1 and 571.11.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-441. Filed for public inspection March 9, 2012, 9:00 a.m.]

### **Application of Planned Parenthood Southeastern Pennsylvania's Far Northeast Health Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood Southeastern Pennsylvania's Far Northeast Health Center has requested an exception to the requirements of 28 Pa. Code §§ 551.22(2), (3)(i) and (ii), and (4), 553.4(h), 553.24, 555.2, 555.24(b) and (f)(5), 555.31(a), 555.33(d)(6), 559.1, 559.3(b), 567.11(5), 569.37(b)(4), 571.1 and 571.11.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-442. Filed for public inspection March 9, 2012, 9:00 a.m.]

### **Application of Planned Parenthood Southeastern Pennsylvania's Norristown Health Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood Southeastern Pennsylvania's Norristown Health Center has requested an exception to the requirements of 28 Pa. Code §§ 551.22(2), (3)(i) and (ii), and (4), 553.4(h), 553.24, 555.2, 555.24(b) and (f)(5), 555.31(a), 555.33(d)(6), 559.1, 559.3(b), 567.11(5), 569.37(b)(4), 571.1 and 571.11.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-443. Filed for public inspection March 9, 2012, 9:00 a.m.]

### **Application of Planned Parenthood Southeastern Pennsylvania's Surgical Locust Street Health Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood Southeastern Pennsylvania's Surgical Locust Street Health Center has requested an exception to the requirements of 28 Pa. Code §§ 551.22(2), (3)(i) and (ii), and (4), 553.4(h), 553.24, 555.2, 555.24(b) and (f)(5), 555.31(a), 555.33(d)(6), 559.1, 559.3(b), 567.11(5), 569.37(b)(4), 571.1, 571.2(d) and 571.11.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-444. Filed for public inspection March 9, 2012, 9:00 a.m.]

### **Application of Planned Parenthood Southeastern Pennsylvania's West Chester Health Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood Southeastern Pennsylvania's West Chester Health Center has requested an exception to the requirements of 28 Pa. Code §§ 551.22(2), (3)(i) and (ii), and (4), 553.4(h), 553.24, 555.2, 555.24(b) and (f)(5), 555.33(d)(6), 559.1, 559.3(b), 567.11(5), 569.37(b)(4), 571.1 and 571.11.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 12-445. Filed for public inspection March 9, 2012, 9:00 a.m.]

### **Application of Planned Parenthood of Western Pennsylvania, Inc. for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Planned Parenthood of Western Pennsylvania, Inc. has requested an exception to the requirements of 28 Pa. Code §§ 551.22(2), (3)(i) and (ii), and (4), 553.4(h), 553.24, 555.2, 555.24(b) and (f)(5), 555.33(d)(6), 559.1, 559.3(b), 567.11(5), 569.37(b)(4), 571.1, 571.2(d) and 571.11.



This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-446. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Plastic Surgical Associates of Johnstown, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Plastic Surgical Associates of Johnstown, Inc. has requested an exception to the requirements of 28 Pa. Code § 553.31 (relating to administrative responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-447. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Reproductive Health and Counseling Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Reproductive Health and Counseling Center has requested an exception to the requirements of 28 Pa. Code §§ 551.22(2), (3)(i) and (ii) and (4), 553.4(h), 553.24, 555.24(b) and (f)(5), 555.31(a), 555.33(d)(6), 559.3(b), 567.11(5), 569.37(b)(4), 571.1, 571.2(d) and 571.11.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-448. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Riddle Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Riddle Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-8.7.2.3(1) and (3) (relating to dimensions and clearances).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-449. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Saint Vincent Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Saint Vincent Health Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.5.2.2 (relating to space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-450. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Southwest Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Southwest Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.26 (relating to additional committees).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-451. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of St. Luke's Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-6.1.4 (relating to public toilets in outpatient facilities).

