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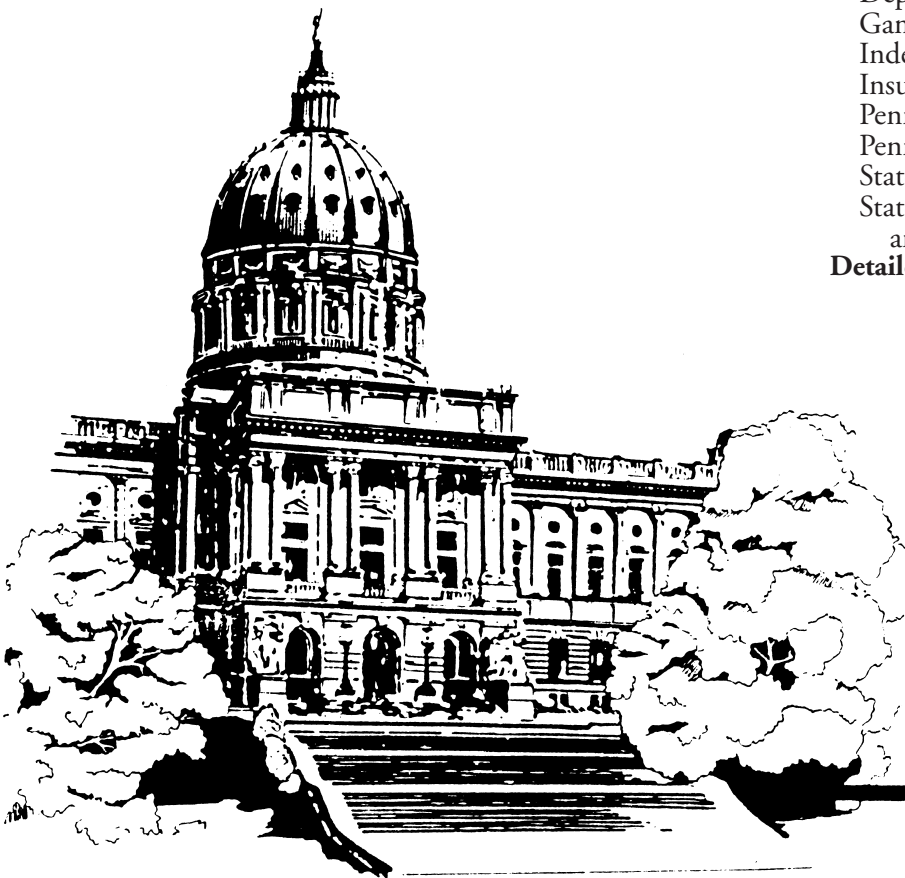
# PENNSYLVANIA BULLETIN

Volume 41  
Saturday, March 26, 2011 • Harrisburg, PA  
Number 13  
Pages 1609—1744

## Agencies in this issue

The Courts  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of Health  
Department of Public Welfare  
Department of Transportation  
Game Commission  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Council on Aging  
Pennsylvania Public Utility Commission  
State Board of Cosmetology  
State Board of Vehicle Manufacturers, Dealers  
and Salespersons

Detailed list of contents appears inside.



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

**No. 436, March 2011**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2011.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 1910 ]

#### Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 109

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Monday May 23, 2011 directed to:

Patricia A. Miles, Esquire  
 Counsel, Domestic Relations Procedural Rules Committee  
 Pennsylvania Judicial Center  
 601 Commonwealth Avenue, Suite 6200  
 P. O. Box 62635  
 Harrisburg, PA 17106-2635

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Deleted material is bold and bracketed. New material is bold.

*By the Domestic Relations  
 Procedural Rules Committee*

CAROL A. BEHERS, Esq.,  
*Chair*

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1910. ACTIONS FOR SUPPORT

#### Rule 1910.16-2. Support Guidelines. Calculation of Net Income.

Generally, the amount of support to be awarded is based upon the parties' monthly net income.

\* \* \* \* \*

(b) *Treatment of Public Assistance, SSI Benefits, Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement and Foster Care Payments.*

(1) **Public Assistance and SSI Benefits.** Neither public assistance nor Supplemental Security Income (SSI) benefits shall be counted as income for purposes of determining support.

(2) **Social Security Payments for a Child.** If a child for whom support is sought is receiving Social Security benefits as a result of a parent's retirement, death or disability, the benefits the child receives shall be added to the combined monthly net incomes of the obligor and the obligee to calculate the income available for support on the vertical axis of the basic child support schedule set forth in Rule 1910.16-3. The presumptive amount of support as set forth on the schedule at the combined income of the obligee, obligor and child's benefits shall then be reduced by the amount of the child's benefits before apportioning the remaining support obligation between the parties pursuant to Rule 1910.16-4. **This calculation presumes that the primary custodial parent is receiving the child's benefits. In cases in which the parties share custody equally and the obligor is receiving the child's benefits, the amount of the child's benefit shall be added to the obligor's income and support shall be calculated as in any other case without deduction of the amount of the benefit from the presumptive amount of support set forth in the basic support schedule.** For purposes of determining the support obligation of a surviving parent when the child is receiving benefits as the result of the other parent's death, the income of a non-parent obligee who is caring for a child but has no support obligation to that child shall include only those funds the obligee is receiving on behalf of the child.

(3) **Foster Care Payments.** If either party to a support action is a foster parent and/or is receiving payments from a public or private agency for the care of a child who is not his or her biological or adoptive child, those payments shall not be included in the income of the foster parent or other caretaker for purposes of calculating child support for the foster parent's or other caretaker's biological or adoptive child.

\* \* \* \* \*

#### Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.

(a) The following formula shall be used to calculate the obligor's share of basic child support, either from the schedule in Rule 1910.16-3 or the formula in Rule 1910.16-3.1(a), as well as spousal support and alimony pendente lite obligations. In high income cases, Part IV shall be used as a preliminary analysis in the calculation of spousal support or alimony pendente lite obligations:

#### PART I. BASIC CHILD SUPPORT

	OBLIGOR	OBLIGEE
1. Total Gross Income Per Pay Period	_____	_____
2. Less Deductions	( _____ )	( _____ )
3. Net Income	_____	_____

	<i>OBLIGOR</i>	<i>OBLIGEE</i>
	_____	_____
4. Conversion to Monthly Amount (if pay period is other than monthly) <b>Include in the obligor's income the child's monthly Social Security retirement or disability benefit if the parties share custody equally and the obligor is receiving the child's benefit. (See Rule 1910.16-2(b)(2))</b>		
5. Combined Total Monthly Net Income	_____	
6. Plus Child's Monthly Social Security, Death, Retirement or Disability Derivative Benefit, if any. <b>Do not add child's benefit if included in the obligor's income in line 4.</b> (See Rule 1910.16-2(b)(2))	+ _____	
7. Adjusted Combined Monthly Net Income	_____	
8. PRELIMINARY BASIC CHILD SUPPORT OBLIGATION (determined from schedule at Rule 1910.16-3 based on number of children and line 7 adjusted combined monthly net income)	_____	
9. Less Child's Monthly Social Security Derivative Benefit ( <b>Do not deduct the child's benefit if the parties share custody equally and the obligor is receiving the child's benefit.</b> )	( _____ )	
10. BASIC CHILD SUPPORT OBLIGATION	_____	
11. Net Income Expressed as a Percentage Share of Income (divide line 4 by line 5 and multiply by 100)	_____ %	_____ %
12. Each Parent's Monthly Share of the Basic Child Support Obligation (multiply line 10 and 11)	_____	_____

\* \* \* \* \*

[Pa.B. Doc. No. 11-501. Filed for public inspection March 25, 2011, 9:00 a.m.]

**PART I. GENERAL**

**[ 231 PA. CODE CH. 1910 ]**

**Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 110**

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Monday May 23, 2011 directed to:

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Counsel, Domestic Relations Procedural Rules Committee  
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Deleted material is bold and bracketed. New material is bold.

*By the Domestic Relations  
Procedural Rules Committee*

CAROL A. BEHERS, Esq.,  
*Chair*

**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1910. ACTIONS FOR SUPPORT**

**Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.**

\* \* \* \* \*

**(d) Divided or Split Physical Custody. Varied Custodial Schedules.**

\* \* \* \* \*

(4) When the parties have more than one child and each child spends different amounts of time with the parties, add the percentage of time each child spends with a party and divide by the number of children to determine each party's percentage of custodial time. For example, if the parties have two children and one child spends 50% of the time with the obligor and another spends 20% of the time with the obligor, add those percentages together and divide by the number of children (50% plus 20% = 70% divided by 2 children = 35% of the time with the obligor). If the average percentage of time the children spend with the obligor is 40% or more, the provisions of subdivision (c) above apply.

**Official Note:** In cases with more than one child and varied custodial schedules, it is not appropriate to do a separate calculation for each child and offset support amounts as that method does not consider the incremental increases in support for more than one child built into the schedule of basic child support.

\* \* \* \* \*

[Pa.B. Doc. No. 11-502. Filed for public inspection March 25, 2011, 9:00 a.m.]

**PART I. GENERAL**

**[ 231 PA. CODE CH. 1910 ]**

**Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 111**

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**Annex A**

**TITLE 231. RULES OF CIVIL PROCEDURE**

**PART I. GENERAL**

**CHAPTER 1910. ACTIONS FOR SUPPORT**

Rule 1910.19. Support. Modification. Termination. Guidelines as Substantial Change in Circumstances. **Overpayments.**

\* \* \* \* \*

(e) [ **Within one year of** ] **Six months prior to** the date a child who is the subject of a child support order reaches eighteen (18) years of age, the domestic relations section shall issue an emancipation inquiry and notice to the obligee, with a copy to the obligor, seeking the following information:

\* \* \* \* \*

The notice shall advise the obligee that if the inquiry is not returned within thirty (30) days of mailing or if there is no agreement or the child does not have any special needs, the charging order may be modified or terminated by the court. [ **When** ] **In order to avoid overpayment, when** no other children are subjects of the child support order and the obligee either does not return the emancipation inquiry within thirty (30) days of its mailing or does not assert grounds for continuing support for the child, then the [ **court shall have the authority to** ] **domestic relations section shall** administratively terminate the child support charging order without further proceedings [ **at any time on or after** ] **on** the last to occur of the date the last child reaches age eighteen (18) or graduates from high school. Termination of the charging order shall not affect any arrears accrued through the date of termination. The court shall have the authority to enter an order requiring the obligor to pay on arrears in an amount equal to the amount of the charging order until all arrears are paid.