This facility is also requesting exception to the requirements of 28 Pa. Code § 101.54 (relating to inpatient bed complement).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-452. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of Thomas Jefferson University Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Thomas Jefferson University Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-2.6.2.6 (relating to toilet or soiled utility room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-453. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Application of The Western Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Western Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-3.1.3.6 (relating to fast track area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 12-454. Filed for public inspection March 9, 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 § 205.20(f)(g) (relating to resident bedrooms):

Avalon Nursing Center  
239 West Pittsburgh Road  
New Castle, PA 16101

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.26(e) (relating to laundry):

Avalon Nursing Center  
3410 West Pittsburgh Road  
New Castle, PA 16101

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Masonic Village at Elizabethtown  
One Masonic Drive  
Elizabethtown, PA 17022-2119  
FAC ID 131502

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 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. 12-455. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Patient Safety Trust Fund Surcharge for Fiscal Year 2011-2012 as Provided for Under the Medical Care Availability and Reduction of Error (MCARE) Act

On March 20, 2002, the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P. S. §§ 1303.101—1303.910) was enacted. Among other provisions, the MCARE Act established the Patient Safety Authority (Authority) to collect, analyze and evaluate data regarding reports of serious events and incidents occurring in certain medical facilities and to make recommendations to those facilities regarding changes, trends and improvements in health care practices and procedures for the purpose of reducing the number and severity of serious events and incidents.

Section 305(a) of the MCARE Act (40 P. S. § 1303.305(a)) authorizes the establishment of a Patient Safety Trust Fund (Fund) for the operations of the Authority. Section 305(c) of the MCARE Act states that beginning July 1, 2002, and for every fiscal year thereafter, each medical facility covered by the MCARE Act shall pay the Department of Health (Department) a surcharge on its licensing fee as necessary to provide sufficient revenues for the Authority to operate. Section 305(c) of the MCARE Act also states that the total assessment amount for Fiscal Year (FY) 2002-2003 shall not exceed \$5 million and that the Department shall transfer the total assessment amount to the Fund within 30 days of receipt. Section 305(d) of the MCARE Act provides that for each succeeding calendar year, the Department shall determine and assess each medical facility a proportionate share of the Authority's budget. The base amount of \$5 million provided for in FY 2002-2003 shall be increased no more than the Consumer Price Index in each succeeding fiscal year.

Initially, the surcharge was assessed on ambulatory surgical facilities, birth centers and hospitals. Subsequently, the MCARE Act was amended and certain abortion facilities were also required to pay the surcharge.

With the cooperation of hospitals in this Commonwealth, birthing centers, abortion facilities and ambulatory surgery facilities, the surcharge has been implemented and has provided resources for the implementation of the web-based Pennsylvania Patient Safety Reporting System and the operation of the Authority.

This notice sets forth the procedure that the Department will follow in assessing and collecting the surcharge for FY 2011-2012. The Authority FY 2011-2012 surcharge assessment is \$5.1 million. The MCARE Act states that the surcharge shall be collected from medical facilities, which are defined as ambulatory surgical facilities (ASFs), birth centers and hospitals licensed under either the Health Care Facilities Act (35 P. S. §§ 448.101—448.904) or Article X of the Public Welfare Code (62 P. S. §§ 1001—1087). Also included, as of May 1, 2006, are abortion facilities which are defined in 18 Pa.C.S. § 3203 (relating to definitions) and which perform 100 or more abortions during a calendar year. Nursing homes, which are assessed under sections 401—411 of the MCARE Act (40 P. S. §§ 1303.401—1303.411), receive a separate assessment notification.

To assess the surcharge in an equitable manner, the Department continues to use a common denominator in these facilities. For ASFs, birth centers and abortion facilities, the Department has chosen the number of

operating and procedure rooms; and for hospitals, the Department has chosen the number of beds contained on the license of each hospital, whether by the Department (general and special acute care hospitals) or the Department of Public Welfare (privately owned psychiatric hospitals). It was also necessary to pick a point in time to make this assessment; the Department has chosen February 10, 2012.