If the order applies to another child or children and/or the obligee asserts that there is an agreement between the parties or that a child has special needs requiring continued support, then the domestic relations section [ **may** ] shall schedule a conference **prior to the child's attaining age 18 or graduating from high school** to determine if the charging order should be modified.

\* \* \* \* \*

**(g) Overpayments.**

(1) **If there is an overpayment and a charging order remains in effect, the domestic relations section shall reduce the charging order by 20% or an amount sufficient to retire the overpayment by the time the charging order is terminated unless the court determines it would create an undue hardship to the obligee.**

(2) **If there is an overpayment and there is no charging order in effect, within one year of the termination of the charging order, the former obligor may file a petition with the domestic relations section seeking recovery of the overpayment. A copy shall be served upon the former obligee as original process. The domestic relations section shall schedule a conference on the petition, which shall be conducted consistent with the rules governing support actions. The domestic relations section shall have the authority to enter an order against the former obligee for the amount of the**

**overpayment in a monthly amount to be determined by the trier of fact after consideration of the former obligee's ability to pay.**

[Pa.B. Doc. No. 11-503. Filed for public inspection March 25, 2011, 9:00 a.m.]

**Title 255—LOCAL  
COURT RULES**

**LACKAWANNA COUNTY**

**Repeal and Adoption of Rules of Civil Procedure;  
No. 94 CV 102**

**Order**

*And Now*, this 17th day of February, 2011, it is hereby *Ordered and Decreed* that the following Lackawanna County Rule of Civil Procedure is amended as follows:

1. Lacka. Co. R.C.P. 4000.1(b) is amended as reflected in the following Rule.

2. Pursuant to Pa.R.C.P. 239(c)(2)—(6), the following Local Rule shall be disseminated and published in the following manner:

(a) Seven (7) certified copies of the following Local Rule shall be filed with the Administrative Office of the Pennsylvania Courts;

(b) Two (2) certified copies of the following Local Rule and a computer diskette containing the text of the following Local Rule in Microsoft Word format and labeled with the court's name and address and computer file name shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) One (1) certified copy of the following Local Rule shall be filed with the Civil Procedural Rules Committee;

(d) The following Local Rule shall be kept continuously available for public inspection and copying in the Office of the Clerk of Judicial Records, Civil Division, and upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Judicial Records shall furnish to any requesting person a copy of the requested Local Rule(s); and

(e) A computer diskette containing the text of the following Local Rule in Microsoft Word format and la-

beled with the court's name and address and computer file name shall be distributed to the Lackawanna Bar Association for publication on the website of the Lackawanna Bar Association.

3. The amendment of Lackawanna County R.C.P. No. 4000.1(b) shall become effective thirty (30) days after the date of its publication in the *Pennsylvania Bulletin* pursuant to Pa.R.C.P. 239(d).

*By the Court*

THOMAS J. MUNLEY,  
*President Judge*

**Rule 4000.1 Motion for Presentation Before A Special Trial Master.**

(b) An order of the Special Trial Master may be appealed de novo by presentation of an appeal motion to the designated Motions Court Judge in accordance with Lacka. Co. R.C.P. 206.4(c), together with proof of payment to the Clerk of Judicial Records of an appeal cost in an amount to be set by the court from time to time. The appeal motion shall be filed within ten days of the order of the Special Trial Master and shall be considered by the court pursuant to Lacka. Co. R.C.P. 4000.

[Pa.B. Doc. No. 11-504. Filed for public inspection March 25, 2011, 9:00 a.m.]

**DISCIPLINARY BOARD OF  
THE SUPREME COURT**

**Notice of Suspension**

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated March 11, 2011, Richard H. Cline is suspended from the Bar of this Commonwealth for a period of five years retroactive to October 15, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 11-505. Filed for public inspection March 25, 2011, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 58—RECREATION

### GAME COMMISSION

[ 58 PA. CODE CH. 135 ]

#### Lands and Buildings; State Game Lands

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its February 1, 2011, meeting, amended § 135.41 (relating to State game lands) to limit the overnight placement of portable hunting blinds and stands on State game lands (SGLs).

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

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

Notice of proposed rulemaking was published at 40 Pa.B. 6534 (November 13, 2010).

#### 1. Purpose and Authority

The Commission has historically permitted the placement and use of portable hunting blinds and stands on SGLs and continued support for their allowance has not diminished. However, the Commission has identified that this allowance has, in certain instances, resulted in the unintended consequence of some portable hunting blinds and stands on SGLs seemingly becoming permanent fixtures due to long term placement by hunters. While the Commission continues to support the placement and use of portable hunting blinds and stands on SGLs, it amended § 135.41 to limit the overnight placement of portable hunting blinds and stands to 2 weeks before the opening of the first deer season to 2 weeks after the close of the last deer season within each respective wildlife management unit and also limit the overnight placement of portable hunting blinds to the calendar dates of the spring turkey season.

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 § 135.41 were adopted under this authority.

#### 2. Regulatory Requirements

The final-form rulemaking amends § 135.41 by adding language limiting the overnight placement of portable hunting stands to 2 weeks before the opening of the first deer season to 2 weeks after the close of the last deer season within each respective wildlife management unit and also limit the overnight placement of portable hunting blinds to the calendar dates of the spring turkey season.

#### 3. Persons Affected

Persons wishing to place portable hunting blinds or stands on SGLs may be affected by the final-form rulemaking.

#### 4. Comment and Response Summary

The Commission received a total of three official written comments concerning this final-form rulemaking. Each written comment generally supported the amendment.

#### 5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

#### 6. Effective Date

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

#### 7. Contact Person

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

#### Findings

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

#### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.41 to read as set forth at 40 Pa.B. 6534.

(b) The Executive Director of the Commission shall certify this order and 40 Pa.B. 6534 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-311 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-506. Filed for public inspection March 25, 2011, 9:00 a.m.]

### GAME COMMISSION

[ 58 PA. CODE CH. 135 ]

#### Lands and Buildings; State Game Farms

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its February 1, 2011, meeting, amended § 135.61 (relating to State game farms) to make State game lands (SGLs) regulations equally applicable to State game farms.

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

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

Notice of proposed rulemaking was published at 40 Pa.B. 6533 (November 13, 2010).

### 1. Purpose and Authority

“State game farms” are the only lands and waters under Commission ownership that do not enjoy the wide range of enumerated protections from various conduct provided under § 135.41 (relating to State game lands) in addition to the protections currently provided under § 135.2 (relating to unlawful acts). The Commission amended § 135.61 to make SGLs regulations equally applicable to State game farms.

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.” Section 741(b) of the code (relating to commission actions for damage to buildings or property) provides “The commission shall promulgate regulations to protect users, improvements, lands and buildings under its control.” The amendments to § 135.61 were adopted under this authority.

### 2. Regulatory Requirements

The final-form rulemaking amended § 135.61 by adding language expanding the application of SGLs regulations to lands and waters designated as State game farms.

### 3. Persons Affected

Persons wishing to utilize lands designated as State game farms may be affected by the final-form rulemaking.

### 4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

### 5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

### 6. Effective Date

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

### 7. Contact Person

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

### Findings

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

### Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 135, are amended by amending § 135.61 to read as set forth at 40 Pa.B. 6533.

(b) The Executive Director of the Commission shall certify this order and 40 Pa.B. 6533 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-312 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-507. Filed for public inspection March 25, 2011, 9:00 a.m.]

## GAME COMMISSION

### [ 58 PA. CODE CH. 141 ]

#### Hunting and Trapping; Artificial Lights

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its February 1, 2011, meeting, amended § 141.7 (relating to use of artificial lights) to remove conflicting language purporting to continue prohibitions on the usage of gun-mounted lights by hunters and furtakers.

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

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

Notice of proposed rulemaking was published at 40 Pa.B. 6532 (November 13, 2010).

### 1. Purpose and Authority

House Bill 881 became law as the act of July 3, 2007 (P. L. 79, No. 26) (Act 26). Act 26 amended sections 2308 and 2310 of the code (relating to unlawful devices and methods; and unlawful use of lights while hunting) to permit furbearer hunters or trappers to take furbearers with a firearm having a flashlight or spotlight mounted to it as long as the sole source of power for the flashlight or spotlight was contained within the light or possessed on their person. In an effort to enhance consistency of the Commission's regulations with Act 26, the Commission amended § 141.7 to remove conflicting language purporting to continue prohibitions on the usage of gun-mounted lights by hunters and furtakers.

Section 2102(d) of the code (relating to regulations) provides “The commission shall 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.” The amendment to § 141.7 was adopted under this authority.

### 2. Regulatory Requirements

The final-form rulemaking amends § 141.7 by removing language purporting to continue to prohibitions on the usage of gun-mounted lights by hunters and furtakers.

### 3. Persons Affected

Persons wishing to use gun-mounted lights while hunting any species where use of lights while hunting is permitted may be affected by the final-form rulemaking.



4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

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

*Findings*

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.7 to read as set forth at 40 Pa.B. 6532.

(b) The Executive Director of the Commission shall certify this order and 40 Pa.B. 6532 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-313 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-508. Filed for public inspection March 25, 2011, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 141 ]**  
**Hunting and Trapping; Turkey**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its February 1, 2011, meeting, amended § 141.45 (relating to turkey) to expand the nontoxic shot authorization to both fall and spring turkey seasons as well.

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

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

Notice of proposed rulemaking was published at 40 Pa.B. 6532 (November 13, 2010).

1. *Purpose and Authority*

On January 26, 2010, the Commission adopted amendments to § 141.22 (relating to small game) that expanded the types of nontoxic shot that could be used to hunt small game to include a wide variety of commercially available nontoxic shot in addition to steel and Bismuth/tin shot ammunition. See 40 Pa.B. 1737 (April 3, 2010). The Commission amends § 141.45 to expand the nontoxic shot authorization to both fall and spring turkey seasons as well.

Section 2102(d) of the code (relating to regulations) provides “The commission shall 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.” The amendments to § 141.45 were adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 141.45 by replacing language to expand the nontoxic shot authorization to both fall and spring turkey seasons.

3. *Persons Affected*

Persons wishing to use nontoxic shot ammunition to hunt wild turkey within this Commonwealth may be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding the final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

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

*Findings*

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.45 to read as set forth at 40 Pa.B. 6532.

(b) The Executive Director of the Commission shall certify this order and 40 Pa.B. 6532 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-314 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-509. Filed for public inspection March 25, 2011, 9:00 a.m.]

**GAME COMMISSION**  
**[ 58 PA. CODE CH. 147 ]**

**Special Permits; Snow Goose Conservation Hunt Permit**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its February 1, 2011, meeting, amended § 147.783 (relating to permit) to authorize the use of electronic decoys for hunting and taking activities conducted under a snow goose conservation hunt permit.

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

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

Notice of proposed rulemaking was published at 40 Pa.B. 6688 (November 20, 2010).

1. *Purpose and Authority*

In recent years, continental snow goose populations have experienced rapid growth in numbers. This dramatic increase in population size has in turn resulted in extensive damage to arctic and subarctic breeding habitats of the continental snow goose, as well as other bird populations dependent on these habitats. In January 2008, the Commission, working in conjunction with the United States Fish and Wildlife Service, added Chapter 147, Subchapter W (relating to snow goose conservation hunt permit) to define and create the regulatory structure necessary to implement the new Snow Goose Conservation Hunt Program (Program) in this Commonwealth. See 38 Pa.B. 1472 (March 29, 2008). In January 2009, the Commission amended the Program to authorize the limited use of electronic calls for hunting and taking activities conducted under a snow goose conservation hunt permit. See 39 Pa.B. 1205 (March 7, 2009). In light of the Commission's continued recognition of the need to dramatically increase the harvest of continental snow geese in this Commonwealth, the Commission amends § 147.783 to authorize the use of electronic decoys for hunting and taking activities conducted under a snow goose conservation hunt permit.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any

permit issued." The amendments to § 147.783 are adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amends § 147.783 by adding language to authorize the use of electronic decoys for hunting and taking activities conducted under a snow goose conservation hunt permit.

3. *Persons Affected*

Persons hunting snow geese during the snow goose conservation season may be affected by the final-form rulemaking.

4. *Comment and Response Summary*

The Commission received one official written comment concerning this final-form rulemaking. This written comment supported the legalization of the use of electronic decoys during the snow goose conservation season.

5. *Cost and Paperwork Requirements*

The final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

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

7. *Contact Person*

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

*Findings*

The Commission finds that:

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

(2) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending § 147.783 to read as set forth at 40 Pa.B. 6688.

(b) The Executive Director of the Commission shall certify this order and 40 Pa.B. 6688 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48-318 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 11-510. Filed for public inspection March 25, 2011, 9:00 a.m.]

# PROPOSED RULEMAKINGS

## GAME COMMISSION

[ 58 PA. CODE CH. 143 ]

### Hunting and Furtaker Licenses; Bear Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed, at its February 1, 2011, meeting, to amend § 143.67 (relating to application) to grant the Director the authority to establish the application deadlines for bear licenses at periods as the Director determines.

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 February 1, 2011, meeting of the Commission. Comments can be sent until April 4, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

Prior to 2005, a hunter could purchase a bear license at the time he purchased a license or at any time up to the close of the established bear seasons. Certain individuals took advantage of this expansive purchasing period by harvesting bears during the concurrent regular firearms bear and deer seasons without the required bear license. It was only after these individuals successfully harvested a bear that they would then purchase a bear license to generate the appearance that they had lawfully harvested the bear. On April 26, 2005, the Commission amended § 143.67 to establish an earlier deadline for purchasing bear licenses, specifically prior to the opening of regular firearms deer season. See 35 Pa.B. 3934 (July 16, 2005). While this earlier deadline proved to remedy a portion of the problem, the Commission has since observed evidence that this same unscrupulous practice is being utilized by hunters to abuse the bear license requirement during the regular firearms bear season. The Commission is proposing to amend § 143.67 to grant the Director the authority to establish the application deadlines for bear licenses at earlier periods as determined in a further effort to curb these fraudulent license purchases.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. The amendments to § 143.67 are proposed under this authority.

#### 2. Regulatory Requirements

The proposed rulemaking will amend § 143.67 to grant the Director the authority to establish the application deadlines for bear licenses at periods as the Director determines.

#### 3. Persons Affected

Persons wishing to hunt or trap bears 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:** 48-328. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 143. HUNTING AND FURTKER LICENSES

#### Subchapter D. BEAR LICENSES

#### § 143.67. Application.

\* \* \* \* \*

(b) Applications for bear licenses [ **may be made prior to the opening of the regular firearms deer season** ] shall be submitted in accordance with periods set by the Director by persons who hold a valid regular hunting license.

[Pa.B. Doc. No. 11-511. Filed for public inspection March 25, 2011, 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 February 1, 2011, meeting, to amend § 141.41 (relating to general) to remove redundant and inconsistent language concerning mistake kills.

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 February 1, 2011, meeting of the Commission. Comments can be sent until April 4, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

On September 7, 2010, section 3 of the act of July 9, 2010 (P. L. 387, No. 54) (Act 54) became effective. While Act 54 primarily focuses on increasing penalties for poaching offenses and habitual offenders, it also incorporates various procedural requirements regarding mistake kills into section 2306 of the code (relating to killing game or wildlife by mistake) that had previously been administered through § 141.41. Furthermore, portions of the new statutory text increased reporting periods thus rendering



portions of the regulatory text as inconsistent. The Commission is proposing to amend § 141.41 to remove the redundant and inconsistent language.

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 § 141.41 are proposed under this authority.

#### 2. *Regulatory Requirements*

The proposed rulemaking will amend § 141.1 by deleting redundant and inconsistent language concerning mistake kills.

#### 3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife 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:** 48-326. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART III. GAME COMMISSION

#### CHAPTER 141. HUNTING AND TRAPPING

#### Subchapter C. BIG GAME

#### § 141.41. General.

It is unlawful to:

(1) **[ Kill big game by mistake or accident and immediately after killing and before removing any big game from the location of the killing, fail to fully complete the proper game kill tag in compliance with the instructions printed on the tag and attach only the game kill tag to the big game.**

(2) **Kill big game by mistake or accident and fail to report the killing to the appropriate Commission regional office as soon as possible but no later than 12 hours after the time of kill.**

(3) **]** Fail, within 10 days of the kill, to complete the report card supplied with the hunting license for report-

ing big game killed and mail the report card to the Commission in Harrisburg or by any other method designated by the Director.

**[ (4) ] (2)** Receive a DMAP permit without reporting in the manner prescribed on the permit.

**[ (5) ] (3)** Harvest more than one deer at a time before lawfully tagging a deer previously harvested when multiple harvests of deer per day are authorized, except as otherwise provided in § 141.1 (relating to special regulations areas).

[Pa.B. Doc. No. 11-512. Filed for public inspection March 25, 2011, 9:00 a.m.]

### [ 58 PA. CODE CH. 141 ]

#### Hunting and Trapping; Furbearers

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed, at its February 1, 2011, meeting, to amend §§ 141.62 and 141.63 (relating to beaver trapping; and definitions) and to add § 141.69 (relating to artificial cubbies) to define and clarify the standards regarding certain trapping activities.

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 February 1, 2011, meeting of the Commission. Comments can be sent until April 4, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. *Purpose and Authority*

The Commission is proposing a variety of amendments to define and clarify the standards regarding certain trapping activities. First, the Commission is proposing to amend § 141.62 to clarify that the 20 trap or snare limitation is a Statewide total, not a wildlife management unit, watercourse or waterway limitation. The Commission is also proposing to amend § 141.63 to provide definitions for the terms "artificial cubby" and "foot encapsulating trap." Lastly, the Commission is proposing to add § 141.69 to authorize and set the conditions attendant to the use of artificial cubbies in trapping activities.

Section 2102(d) of the code (relating to regulations) provides "The commission shall 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 and 141.63 and the addition of § 141.69 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend §§ 141.62 and 141.63 and add § 141.69 to define and clarify the standards regarding certain trapping activities.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife 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: 48-327. 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:

\* \* \* \* \*

(4) [ In an area where beavers are known to inhabit, set ] Set, tend or operate more than a combined Statewide total of 20 traps or snares no more than 10 of which may be traps. No more than two 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.

\* \* \* \* \*

§ 141.63. Definitions.

In addition to the definitions contained in the act and this part, the following words, when used in the enforcement of section 2361[ (a)(11) ] of the act (relating to unlawful acts concerning taking of furbearers) have the following meanings, unless the context clearly indicates otherwise:

Artificial cubby—A baited enclosure constructed of natural or artificial material that is designed to house and corral a furbearer into a body-gripping trap.

\* \* \* \* \*

Foot encapsulating trap—A device that has all triggering and restraining mechanisms enclosed by a housing which, once set, allows access to the

triggering mechanism through a single opening not to exceed 2 inches in diameter or diagonally and is anchored by a swivel-mounted anchoring mechanism.

\* \* \* \* \*

§ 141.69. Artificial cubbies.

Furtakers are permitted to trap furbearers through the use of artificial cubbies when the following conditions are met:

(1) The artificial cubby is placed within an established watercourse, waterway, marsh, pond or dam.

(2) The entrance to the artificial cubby does not exceed 50 square inches.