The number of operating/procedure rooms (for ASFs, birth centers and abortion facilities) and the number of licensed beds (for hospitals) was totaled and that number was divided into \$5.1 million to arrive at a charge per unit for the assessment. The total number of units (operating rooms, procedure rooms and licensed beds) is 43,213. Dividing this number into \$5,100,000 results in a per unit assessment for each installment of approximately \$118.03.

To obtain a copy of the assessment for all facilities, send an e-mail to ra-paexcept@pa.gov, and request the 2011-2012 MCARE surcharge assessment list.

Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due within 60 days. The MCARE Act authorized the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a medical facility has questions concerning this notice, a representative from that facility should contact Joanne Salsgiver, Director, Department of Health, Division of Acute and Ambulatory Care, 625 Forster Street, Health and Welfare Building, Room 532, Harrisburg, PA 17120, (717) 783-8980.

Persons with a disability who require an alternative format of this document (for example, large print, audiotope or Braille) should contact the Division of Acute and Ambulatory Care at the previously listed address or telephone number, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MP, FCLM,

*Secretary*

[Pa.B. Doc. No. 12-456. Filed for public inspection March 9, 2012, 9:00 a.m.]

## DEPARTMENT OF STATE

### Corporation Bureau Advisory Committee Meeting

The Corporation Bureau Advisory Committee, under 15 Pa.C.S. § 155(c) (relating to disposition of funds), has scheduled a meeting for Tuesday, March 13, 2012, at 12 p.m. for discussion of the Corporation Bureau's budget. The meeting will be held in Room 303/304, Executive Office Conference Room, Department of State, North Office Building, 3rd Floor, Harrisburg, PA 17120. The public is invited to attend. Persons who need accommodation due to a disability and wish to attend the meetings should contact Barbara Kennedy at (717) 783-9210 so that arrangements can be made.

CAROL AICHELE,

*Secretary*

[Pa.B. Doc. No. 12-457. Filed for public inspection March 9, 2012, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes Blair County

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P. S. §§ 1381.1—1381.3), intends to sell certain land owned by it located at Logan Township, Blair County.

The following is available for sale by the Department.

Located in Logan Township, Blair County. The parcel contains 4,094 square feet of land located southeast of the intersection of SR 1009 and SR 1021. The estimated fair market value is \$18,000.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Thomas A. Prestash, P.E., District Executive, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080.

Questions regarding this property may be directed to Joseph Tagliati, Property Manager, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080, (814) 696-7215.

BARRY SCHOCH, P.E.,  
Secretary

[Pa.B. Doc. No. 12-458. Filed for public inspection March 9, 2012, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Sierra Club v. DEP and GenOn REMA, LLC; EHB Doc. No. 2012-024-M

Sierra Club has appealed the issuance by the Department of Environmental Protection of a final NPDES Permit to GenOn REMA, LLC for a facility in Bradford Township, Clearfield County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
Chairperson

[Pa.B. Doc. No. 12-459. Filed for public inspection March 9, 2012, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following applications to stock triploid grass carp in waters having a surface area of greater than 5 acres are currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
The Hideout POA	Roamingwood Lake	Lake Township Wayne County	198-acre lake which discharges into Ariel Creek and eventually the Delaware River	Vallisneria Americana Potamogeton crispus Potamogeton spp.
Lake Jamie Property Owners Association	Lake Jamie	Barrett and Greene Townships Monroe and Pike Counties	52-acre lake which discharges into Lake In The Clouds and eventually the Delaware River	Utricularia vulgaris

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 12-460. Filed for public inspection March 9, 2012, 9:00 a.m.]

# GAME COMMISSION

## White Nose Syndrome Response—Bat Rehabilitation Ban

### Order

Whereas, White Nose Syndrome (WNS) remains a largely enigmatic disease syndrome that is found in, and proves highly fatal to, wild bats native to the Commonwealth of Pennsylvania; and

Whereas, on February 13, 2009, the Executive Director of the Pennsylvania Game Commission (Commission) issued an Order restricting the taking, possession, transportation, relocation, rehabilitation, release, and/or reintroduction of wild bats in an effort to reduce the risk of causing further concentration and/or spread of WNS among wild bats within this Commonwealth; and

Whereas, the Commission has determined that despite the issuance of the above-described Order WNS has since spread across the Commonwealth and to all of its neighboring states; and

Whereas, the Commission has determined that further taking, possession, transportation, relocation, rehabilitation, release, and/or reintroduction of wild bats within this Commonwealth no longer poses a significant and undesirable potential of causing further concentration and/or spread of WNS within or across the landscape of this Commonwealth; and

Whereas, The Game and Wildlife Code (Game Code) (34 Pa.C.S. §§ 101 et seq.) and its attendant regulations (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the Commission to regulate activities relating to the protection, preservation and management of all game and wildlife, including the various species of wild bats native to this Commonwealth (C.f. 34 Pa.C.S. §§ 322, 2101 and 2102); and

Whereas, Section 139.3 of the Pennsylvania Code provides the Executive Director with the broad authority to “remove protection on wildlife Statewide, or in a designated area and prohibit its possession alive and order the method of the disposal, if he determines the threat of a

disease poses a threat to human safety, farm animals, pets and wildlife within or adjacent to this Commonwealth” (58 Pa. Code § 139.3(b)); and

Now Therefore, I, Carl G. Roe, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct that my previous executive order concerning WNS and bat rehabilitation restrictions issued on February 13, 2009 is hereby rescinded in its entirety. This Order is effective immediately.

Given under my hand and seal of the Pennsylvania Game Commission on this 21st day of February 2012.

CARL G. ROE,  
Executive Director

[Pa.B. Doc. No. 12-461. Filed for public inspection March 9, 2012, 9:00 a.m.]

# GOVERNOR’S ADVISORY COMMISSION ON POSTSECONDARY EDUCATION

## Meetings Scheduled

The Governor’s Advisory Commission on Postsecondary Education will be meeting Monday, March 12, 2012, and Monday, April 16, 2012. The meetings will begin at 10 a.m. in the Rachel Carson State Office Building, Room 105, 400 Market Street, Harrisburg, PA. Persons with any questions should contact Becky Myers at (717) 772-9048 or rebmyers@pa.gov.

ROBERT WONDERLING,  
Chairperson

[Pa.B. Doc. No. 12-462. Filed for public inspection March 9, 2012, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-4711	State Registration Board for Professional Engineers, Land Surveyors and Geologists Qualifications For Licensure 41 Pa.B. 6975 (December 31, 2011)	1/30/12	2/29/12

**State Registration Board for Professional  
Engineers, Land Surveyors and Geologists  
Regulation #16A-4711 (IRRC #2926)  
Qualifications For Licensure**

**February 29, 2012**

We submit for your consideration the following comments on the proposed rulemaking published in the December 31, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) to respond to all comments received from us or any other source.

**1. Consistency with caselaw.—Clarity.**

This proposed regulation establishes professional licensure standards for engineers, land surveyors and geologists. The standards include the education requirements for these professions. The Regulatory Analysis Form (RAF #9) cites the *Whymeyer* case to explain that this regulation is intended to clarify that the Accreditation Board for Engineering and Technology, Inc. (ABET) is the only acceptable accreditor to the Board for engineering or land surveying educational programs. *Whymeyer v. State Reg. Bd. For Professional Engineers, Land Surveyors and Geologists*, 997 A.2d 1254 (Pa. Cmwlth. 2010). One issue raised but not decided in that case was that the Board “abdicated its statutory responsibility” to approve engineering programs by delegating that authority to ABET. Despite the fact that this regulation provides for ABET to be the exclusive accreditor, would the Board independently approve these programs pursuant to 63 P.S. § 151.2(d)(1), which provides for Board approval?

**2. Terminology.—Clarity.**

Throughout the regulation, the Board references both “candidates” and “applicants” for certification and licensure. The House Professional Licensure Committee (HPLC) noted the use of both terms and asked the Board to review the regulation to correct any inconsistencies created by the use of both terms. We agree and recommend the Board use one term consistently or explain the need for both terms.