(3) The triggering mechanism of the trap is recessed within the artificial cubby at least 7 inches from the entrance.

(4) The artificial cubby is anchored in a manner so that it cannot be moved or rolled.

[Pa.B. Doc. No. 11-513. Filed for public inspection March 25, 2011, 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 February 1, 2011, meeting, to amend § 141.4 (relating to hunting hours) by removing the limitations prohibiting the hunting of woodchuck, opossum, skunk and weasel during legal hunting hours of the spring gobbler season and to amend Chapter 141, Appendix G 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 2011-2012 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 February 1, 2011, meeting of the Commission. Comments can be sent until April 4, 2011, 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 2011-2012 hunting year to reflect the annual change in days and subsequent hunting times. The Commission is also proposing to amend § 141.4 to remove the limitations prohibiting the hunting of woodchuck, opossum, skunk and weasel during legal hunting hours of the spring gobbler season. The Commission has determined that this amendment will increase hunting opportunities for hunters pursuing these species without creating unacceptable conflicts with hunters pursuing turkeys during gobbler season.

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 § 141.4 and 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 2011-2012 hunting year to reflect the annual change in days and subsequent hunting times. The proposed rulemaking will also amend § 141.4 by removing the limitations prohibiting the hunting of woodchuck, opossum, skunk and weasel during legal hunting hours of the spring gobbler season.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2011-2012 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 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: 48-324. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.4. Hunting hours.

Except as otherwise provided, wild birds and animals may be hunted 1/2 hour before sunrise to 1/2 hour after sunset.

\* \* \* \* \*

(2) Raccoon, fox, skunk, opossum, coyote, bobcat and weasel may be hunted any hour, day or night, except during the restricted periods in paragraph (1) [ , and

woodchuck, opossum, skunk and weasel may not be hunted during legal hunting hours of the spring gobbler season ] .

\* \* \* \* \*

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 141-30—141-32, serial pages (349878)—(349880) and replace them with the following tables.)

HUNTING HOURS TABLE FOR JUNE 26, 2011 THROUGH JUNE 30, 2012

Table with 3 columns: Dates, Begin A.M., End P.M. listing hunting hours for various dates from June 26 to March 11.

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Mar. 18—24	6:36	7:41
Mar. 25—31	6:25	7:48
Apr. 1—7	6:14	7:55
Apr. 8—14	6:03	8:02
Apr. 15—21	5:52	8:10
Apr. 22—28	5:42	8:17
Apr. 29—May 5	5:33	8:24
May 6—12	5:24	8:31
May 13—19	5:17	8:38
May 20—26	5:11	8:44
May 27—June 2	5:06	8:50
June 3—9	5:02	8:59
June 10—16	5:02	8:59
June 17—23	5:03	9:02
June 24—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. 28—Sept. 3	6:00	7:29
Sept. 4—10	6:07	7:18
Sept. 11—17	6:13	7:06
Sept. 18—24	6:20	6:55
Sept. 25—Oct. 1	6:27	6:43
Oct. 2—8	6:34	6:32
Oct. 9—15	6:41	6:21
Oct. 16—22	6:48	6:11
Oct. 23—29	6:56	6:02
Oct. 30—Nov. 5	7:04	5:54
Nov. 6—12*ends	6:12	4:43
Nov. 13—19	6:20	4:38
Nov. 20—26	6:28	4:38
Nov. 27—Dec. 3	6:35	4:34
Dec. 4—10	6:41	4:35
Dec. 11—17	6:46	4:36
Dec. 18—24	6:50	4:37
Dec. 25—31	6:52	4:41
Jan. 1—7	6:48	4:44
Jan. 8—14	6:51	4:52
Jan. 15—21	6:47	5:00
Jan. 22—28	6:47	5:07
Jan. 29—Feb. 4	6:42	5:16
Feb. 5—11	6:34	5:24
Feb. 12—18	6:28	5:32
Feb. 19—25	6:19	5:39
Feb. 26—Mar. 3	6:09	5:49
Mar. 4—10	5:59	5:56
Mar. 11—17*begins	6:48	7:04

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
Mar. 18—24	6:36	7:11
Mar. 25—31	6:25	7:18
Apr. 1—7	6:14	7:25
Apr. 8—14	6:03	7:32

\*Daylight Saving Time

[Pa.B. Doc. No. 11-514. Filed for public inspection March 25, 2011, 9:00 a.m.]

**[ 58 PA. CODE CH. 141 ]**

**Hunting and Trapping; Protective Material**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed, at its February 1, 2011, meeting, to amend § 141.20 (relating to protective material required) to restructure the various fluorescent orange requirements into a more comprehensible set of requirements without altering the substantive standards.

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 February 1, 2011, meeting of the Commission. Comments can be sent until April 4, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*1. Purpose and Authority*

Section 141.20 has been the subject of many regulatory amendments over the years both to create more stringent protective material requirements where greater safety was deemed warranted as well as eliminate protective material where they were deemed no longer necessary. By and large these amendments have achieved the intended results. However, the repeated piecemeal amendments completed over the years have created confusing and sometimes inconsistent language in this section. The Commission is proposing to amend § 141.20 to rectify these problems and achieve a more comprehensible set of requirements. Substantive changes have not been made to the requirements of any hunting 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 § 141.20 are proposed under this authority.

*2. Regulatory Requirements*

The proposed rulemaking will amend § 141.20 by restructuring the various fluorescent orange requirements into a more comprehensible set of requirements without altering their substantive standards.



3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife 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:** 48-325. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 141. HUNTING AND TRAPPING**

**Subchapter A. GENERAL**

**§ 141.20. Protective material required.**

\* \* \* \* \*

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

(1) Hunt without wearing daylight fluorescent orange-colored material for **applicable wildlife during the following seasons:**

(i) [ **Crows** ] All crow seasons.

(ii) [ **Doves** ] All dove seasons.

(iii) [ **Waterfowl** ] All waterfowl seasons.

(iv) [ **Any wildlife that can be lawfully harvested while hunting under the authority of a valid falconry permit** ] All falconry small game seasons.

(v) [ **Deer during the flintlock muzzleloader season with lawful firearms and ammunition for the flintlock muzzleloader season by properly licensed flintlock muzzleloader hunters** ] All flintlock muzzleloading deer seasons.

(vi) [ **Deer during the archery deer season with a bow and arrow or crossbow and bolt by properly licensed archery hunters** ] All archery deer seasons, except as **otherwise** provided in paragraphs (3)(ii) and (4)(ii).

(vii) [ **Bear during the archery bear season with a bow and arrow by properly licensed bear hunters** ] All archery bear seasons, except as **otherwise** provided in paragraph (3)(iii).

(viii) [ **Furbearers** ] All furbearer seasons, except coyote seasons.

(ix) [ **Coyotes except from the first day to the last day inclusive of the regular firearms deer season, any firearms bear season and spring turkey season**

**within each wildlife management unit ] All coyote seasons, except during the respective portion of any coyote season that runs concurrent with the legal hunting hours of any special firearms deer season, regular firearms deer season, regular firearms bear season or extended firearms bear season within each wildlife management unit, when the requirements of subsection (a) remain applicable.**

(x) [ **Turkey during the spring turkey season** ] All **spring turkey seasons.**

(2) Hunt for woodchucks **during any woodchuck season** while wearing a hat made of solid daylight fluorescent orange-colored material on the head only.

(3) Move about or relocate while wearing a hat containing a minimum of 100 square inches of a solid daylight fluorescent orange-colored material on the head only and be stationary without wearing the required orange-colored material when hunting for **applicable wildlife during the following seasons:**

(i) [ **Turkey during the fall turkey season in Wildlife Management Units** ] All fall turkey seasons in **wildlife management units 1A, 1B, 2A, 2B, 5B, 5C and 5D.**

(ii) [ **Deer with a bow and arrow or crossbow and bolt during any deer archery season which is concurrent with the** ] The respective portions of any archery deer season that runs concurrent with any fall turkey season within each wildlife management unit.

(iii) [ **Bear with a bow and arrow during any bear archery season, which is concurrent with the** ] The respective portions of any archery bear season that runs concurrent with any fall turkey season within each wildlife management unit.

(4) [ **Be on stand and stationary while hunting for turkey during the fall season in Wildlife Management Units 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A or deer during any firearms deer season that precedes the regular firearms deer season and in lieu of the required 250 square inches place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of the hunter's location so it is visible in a 360° arc.** ] Move about or relocate while in compliance with subsection (a) and while stationary place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of the hunter's location so it is visible in a 360° arc when hunting for applicable game or wildlife during the following seasons:

(i) All fall turkey seasons in wildlife management units 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A.

(ii) The respective portions of any archery deer season that runs concurrent with any early muzzleloading deer season or any special firearms deer season within each wildlife management unit.

\* \* \* \* \*

[Pa.B. Doc. No. 11-515. Filed for public inspection March 25, 2011, 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 February 1, 2011, meeting, to amend § 141.1 (relating to special regulations areas) to expand the shotgun/muzzleloader single projectile exception to bear hunters and also to delete the defunct baiting provisions.

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 February 1, 2011, meeting of the Commission. Comments can be sent until April 4, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Current regulations generally prohibit the use of single projectile ammunition for big game hunting in special regulations areas. One prominent exception to this rule allows the use of muzzleloading long guns or shotguns that fire single projectiles in majority of special regulations areas. However, this exception is currently only extended to deer hunters. The Commission is proposing to amend § 141.1 to expand this exception to also extend to bear hunters. The Commission has determined that this expansion will increase hunting opportunity and success for many bear hunters in these areas without sacrificing safety. The Commission is also proposing to amend § 141.1 to delete the defunct baiting provisions that expired on March 31, 2010.

Section 2102(d) of the code (relating to regulations) provides "The commission shall 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 § 141.1 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 141.1 by expanding the shotgun/muzzleloader single projectile exception to bear hunters and also deleting the defunct baiting provisions.

3. *Persons Affected*

Persons wishing to hunt bear through the use of a shotgun or muzzleloader firing a single projectile in the special regulations areas 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 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:** 48-323. 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:

(1) Except in Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County, hunt and kill deer **and bear** through the use of a muzzleloading long gun or a shotgun, at least .410 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile.

\* \* \* \* \*

(5) [ **Hunt or take deer on private lands only in the southeast area through the use of or by taking advantage of bait.**

(i) **Bait may be placed or distributed 2 weeks prior to the opening of the first deer season through the close of the last deer season in each wildlife management unit. Bait accumulation in any one location may not exceed 5 gallons total volume at a given time.**

(ii) **This paragraph became effective December 26, 2006, and expires March 31, 2010, unless the Commission authorizes its continued legal effectiveness prior to March 31, 2010.**

(6) ] Harvest more than one deer at a time when multiple harvests of deer per day are authorized without first lawfully tagging previous harvests, provided all deer harvested are lawfully tagged immediately thereafter.

[Pa.B. Doc. No. 11-516. Filed for public inspection March 25, 2011, 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 February 1, 2011, meeting, to amend § 141.28

(relating to wild pheasant recovery areas) to create and define the geographic location of the Franklin County Wild Pheasant Recovery Area (WPRA).

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 February 1, 2011, meeting of the Commission. Comments can be sent until April 4, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

#### 1. Purpose and Authority

The Ring-necked Pheasant Management Plan calls for restoring self-sustaining and huntable ring-necked pheasant populations in suitable habitats in this Commonwealth by establishing at least four WPRAs by 2015. Wild-trapped pheasants are being released in existing WPRAs in an effort to establish populations of at least ten hens per square mile in the spring. WPRAs have been closed to game farm pheasant stocking and pheasant hunting. Dog training and small game hunting are also restricted in WPRAs to periods outside the population establishment phase. Three WPRAs were established in 2009 and one in 2010. The Commission is proposing to amend § 141.28 to create and define the geographic location of the Franklin County WPRA. The Commission anticipates wild-trapped pheasant releases in this area sometime in 2012.

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 § 141.27 to create and define the geographic location of the Franklin County WPRA.

#### 3. Persons Affected

Persons wishing to hunt wild pheasants, release propagated pheasants, train dogs or hunt small game within the area designated as the Franklin County WPRA may be affected by the proposed rulemaking.

#### 4. Cost and Paperwork Requirements

The proposed rulemaking will result in additional cost and paperwork associated with the creation and implementation of the new range permit program. This increase in cost and paperwork will be minimal and should be covered by current budgets.

#### 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:** 48-320. 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" (WPRA) includes and is limited to the following geographic locations.

\* \* \* \* \*

(5) *Franklin County WPRA.* That Portion of Wildlife Management Units 4A and 5A in Franklin County from 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 WPRA 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 SR3012 (Jack Road). Proceed west along SR3012 (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 PA/MD state border to State Rt. 456. Proceed northeast along State Rt. 456 to State Route 16. Proceed east on State Route



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.

\* \* \* \* \*

[Pa.B. Doc. No. 11-517. Filed for public inspection March 25, 2011, 9:00 a.m.]

[ 58 PA. CODE CH. 131 ] Preliminary Provisions

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its February 1, 2011, meeting, to amend § 131.2 (relating to definitions) by adding, amending and deleting certain definitions.

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 February 1, 2011, meeting of the Commission. Comments can be sent until April 4, 2011, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission is proposing to amend § 131.2 by creating, amending and deleting certain definitions. The first amendment involves a reduction in the number of points required for a deer to meet the definition of an "antlered deer" in Wildlife Management Units (WMU) 1A, 1B, 2A, 2B and 2D. This reduction (from four to three points) is also accompanied by the elimination of consideration of brow tines as points. Commission staff has determined that this amendment will make it easier for hunters to determine the legal status of an antlered deer without having any substantial impacts on the age structure of antlered deer populations in the affected WMUs.

The remaining amendments involve the deletion of three redundant and outdated definitions as well as the addition of two definitions to aid in the implementation of the code.

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 § 131.2 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 131.2 by adding, amending and deleting certain definitions.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife in 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: 48-322. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

Antlered deer—

(i) In Wildlife Management Units 1A, 1B, 2A, 2B and 2D, a deer having [ four ] three or more points on one antler, not including brow tines which is the point immediately above the antler burr.

\* \* \* \* \*

[ Client—A person who receives the services of a guide. ]

\* \* \* \* \*

[ Guide—Any person who assists another person to hunt or take game by locating game, calling game or directing another to game.

Hunter ID number—A number issued by the Commission only to persons who do not have a valid Social Security number. ]

\* \* \* \* \*

Plugged shotgun—For the purpose of section 2308(a)(4) of the act (relating to unlawful devices and methods), any shotgun containing a one-piece plug, stop or filler in the magazine to reduce ammunition capacity that is incapable of removal without disassembling the shotgun or magazine.

\* \* \* \* \*

Venison—For the purpose of section 2312 of the act (relating to buying and selling game), any meat derived from a white-tailed deer.

[Pa.B. Doc. No. 11-518. Filed for public inspection March 25, 2011, 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 February 1, 2011, meeting, to amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2011-2012 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 February 1, 2011, meeting of the Commission. Comments can be sent until April 4, 2011, 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 2011-2012 seasons and daily season and possession limits are similar to those set forth in 2010-2011, the 2011-2012 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.

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 possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identifi-

cation of devices and the use and possession of devices.” 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 2011-2012 license year.

*3. Persons Affected*

Persons wishing to hunt or trap game or wildlife in this Commonwealth during the 2011-2012 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, 2011, to June 30, 2012.

*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:** 48-321. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 139. SEASONS AND BAG LIMITS**

*(Editor’s Note:* As part of this proposed rulemaking, the Commission is proposing to delete the text in § 139.4 which appears in 58 Pa. Code pages 139-3—139-14.2, serial pages (349851)—(349862), (352933) and (352934) and replace it with the following text.)

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

**(SEASONS AND BAG LIMITS TABLE)**

**2011-2012 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>
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 8	Oct. 14	6	12
Squirrels—(Combined species)	Oct. 15	Nov. 26	6	12
	Dec. 12	Dec. 23		
	Dec. 26	Feb. 4, 2012		

PROPOSED RULEMAKINGS

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<i>Species</i>	<i>First Day</i>		<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Ruffed Grouse	Oct. 15		Nov. 26	2	4
		and			
	Dec. 12		Dec. 23		
		and			
	Dec. 26		Jan. 28, 2012		
Rabbits, Cottontail Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 8		Oct. 15	4	8
Rabbits, Cottontail	Oct. 22		Nov. 26	4	8
		and			
	Dec. 12		Dec. 23		
		and			
	Dec. 26		Feb. 25, 2012		
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 2A, 2B, 2C, 4C, 4E, 5A & 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 8		Oct. 15	2	4
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C & 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 8		Oct. 15	2	4
Ring-necked Pheasant—Male only in WMUs 2A, 2B, 2C, 4C, 4E, 5A & 5B	Oct. 22		Nov. 26	2	4
Ring-necked Pheasant—Male or female combined in WMUs 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C & 5D	Oct. 22		Nov. 26	2	4
		and			
	Dec. 12		Dec. 23		
		and			
	Dec. 26		Feb. 4, 2012		
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all WMUs except in WMUs 4A, 4B, 5A, 5B, 5C & 5D where the season is closed.	Oct. 22		Nov. 26	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26		Dec. 31	1	2
Woodchucks (Groundhog)				Unlimited	
Porcupines				Unlimited	
Turkey—Male or Female				1	1
WMUs 1A, 1B & 2A (Shotgun, Bow & Arrow only)	Oct. 29		Nov. 12		
		and			
	Nov. 24		Nov. 26		

## PROPOSED RULEMAKINGS

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
WMU 2B (Shotgun, Bow & Arrow only)	Oct. 29	Nov. 18		
		and		
	Nov. 24	Nov. 26		
WMUs 2C, 2D, 2E, 4A, 4B & 4D	Oct. 29	Nov. 12		
		and		
	Nov. 24	Nov. 26		
WMUs 2F, 2G, 3A, 3B, 3C, 3D, 4C & 4E	Oct. 29	Nov. 18		
		and		
	Nov. 24	Nov. 26		
WMUs 5A	Nov. 1	Nov. 3		
WMUs 5B, 5C & 5D	Closed to fall turkey hunting			
Turkey (Spring Gobbler) Statewide <sup>1</sup> Bearded Bird only			1	2
	Apr. 28, 2012	May 12, 2012	May be hunted 1/2 hour before sunrise to 12 noon	
		and		
	May 14, 2012	May 31, 2012	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 as required by law	April 21, 2012	April 21, 2012	1	1

## MIGRATORY GAME BIRDS

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>
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 1	April 8, 2012	Unlimited	
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons.		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>
Squirrels—(Combined species)	Sept. 1	Mar. 31, 2012	6	12
Quail	Sept. 1	Mar. 31, 2012	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2012	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2012	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2012	1	2
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2012	2	4

Migratory Game Birds—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 & Antlerless) <sup>2</sup> (Statewide)	Oct. 1 and Dec. 26	Nov. 12 and Jan. 16, 2012	One antlered and an antlerless deer with each required antlerless license.
Deer, Archery (Antlerless only) WMUs 2B, 5C & 5D	Sep. 17 and Nov. 14	Sep. 30 and Nov. 26	An antlerless deer with each required antlerless license.
Deer, Archery (Antlered & Antlerless) <sup>2</sup> WMUs 2B, 5C & 5D	Oct. 1 and Dec. 26	Nov. 12 and Jan. 28, 2012	One antlered and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered & Antlerless) <sup>2</sup> WMUs 1A, 1B, 2B, 3A, 3D, 4A, 4C, 5A, 5B, 5C & 5D	Nov. 28	Dec. 10	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 & 4E	Nov. 28	Dec. 2	One antlered deer.
Deer, Regular firearms (Antlered & Antlerless) <sup>2</sup> WMUs 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D & 4E	Dec. 3	Dec. 10	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 U.S. Armed Forces, or in the U.S. Coast Guard, with required antlerless license	Oct. 20	Oct. 22	An antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 15	Oct. 22	An antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) <sup>1</sup> (Statewide)	Dec. 26	Jan. 16, 2012	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 & 5D	Dec. 26	Jan. 28, 2012	An antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless) WMUs 2B, 5C & 5D	Dec. 26	Jan. 28, 2012	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, any age (Archery only) <sup>4</sup> (Statewide)	Nov. 14	Nov. 18	1	1
Bear, any age (Statewide) <sup>4</sup>	Nov. 19	Nov. 23	1	1