**3. Citations to statutory authority.—Clarity.**

RAF #8 cites the following from the Engineer, Land Surveyor and Geologist Registration Law (Law) as the statutory authority for this regulation: 63 P.S. §§ 151.4(b), 151.4(I), 151.2, 151.3 and 151.4. However, the Preamble cites only 63 P.S. § 151(1) as the statutory authority. The statutory citations should be consistent in the RAF and the Preamble.

**4. Section 37.31. Requirements for certification as an engineer-in-training and for licensure as a professional engineer.—Implementation procedures; Clarity.**

This section explains the requirements necessary to obtain certification as an engineer-in-training (EIT) and licensure as a professional engineer. We raise six issues.

First, Subsections (1) and (2) require candidates for both EIT certification and professional licensure to “satisfactorily” complete certain National Council of Examiners for Engineering and Surveying (NCEES) exams. The final-form regulation should specify what constitutes “satisfactory” completion of these exams. Similar concerns apply to Subsections 37.33(b) and (c), 37.36(b) and (c), 37.47(1) and (2), and 37.49(b).

Second, in Subsection (1)(i), the Board should clarify the type of documentation required to demonstrate “proof” of graduation. Similar concerns apply to Subsections 37.36(b)(1)(i), 37.36(b)(1)(ii), and 37.47(1)(i).

Third, Subsection (1)(iii) requires that the progressive experience needed to sit for the NCEES fundamentals of engineering exam must be of a certain “grade and character.” This term is vague and the final-form regulation should clarify the intent of this language. Similar concerns apply to Subsections 37.31(2)(i), 37.47(1)(iii), 37.47(2)(i), and 37.49(c).

Fourth, Subsection (1)(iii) also states that “academic training” in engineering subjects may be counted toward the experience requirement necessary to achieve EIT certification. We recommend that the Board define this term and specify how this training will be counted toward the experience requirement.

Fifth, Subsection (2) references the “branches” of engineering. To improve clarity, we recommend that the final-form regulation include a cross-reference to existing Section 37.34, which provides a complete list of these “branches” of engineering.

Finally, Subsection (2)(ii) references the “breadth and depth” of the engineering curriculum covered as part of the teaching experience acquired by licensure candidates. The term is vague and the final-form regulation should specify what the Board intended to cover through the use of this phrase. Similar concerns apply to Subsection 37.47(2)(ii).

**5. Section 37.33. Grandfather requirements for certification as an engineer-in-training and for licensure as a professional engineer.—Implementation procedures; Clarity.**

This section contains the requirements to “grandfather” certification and licensure status for EITs and professional engineers. We raise three issues.

First, under Subsection (b) candidates for EIT certification who received a degree prior to January 1, 1968 are not required to complete the NCEES fundamentals of engineering exam. The Preamble to the final-form regulation should explain the significance of the January 1, 1968 date.

Second, what is the difference between “satisfactory” completion of the NCEES fundamentals of engineering exam for EITs in Subsection (b) and “successful” completion of same exam by licensure candidates in Subsection (c)(i)? The final-form regulation should clarify this issue.

Finally, Subsection (c)(1) lists the qualifications for a licensure candidate to sit for the NCEES engineering principles and practice examination. Subsection (c)(1)(i) includes four years of progressive engineering or teaching experience for graduates of an approved engineering curriculum, and (c)(ii) includes eight years of progressive engineering or teaching experience for non-graduates. The Preamble to the final-form regulation should describe how the Board determined these timeframes were appropriate.

**6. Section 37.36. Requirements for certification as a geologist-in-training and for licensure as a professional geologist.—Clarity.**

Subsection (b)(1)(iii) lists as one of the possible qualifications for a geologist-in-training candidate to sit for the National Association of State Boards of Geology (ASBOG) fundamentals of geology exam: “Graduation from a foreign college or university that World Evaluation Services or other Board-approved professional evaluation service

deems equivalent . . .” First, the HPLC commented that the name of the organization should be corrected to read “World Education Services.” We agree. Second, what are the other “Board-approved professional evaluation services?” To improve clarity, we recommend that the final-form regulation identify the “Board-approved professional evaluation services.” Alternatively, we recommend that the Board maintain the list on its website and cross-reference the website in the regulation.

In Subsection (c)(2), the term “technical completeness review” is vague and the final-form regulation should include a definition for this term.

**7. Section 37.37. References for licensure as a professional geologist.—Clarity.**

Subsection (a) describes the types of references needed for licensure as a professional geologist. Subsections 37.32(a) and 37.48(a) require references for licensure as a professional engineer and as land surveyors to be “unrelated” to the candidate. However, the regulation does not include a similar requirement for professional geologists. Why doesn’t the proposed regulation require references for professional geologist candidates to be unrelated to the candidate?

**8. Section 37.47. Requirements for certification as a surveyor-in-training and for licensure as a professional land surveyor.—Implementation procedures; Clarity.**

Subsection (1)(iii) states that in order to demonstrate the “progressive experience” needed to sit for the requisite NCEES surveying exam, surveyors-in-training (SIT) candidates must complete 25% field or office work experience. How did the Board determine this was an appropriate amount of experience in these areas? Similar concerns apply to Subsection 37.49(c).

**9. Section 37.49. Grandfather requirements for licensure as a professional land surveyor.—Need; Implementation procedures; Clarity.**

This section details the requirements necessary to grandfather licensure as a professional land surveyor. The Preamble states the following:

The grandfather requirements for licensure principally differ from the current requirements in that a candidate may take the [fundamentals of surveying] (FS) and license examinations at the same time; there is not a provision for being certified as a SIT; there is not an education option that permits a surveying student to take the FS examination in advance of graduation; and there is not an experience option regarding teaching experience in an approved surveying curriculum.

In the Preamble to the final-form regulation, the Board should further explain the basis and need for these changes to the grandfathering requirements for land surveyors.

Subsections (b)(1)—(3), list certain years of experience in order to qualify for NCEES land surveyor licensing exams, including 4 years of progressive experience in land surveyor work, and 10 years of progressive experience in land surveying work, which includes 5 years in responsible charge of primary land surveying functions. How did the Board determine these terms of years to be appropriate?

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-463. Filed for public inspection March 9, 2012, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the Commission’s web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

<i>Final-Form</i> Reg. No.	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-145	Pennsylvania Gaming Control Board Accounting and Internal Controls; Commencement of Slot and Table Game Operations	2/28/12	4/5/12
125-155	Pennsylvania Gaming Control Board Table Game Rules for Blackjack and Pai Gow Poker	2/28/12	4/5/12
<i>Final-Omit</i> Reg. No.	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
12-95	Department of Labor and Industry Food Service Employee Incentive Program	2/23/12	4/5/12

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 12-464. Filed for public inspection March 9, 2012, 9:00 a.m.]



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 26, 2012. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.*

**A-2011-2280175. Kenneth Scott Cobb, t/a Kennys Transportation Service** (3014 Derry Street, Harrisburg, Dauphin County, PA 17111)—in paratransit service, from points in Cumberland and Dauphin Counties, to points in Pennsylvania, and return.

### Applications of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

**A-2011-2279564. Model Management Services, t/a Friendly Taxi Cab of Lancaster** (625 East Orange Street, Lancaster, Lancaster County, PA 17602)—discontinuance of service and cancellation of its certificate—persons upon call or demand in Lancaster City, Lancaster County, and within 6 miles of said city.

**A-2011-2279674. Nancy Carroll Keener, t/a Keener Transportation** (208 Slab Road, Delta, York County, PA 17314)—discontinuance of service and cancellation of its certificate—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in York County, to points in Pennsylvania, and return.