## PROPOSED RULEMAKINGS

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Bear, any age <sup>4</sup> WMUs 3A, 3C and 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.	Nov. 28	Dec. 3	1	1
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 Swisssdale), 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, any age <sup>4</sup> WMUs 3D, 4C, 4D, 4E, 5B & 5C	Nov. 30	Dec. 3	1	1

## ELK

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Elk, Regular (Antlered & Antlerless) <sup>5</sup>	Oct. 31	Nov. 5	1	One e1k with required license
Elk, Special Conservation <sup>5</sup> (Antlered & Antlerless)	Sep. 1	Nov. 5	1	One e1k with required license
Elk, Extended (Antlered & Antlerless) <sup>5</sup>	Nov. 7	Nov. 12	1	One e1k with required license

## FURTAKING—TRAPPING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Minks and Muskrats (Statewide)	Nov. 19	Jan. 8, 2012		Unlimited
Beaver (Statewide)	Dec. 26	Mar. 31, 2012		
WMUs 1A, 1B, 3A & 3C (Combined)			20	40
WMUs 2A, 2B, 2D, 2E, 2F, 3B & 3D (Combined)			20	20
WMUs 2C, 2G, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C & 5D (Combined)			5	5
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 23	Feb. 19, 2012		Unlimited
Coyotes & Foxes—(Statewide) (Cable restraint devices may be used)	Dec. 26	Feb. 19, 2012		Unlimited
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D & 4E	Dec. 17	Jan. 8, 2012	1	1
Fisher (with appropriate permit) WMUs 2C, 2D, 2E & 2F	Dec. 17	Dec. 22	1	1

## FURTAKING—HUNTING

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Coyotes—(Statewide)				Unlimited
Coyotes—(During any big game season)				Outside of any big game season may be taken with a hunting license or a furtaker's license and without wearing orange. May be taken while lawfully hunting big game or with a furtaker's license.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Opossums, Skunks, Weasels (Statewide)	No closed season.			
Raccoons and Foxes—(Statewide)	Oct. 22	Feb. 18, 2012	Unlimited	
Bobcat (with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D & 4E	Dec. 17	Jan. 7, 2012	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. 11-519. Filed for public inspection March 25, 2011, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Retention of Engineering/Construction Management Firm; Project Reference No. FDC-500-990

The Department of Conservation and Natural Resources (Department) will retain an engineering firm or construction management firm for a contract to perform construction inspection services on various projects located in State Forests and State Parks throughout this Commonwealth. The contract will include inspection of construction activities for rehabilitation and replacement of bridges, roads and rainage, dams, swimming pools, sewage and water treatment systems, marinas and buildings including associated heating, plumbing and electrical work. The contract will be for a period of 1 year with a renewal option of up to 4 additional years. It is anticipated that up to eight construction inspectors may be needed to perform the required work and services at any given time. The work will be assigned by the Department on an as needed basis.

#### *General Requirements and Information*

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Eugene J. Comoss, P.E., Director, Bureau of Facility Design and Construction, Department of Conservation and Natural Resources, P. O. Box 8451, Harrisburg, PA 17105-8451. Proposals can be delivered to the office which is located on the 8th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Questions concerning the services described in this notice may be directed to Al Thomas, Chief, Division of Field Engineering at (717) 772-0650.

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The proposal shall also include a description of the firm's recent construction inspection experience. The description shall include the client's contact persons and phone numbers and the actual construction cost of the work which the firm inspected. Excessive information will not be evaluated and may be cause for rejection.

A standard Department of General Services (DGS) Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. The Form 150-ASP is available by downloading from the DGS web site at <http://www.dgs.state.pa.us>. From the menu on the left margin, choose Construction and Public Works, Project Administration, Professional Selections, Forms.

Form 150-ASP may also be obtained in hard copy. Written requests for a hard copy should be addressed to the Selections Committee, Department of General Services, Room 206, 18th and Herr Streets, Harrisburg, PA 17125. In addition, the Form 150-ASP can be obtained by means of e-mail by addressing a request to [nspade@state.pa.us](mailto:nspade@state.pa.us). Additional information pertinent to the firm's qualifications to do the work of this contract may be included. Direct costs other than payroll, such as travel and subsistence, shall be based on the current Commonwealth rates. The Department shall reimburse miscellaneous expenses such as copies, prints, sepias, postage and film at cost upon approval.

Direct costs other than payroll, such as travel and subsistence, shall be based on the current Commonwealth rates. Miscellaneous expenses such as copies, prints, sepias, postage and film shall be reimbursed at cost upon approval by the Department.

### **Special Provisions Concerning Disadvantaged Businesses and Enterprise Zone Businesses for Requests for Proposals**

(Note: If the contract involves the use of Federal highway, transit or aviation funds originating from the Federal Highway Administration, the Federal Transit Administration, the Federal Aviation Administration or the National Highway Transportation Safety Administration, then the requirements of the Federal Disadvantaged Business Enterprise (DBE) Program set forth in Title 49 Code of Federal Regulations Part 26 must be adhered to in lieu of the standard requirements of this Section. Otherwise, use the text provided in this Section in its entirety.)

#### **PART I. General Information (must be inserted in Part I of every RFP)**

##### *Disadvantaged Business Information*

The Issuing Office encourages participation by small disadvantaged businesses as prime contractors, joint ventures, and subcontractors/suppliers and by socially disadvantaged businesses as prime contractors.

Small Disadvantaged Businesses are small businesses that are owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes:

- a. Department of General Services Bureau of Minority and Women Business Opportunities (BMWBO) certified minority business enterprises (MBEs) and women business enterprises (WBEs) that qualify as small businesses; and
- b. United States Small Business Administration certified 8(a) small disadvantaged business concerns.
- c. Businesses that BMWBO determines meet the Small Business Administration criteria for designation as a small disadvantaged business.

Small businesses are businesses in the United States which are independently owned, are not dominant in their field of operation, employ no more than 100 full-time or full-time equivalent employees and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

Socially disadvantaged businesses are businesses in the United States that BMWBO determines are owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias, but which do not qualify as small businesses. In order for a business to qualify as "socially disadvantaged," the offeror must include in its proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender.

Questions regarding this Program can be directed to the Department of General Services, Bureau of Minority

& Women Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, (717) 783-3119, fax (717) 787-7052, gs-bmwbo@state.pa.us, www.portal.state.pa.us/portal/server.pt?open=512&objID=1360&mode=2.

A database of BMWBO-certified minority- and women-owned businesses can be accessed at www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx. The Federal vendor database can be accessed at www.ccr.gov by clicking on Dynamic Small Business Search (certified companies are so indicated).

*Information Concerning Small Businesses in Enterprise Zones*

The Issuing Office encourages participation by small businesses, whose primary or headquarters facility is physically located in areas the Commonwealth has identified as Designated Enterprise Zones, as prime contractors, joint ventures and subcontractors/suppliers.

The definition of headquarters includes but is not limited to an office or location that is the administrative center of a business or enterprise where most of the important functions of the business are conducted or concentrated and location where employees are conducting the business of the company on a regular and routine basis so as to contribute to the economic development of the geographical area in which the office or business is geographically located.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

There is no database or directory of small business located in Designated Enterprise Zones. Information on the location of Designated Enterprise Zones can be obtained by contacting Aldona M. Kartorie, Center for Community Building, Department of Community and Economic Development, 4th Floor, Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7409, fax (717) 787-4088, akartorie@state.pa.us.

**PART II. Disadvantaged Businesses Submittal  
(must be inserted in Part II of every RFP)**

*a. Disadvantaged Business Information*

i) To receive credit for being a Small Disadvantaged Business or a Socially Disadvantaged Business or for entering into a joint venture agreement with a Small Disadvantaged Business or for subcontracting with a Small Disadvantaged Business (including purchasing supplies and/or services through a purchase agreement), an Offeror must include proof of Disadvantaged Business qualification in the Disadvantaged Business Submittal of the proposal, as follows:

1) A Small Disadvantaged Business certified by BMWBO as an MBE/WBE must provide a photocopy of their BMWBO certificate.

2) Businesses certified by the United States Small Business Administration (USSBA) under Section 8(a) of the Small Business Act (15 U.S.C. § 636(a)) as an 8(a) small disadvantaged business must submit proof of USSBA certification. The owners of such businesses must also submit proof of United States citizenship.

3) Businesses, which assert that they meet the USSBA criteria for designation as a small disadvantaged business, must submit: a) self-certification that the business meets the Small Business Administration criteria; and b)

documentary proof to support the self-certification. The owners of such businesses must also submit proof of United States citizenship, and provide any relevant disadvantaged business certifications by other certifying entities.

4) All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification, or USSBA certification as an 8(a) or self-certification as a USSBA small disadvantaged business, must attest to the fact that the business has 100 or fewer employees.

5) All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification, or USSBA certification as an 8(a) or self-certification as a USSBA small disadvantaged business, must submit proof that their gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.

ii) All companies claiming status as a Socially Disadvantaged Business must include in the Disadvantaged Business submittal of the proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin, or gender. The submitted evidence of prejudice or bias must:

1) Be rooted in treatment which the business person has experienced in American society, not in other countries.

2) Show prejudice or bias that is chronic and substantial, not fleeting or insignificant.