**A-2011-2282200. L & L Transportation Company, Inc.** (103 Mooreland Avenue, Mt. Holly Springs, Cumberland County, PA 17065)—discontinuance of service and cancellation of its certificate—as a contract carrier, by motor vehicle, inmates in work release for Cumberland County Prison, between points in Pennsylvania

**A-2012-2284635. Jeffrey and Anita Houseknecht** (73 Boak Avenue, Mt. Hughesville, Lycoming County, PA 17737)—discontinuance of service and cancellation of its certificate—persons in limousine service, between points in Counties of Lycoming and Sullivan, and from points in said Counties, to points in Pennsylvania, and return.

**A-2012-2285067. Promobile Transportation, Inc.** (1310 Kelley Road, Oberlin, Dauphin County, PA 17113)—discontinuance of service and cancellation of its certificate—persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

**A-2012-2285495. Catawese Coach Company** (P. O. Box U, Avis, Clinton County, PA 17721)—discontinuance of service and cancellation of its certificate—persons in limousine service, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* James W. Patterson, Esquire, Cira Centre, 13th Floor, 2929 Arch Street, Philadelphia, PA 19104.

**A-2012-2285796. Pennsylvania Transit Company, LLC** (3300 Henry Avenue, 3 Falls Ann Preston Building, Rear, Philadelphia, PA 19129)—discontinuance of service and cancellation of its certificate—persons in paratransit service, between points in the City and County of Philadelphia for the Medical Assistance Transportation Program (MATP) through LogistiCare Solutions, LLC, or the broker contracted with the Department of Welfare to service the MATP. *Attorney:* Steven K. Haas, Hawke McKeon & Sniscak, LLP, 100 North 10th Street, Harrisburg, PA 17101.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-465. Filed for public inspection March 9, 2012, 9:00 a.m.]

## Telecommunications Services

**A-2012-2289865. TeleStride, LLC.** Application of TeleStride, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territory of Commonwealth Telephone, d/b/a Frontier Communications Commonwealth Telephone Company, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 26, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* TeleStride, LLC

*Through and By Counsel:* Deanne M. O'Dell, Esquire, Eckert Seamans Cherin & Mellott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101, (717) 255-3744, fax (717) 237-5019

James U. Troup, Venable, LLP, 575 7th Street, N.W., Washington, D.C. 20004

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-466. Filed for public inspection March 9, 2012, 9:00 a.m.]

## Transfer of Direct and Indirect Ownership and Control

**A-2012-2290578. ConocoPhillips Pipe Line Company.** Application of ConocoPhillips Pipe Line Company for approval of the proposed transfers of direct and

indirect ownership and control of ConocoPhillips Pipe Line's Pennsylvania Operations that are subject to the Pennsylvania Public Utility Commission's (Commission) jurisdiction.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 26, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* ConocoPhillips Pipe Line Company

*Through and By Counsel:* Paul F. Forshey, Esquire, David L. Wochner, Esquire, Sandra E. Safro, Esquire, Sutherland Asbill & Brennan, LLP, 1275 Pennsylvania Avenue, NW, Washington, DC 20004

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-467. Filed for public inspection March 9, 2012, 9:00 a.m.]

### Wastewater Service

**A-2012-2289864. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval of the right to begin to offer, render, furnish or supply wastewater service to the public in an additional portion of West Sadsbury Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 26, 2012. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 12-468. Filed for public inspection March 9, 2012, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 12-015.7, On-Call Rail

Track Maintenance and Quarterly Inspections of Various PRPA Facilities, until 2 p.m. on Thursday, April 5, 2012. Information (including mandatory prebid information) concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement, or call the Engineering Department at (215) 426-2600.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 12-469. Filed for public inspection March 9, 2012, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' request concerning the indicated accounts.

The hearings will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

April 18, 2012	Michael A. Baird (Frozen Present Value)	1 p.m.
June 6, 2012	Doris M. Campbell (HOP)	1 p.m.

Persons with a disability, who wish to attend the previously listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barb Book, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 12-470. Filed for public inspection March 9, 2012, 9:00 a.m.]

## STATE BOARD OF AUCTIONEER EXAMINERS

**Bureau of Professional and Occupational Affairs v.  
Bonnie Brae Auction, LLC; Doc. No. 1499-64-10**

On December 7, 2011, Bonnie Brae Auction, LLC, license no. RH000954, of Pottstown, Montgomery County,

was assessed a \$2,000 civil penalty and had its license suspended for 6 months based on findings that it failed, within a reasonable time, to account for or pay over moneys belonging to another which had come into the corporation's possession as a result of a sales transaction.

Individuals may obtain a copy of the adjudication by writing to Juan A. Ruiz, Board Counsel, State Board of Auctioneer Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Auctioneer Examiners' (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY LOU ENOCHES,  
*Chairperson*

[Pa.B. Doc. No. 12-471. Filed for public inspection March 9, 2012, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Gary Wayne Plotts; Doc. No. 1500-64-10**

On December 7, 2011, Gary Wayne Plotts, license no. AU003032L, of Reading, Berks County, was assessed a \$2,000 civil penalty and had his license suspended for 6 months based on findings that he failed, within a reasonable time, to account for or pay over moneys belonging to another which had come into his possession as a result of a sales transaction.

Individuals may obtain a copy of the adjudication by writing to Juan A. Ruiz, Board Counsel, State Board of Auctioneer Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Auctioneer Examiners' (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY LOU ENOCHES,  
*Chairperson*

[Pa.B. Doc. No. 12-472. Filed for public inspection March 9, 2012, 9:00 a.m.]

**STATE BOARD  
OF EDUCATION**

**Application of the Riegelsville Independent School District for Transfer from the Easton Area School District to the Palisades School District**

**Notice of Application and Opportunity for Hearing**

On February 24, 2012, the State Board of Education (State Board) received a certified copy of a decree of the

Court of Common Pleas of Bucks County creating the Riegelsville Independent School District (Riegelsville) for the sole purpose of its transfer from the Easton Area School District (Easton) to the Palisades School District (Palisades). Entered at Docket No. 2007-02132-31, the decree was issued under sections 242.1, 292.1 and 293.1 of the Public School Code of 1949 (School Code) (24 P. S. §§ 2-242.1, 2-292.1 and 2-293.1) and represents an application to the State Board for approval of the creation of Riegelsville and its transfer from Easton to Palisades.

In accordance with the regulations of the State Board at 22 Pa. Code § 1.5 (relating to applicability of general rules before the Board), the application for transfer will be considered by the State Board in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure). The Chairperson of the State Board will appoint a committee to conduct all necessary proceedings under the General Rules and to recommend action by the State Board under section 293.1 of the School Code.

Unless a written petition to intervene, notice of intervention or protest, along with a written request for public hearing, is received by the State Board by 4 p.m. on March 30, 2012, the State Board may determine the application for transfer without hearing. Filings must be received by the deadline at the State Board of Education, 333 Market Street, 1st Floor, Harrisburg, PA 17126-0333.

Copies of the court decree related to this matter are available from the offices of the State Board and can be viewed at [http://www.education.state.pa.us/portal/server.pt/community/state\\_board\\_of\\_education/8830](http://www.education.state.pa.us/portal/server.pt/community/state_board_of_education/8830). The State Board may be reached by telephone at (717) 787-3787.

KAREN MOLCHANOW,  
*Acting Executive Director*

[Pa.B. Doc. No. 12-473. Filed for public inspection March 9, 2012, 9:00 a.m.]

**STATE CONSERVATION  
COMMISSION**

**Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program**

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), 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 any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, 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, so individuals interested in challenging this action 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.

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**Odor Management Plan—Public Notice Spreadsheet—Actions**

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Hillandale Gettysburg, LP 6108 Carlisle Pike East Berlin, PA 17316	Adams/Reading	1,562.4	Layers	New	Approved

GEORGE D. GREIG,  
*Chairperson*

[Pa.B. Doc. No. 12-474. Filed for public inspection March 9, 2012, 9:00 a.m.]

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