3) Indicate that the business person's experience with the racial or ethnic prejudice or cultural bias has negatively impacted on his or her entry into and/or advancement in the business world.

BMWBO shall determine whether the contractor has established that a business is socially disadvantaged by clear and convincing evidence.

iii) In addition to the previous verifications, the Offeror must include in the Disadvantaged Business Submittal of the proposal the following information:

1) Those Small Disadvantaged Businesses submitting a proposal as the Offeror, must include a numerical percentage which represents the total percentage of the work (as a percentage of the total cost in the Cost Submittal) to be performed by the Offeror and not by subcontractors and suppliers.

2) Those Small Disadvantaged Businesses submitting a proposal as a part of a joint venture partnership, must include a numerical percentage which represents the total percentage of the work (as a percentage of the total cost in the Cost Submittal) to be performed by the Small Disadvantaged Business joint venture partner and not by subcontractors and suppliers or by joint venture partners who are not Small Disadvantaged Businesses. Offeror must also provide:

a) The amount of capital, if any, each Small Disadvantaged Business joint venture partner will be expected to provide.

b) A copy of the joint venture agreement signed by all parties.

c) The business name, address, name and telephone number of the primary contact person for the Small Disadvantaged Business joint venture partner.



3) All Offerors must include a numerical percentage which represents the total percentage of the total cost in the Cost Submittal that the Offeror commits to paying to Small Disadvantaged Businesses as subcontractors. To support its total percentage DB subcontractor commitment, Offeror must also include:

a) The dollar amount of each subcontract commitment to a Small Disadvantaged Business;

b) The name of each Small Disadvantaged Business. The Offeror will not receive credit for stating that after the contract is awarded it will find a Small Disadvantaged Business.

c) The services or supplies each Small Disadvantaged Business will provide, including the time frame for providing the services or supplies.

d) The location where each Small Disadvantaged Business will perform services.

e) The time frame for each Small Disadvantaged Business to provide or deliver the goods or services.

f) A signed subcontract or letter of intent for each Small Disadvantaged Business.

The subcontract or letter of intent must identify the specific work, goods or services the Small Disadvantaged Business will perform and how the work, goods or services relates to the project.

g) The name, address and telephone number of the primary contact person for each Small Disadvantaged Business.

4) The total percentages and each subcontractor commitment will become contractual obligations once the contract is fully executed.

5) The name and telephone number of the Offeror's project (contact) person for the Small Disadvantaged Business information.

iv) The Offeror is required to submit two copies of its Disadvantaged Business Submittal. The submittal shall be clearly identified as Disadvantaged Business information and sealed in its own envelope, separate from the remainder of the proposal.

v) A Small Disadvantaged Business can be included as a subcontractor with as many prime contractors as it chooses in separate proposals.

vi) An Offeror that qualifies as a Small Disadvantaged Business and submits a proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other Offerors.

*b. Enterprise Zone Small Business Participation*

i) To receive credit for being an enterprise zone small business or entering into a joint venture agreement with an enterprise zone small business or subcontracting with an enterprise zone small business, an Offeror must include the following information in the Disadvantaged Business Submittal of the proposal:

1) Proof of the location of the business' headquarters (such as a lease or deed or Department of State corporate registration), including a description of those activities that occur at the site to support the other businesses in the enterprise zone.

2) Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).

3) Proof of United States citizenship of the owners of the business.

4) Certification that the business employs 100 or fewer employees.

5) Proof that the business' gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.

6) Documentation of business organization, if applicable, such as articles of incorporation, partnership agreement or other documents of organization.

ii) In addition to the previous verifications, the Offeror must include in the Disadvantaged Business Submittal of the proposal the following information:

1) The name and telephone number of the Offeror's project (contact) person for the Enterprise Zone Small Business.

2) The business name, address, name and telephone number of the primary contact person for each Enterprise Zone Small Business included in the proposal. The Offeror must specify each Enterprise Zone Small Business to which it is making commitments. The Offeror will not receive credit for stating that it will find an Enterprise Zone Small Business after the contract is awarded or for listing several businesses and stating that one will be selected later.

3) The specific work, goods or services each Enterprise Zone Small Business will perform or provide.

4) The total cost amount submitted in the Offeror's cost proposal and the estimated dollar value of the contract to each Enterprise Zone Small Business.

5) Of the estimated dollar value of the contract to each Enterprise Zone Small Business, the percent of the total value of services or products purchased or subcontracted that each Enterprise Zone Small Business will provide.

6) The location where each Enterprise Zone Small Business will perform these services.

7) The time frame for each Enterprise Zone Small Business to provide or deliver the goods or services.

8) The amount of capital, if any, each Enterprise Zone Small Business will be expected to provide.

9) The form and amount of compensation each Enterprise Zone Small Business will receive.

10) For a joint venture agreement, a copy of the agreement, signed by all parties.

11) For a subcontract, a signed subcontract or letter of intent.

iii) The dollar value of the commitment to each Enterprise Zone Small Business must be included in the same sealed envelope with the Disadvantaged Business Submittal of the proposal. The following will become a contractual obligation once the contract is fully executed:

1) The amount of the selected Offeror's Enterprise Zone Small Business commitment;

2) The name of each Enterprise Zone Small Business; and

3) The services each Enterprise Zone Small Business will provide, including the timeframe for performing the services.

**PART III. Criteria for Selection (must be inserted in Part III of every RFP)***Disadvantaged Business Participation*

BMWBO has established the weight for the Disadvantaged Business Participation criterion for this RFP as 20% of the total points. Evaluation will be based upon the following in order of priority:

- Priority Rank 1 Proposals submitted by Small Disadvantaged Businesses.
- Priority Rank 2 Proposals submitted from a joint venture with a Small Disadvantaged Business as a joint venture partner.
- Priority Rank 3 Proposals submitted with subcontracting commitments to Small Disadvantaged Businesses.
- Priority Rank 4 Proposals submitted by Socially Disadvantaged Businesses.

Each proposal will be rated for its approach to enhancing the utilization of Small Disadvantaged Businesses and/or Socially Disadvantaged Businesses. Each approach will be evaluated, with Priority Rank 1 receiving the highest score and the succeeding options receiving scores in accordance with the previously-listed priority ranking.

To the extent that an Offeror qualifies as a Small Disadvantaged Business or a Socially Disadvantaged Business, the Small Disadvantaged Business or Socially Disadvantaged Business cannot enter into subcontract arrangements for more than 40% of the total estimated dollar amount of the contract. If a Small Disadvantaged Business or a Socially Disadvantaged Business subcontracts more than 40% of the total estimated dollar amount of the contract to other contractors, the Disadvantaged Business Participation scoring shall be proportionally lower for that proposal.

*Enterprise Zone Small Business Participation*

In accordance with the priority ranks listed as follows, bonus points in addition to the total points for this RFP, will be given for the Enterprise Zone Small Business Participation criterion. The maximum bonus points for this criterion is 3% of the total points for this RFP. The following options will be considered as part of the final criteria for selection:

- Priority Rank 1 Proposals submitted by an Enterprise Zone Small Business will receive the highest score.
- Priority Rank 2 Proposals submitted by a joint venture with an Enterprise Zone Small Business as a joint venture partner will receive the next highest score for this criterion.
- Priority Rank 3 Proposals submitted with a subcontracting commitment to an Enterprise Zone Small Business will receive the lowest score for this criterion.
- Priority Rank 4 Proposals with no Enterprise Zone Small Business Utilization shall receive no points under this criterion.

To the extent that an Offeror is an Enterprise Zone Small Business, the Offeror cannot enter into contract or subcontract arrangements for more than 40% of the total estimated dollar amount of the contract in order to qualify as an Enterprise Zone Small Business for purposes of this RFP.

**PART IV, Work Statement (must be inserted in Part IV of every RFP)***Contract Requirements—Disadvantaged Business Participation and Enterprise Zone Small Business Participation*

All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must also include a provision requiring the selected contractor to meet and maintain those commitments made to Disadvantaged Businesses and/or Enterprise Zone Small Businesses at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the BMWBO. All contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must include a provision requiring Small Disadvantaged Business subcontractors, Enterprise Zone Small Business subcontractors and Small Disadvantaged Businesses or Enterprise Zone Small Businesses in a joint venture to perform at least 50% of the subcontract or Small Disadvantaged Business/Enterprise Zone Small Business participation portion of the joint venture.

The selected contractor's commitments to Disadvantaged Businesses and/or Enterprise Zone Small Businesses made at the time of proposal submittal or contract negotiation shall be maintained throughout the term of the contract. Any proposed change must be submitted to BMWBO, which will make a recommendation to the Contracting Officer regarding a course of action.

If a contract is assigned to another contractor, the new contractor must maintain the Disadvantaged Business participation and/or Enterprise Zone Small Business participation of the original contract.

The selected contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the Issuing Office and BMWBO within 10 workdays at the end of each quarter the contract is in force. This information will be used to determine the actual dollar amount paid to Small Disadvantaged Business and/or Enterprise Zone Small Business subcontractors and suppliers, and Small Disadvantaged Business and/or Enterprise Zone Small Business participants involved in joint ventures. Also, this information will serve as a record of fulfillment of the commitment the selected contractor made and for which it received Disadvantaged Business and Enterprise Zone Small Business points. If there was no activity during the quarter then the form must be completed by stating "No activity in this quarter."

Note: Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of disadvantaged businesses status or entitle an offeror to receive credit for disadvantaged businesses utilization.

Revised 2/24/2010

*Additional Information and Requirements*

The firm selected will be required to attend a preconstruction conference and regular job conferences with the Department and the construction contractor for each project. Under the direction of the Department, the selected firm will be required to keep records; document the construction work and provide site inspection to assure conformity with contract specifications; prepare current and final estimates for payment to the construction contractor; assist the Department in obtaining com-



pliance with the labor standards, safety and accident prevention, and equal opportunity provisions of the contract; and perform other duties as required. For all bridge construction projects, the selected firm will be required to assemble all pertinent construction data into a manual and submit two copies to the Department after the completion of construction.

The inspection staff must comply with at least one of the following requirements.

1. Be certified by the National Institute for Certification in Engineering Technologies in the field of Transportation Engineering Technology, subfield of Highway Construction, at Level 2 or higher.

2. Be registered as a Professional Engineer by the Commonwealth of Pennsylvania with 1 year of construction experience acceptable to the Department.

3. Be certified as an Engineer-in-Training by the Commonwealth of Pennsylvania with 2 years of construction experience acceptable to the Department.

4. Hold a Bachelor of Science in Civil Engineering with 2 years of construction experience acceptable to the Department, or a Bachelor of Science in Civil Engineering Technology with 2 years of construction experience acceptable to the Department.

5. Hold an Associate Degree in Civil Engineering Technology with 3 years of construction experience acceptable to the Department.

The contract shall be based on the hours of service and qualifying expenses not exceeding the contract amount. Inspector's work will be reviewed by the engineering staff of the Bureau of Facility Design and Construction and, when acceptable, approved by the same staff.

Maximum weights for each factor have been established by the Department. The factors shown are for the guidance of the readers only and are not to be assigned quantitative weight. The following factors will be considered during the evaluation of the firm's Proposal:

1. Qualifications and experience of the firm's personnel
2. Particular capability to perform the required inspection
3. Understanding the Department's requirements, policies and specifications.
4. Necessary staff to perform the required work.
5. Disadvantaged Business participation.
6. Equitable distribution of contracts.

Each proposer shall relate their proposal to the previous criteria.

Six copies of both the Proposal and the required forms and a single sealed copy of the DBE information must be received no later than 4 p.m. on April 27, 2011. The assignment of services will be made to one or more of the firms responding to this notice. However, the Department reserves the right to reject all Proposals submitted, cancel the solicitation requested under this notice and/or re-advertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposals submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

CINDY DUNN,  
*Acting Secretary*

[Pa.B. Doc. No. 11-520. Filed for public inspection March 25, 2011, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

*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>
PA0088421 (Sew)	Patrick Gibson 2887 Chaneysville Road Clearville, PA 15525	Bedford County / Southampton Township	Dry swale to Town Creek / 13-A	Y
PA0070360 (Sew)	All American Properties, Inc. PO Box 302 Bethel, PA 19507	Berks County / Bethel Township	UNT Crosskill Creek / 7-D	Y
PA0247910 (Sew)	Bethel Township Municipal Authority PO Box 274 Bethel, PA 19507	Berks County / Bethel Township	Little Swatara Creek / 7-D	Y
PA0088609 (Sew)	Broad Top Township PO Box 57 Defiance, PA 16633-0057	Bedford County / Broad Top Township	Raystown Branch Juniata River / 11-D	Y
PA0081311 (Sew)	South Londonderry Township Municipal Authority PO Box 3 Campbelltown, PA 17010	Lebanon County / South Londonderry Township	Conewago Creek / 7-G	Y

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

<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>
PA0114995	Buckeye Energy Services LLC-South Williamsport Terminal 1466 Sylvan Dell Road South Williamsport, PA 17702	Lycoming County Armstrong Township	West Branch Susquehanna River (WWF, 10-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>
PA0034924 (Sewage)	Paint—Elk Township Joint Sewer Authority 22139 Route 66 Shippensburg, PA 16254	Clarion County Paint Township	Paint Creek 17-B	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*

**PA0026603**, Sewage, SIC 4952, **Borough of Ambler**, 122 East Butler Avenue, Ambler, PA 19002-4476.

This existing facility is located in Upper Dublin Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit for discharge of treated effluent and site stormwater from Ambler Borough Sewage Treatment Plant.

The receiving stream, Wissahickon Creek, is in the State Water Plan watershed 3F and is classified for: TSF, MF, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for the Philadelphia Water Department is located on the Schuylkill River and is approximately 13 miles below the point of discharge. The monitoring requirement for aluminum at Outfall 001 is based on a proposed site-specific criterion of 1.54 mg/l. The modified criterion is based on a water effect ratio of 2.05, applied to the criterion maximum concentration (acute criterion) for fish and aquatic life.

The proposed effluent limits for Outfall 001 are based on a design flow of 6.5 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(05/01-10/31)	10	15		20
(11/01-04/30)	20	15		40
Total Suspended Solids	30	30		60
NH <sub>3</sub> -N				
(05/01-10/31)	1.5	45		3.0
(11/01-04/30)	4.5			9.0
Dissolved Oxygen	7.0, Inst. min.			
pH (Std. Units)	6.0, Inst. min.			9.0
Fecal Coliform (col/100 ml)	200			1,000*
Ortho-Phosphorus as P				
(04/01-10/31)	1.0			2.0
(11/01-03/31)	4.0			8.0
Aluminum	Monitor		Monitor	
Copper, Total	Monitor		Monitor	
Chromium, Hexavalent	Monitor		Monitor	
Chromium, Total	Monitor		Monitor	
Silver, Total	Monitor		Monitor	
Lead, Total	Monitor		Monitor	
Arsenic, Total	Monitor		Monitor	
Cadmium, Total	Monitor		Monitor	
Mercury, Total	Monitor		Monitor	
Nickel, Total	Monitor		Monitor	
Zinc, Total	Monitor		Monitor	
Cyanide, Free	Monitor		Monitor	
Selenium, Total	Monitor		Monitor	
Phenolics, Total	Monitor		Monitor	
Hardness as CaCO <sub>3</sub>	Monitor		Monitor	
Total Residual Chlorine	0.1			0.3
(NO <sub>2</sub> +NO <sub>3</sub> ) as N	Monitor		Monitor	
Total Dissolved Solids	1,000			2,500

\*From May 1 through September 30, not to exceed 1,000 col/100 ml at any time. From October 1 through April 30, not to exceed 1,000 col/100 ml in greater than ten percent of the samples.

The proposed effluent limits for Stormwater Outfall 002 are based on a design flow of an average storm event.

<i>Parameters</i>	<i>Average Annual (mg/l)</i>	<i>Average Semi-Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	Monitor		Monitor	
COD	Monitor		Monitor	
Oil and Grease	Monitor		Monitor	
pH (Std. Units)	Monitor		Monitor	
Total Suspended Solids	Monitor		Monitor	
Total Kjeldahl Nitrogen	Monitor		Monitor	
Total Phosphorus	Monitor		Monitor	
Iron, Dissolved	Monitor		Monitor	
Fecal Coliform (col/100 ml)	Monitor		Monitor	

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

1. Notification of Designation of Responsible Operator
2. Definition of Average Weekly
3. Remedial Measures if Public Nuisance
4. No Stormwater to Sanitary Sewers
5. Necessary Property Rights
6. Specification of Test Methods
7. Proper Sludge Handling and Disposal
8. Operator Training
9. Whole Effluent Toxicity Testing with Renewal
10. Instantaneous Maximum Limitations
11. Operations and Maintenance Plan
12. Laboratory Certification
13. Upstream Monitoring
14. Bypass Reporting
15. Fecal Coliform Reporting
16. Sanitary Sewer Overflow Condition
17. Stormwater Requirements
18. Pretreatment Program

The EPA waiver is not in effect.

**PA0029530**, Sewage, SIC Code 8211, **Palisades School District**, 39 Thomas Free Drive, Kintnersville, PA 18930. Facility Name: Palisades Senior High School. This existing facility is located in Nockamixon Township, **Bucks 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), an unnamed tributary of Gallows Run, is located in State Water Plan watershed 2D and is classified for cold water fishes, aquatic life, water supply, and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0215 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)						
July 1-Aug. 31	XXX	XXX	6.0	XXX	XXX	9.0
Sept. 1-June 30	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen						
July 1-Aug. 31	XXX	XXX	3.0	XXX	XXX	XXX
Sept. 1-June 30	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine						
July 1-Aug. 31	XXX	XXX	XXX	0.5	XXX	1.2
Sept. 1-June 30	XXX	XXX	XXX	0.5	XXX	1.2
CBOD <sub>5</sub>	4.5	XXX	XXX	25	XXX	50
Total Suspended Solids	5.4	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo. Mean		
Ammonia-Nitrogen						
May 1-Oct. 31	2.0	XXX	XXX	11	XXX	22
Nov. 1-April 30	2.7	XXX	XXX	15	XXX	30

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

1. Remedial Measures
2. No Stormwater Discharge
3. Necessary Property Rights
4. Change of Ownership
5. Abandon STP when Municipal Sewers Available
6. Chlorine Minimization
7. Proper Sludge Disposal

8. Discharges to Special Protection Waters

9. Lab Certification

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484.250.5910.

The EPA Waiver is in effect.

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

**PA0008885**, Industrial Waste, SIC Codes 2621 and 2676, **Procter & Gamble Paper Products Company**, PO Box 32, Mehoopany, PA 18629. Facility Name: Procter & Gamble Paper Products Company. This existing facility is located in Washington Township, **Wyoming County**.

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

The receiving stream, Susquehanna River, is located in State Water Plan watershed 4-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 (Process wastewater, NCCW, sanitary wastewater, and groundwater from closed sanitary landfill) are based on a design flow of 8.06 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 Chlorine	XXX	XXX	XXX	0.9	XXX	1.8
CBOD <sub>5</sub>	10000	18800	XXX	XXX	XXX	XXX
Total Suspended Solids	9833	18800	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 003 (Emergency spill basin overflow and process area stormwater) are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>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

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	100360			
Net Total Phosphorus	Report	5441			

The proposed monitoring requirements for implementation of the Chesapeake Bay Tributary Strategy are as follows for the Intake along the Susquehanna River.

<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>
Flow (MGD)	Report Avg Mon	Report Daily Max			
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	

Outfalls 002, 004, 006 and 007 discharge only uncontaminated stormwater runoff. There are no effluent limits or monitoring requirements for these outfalls.

\* 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 conditions also



authorize the permittee to apply offsets for background nutrient loads. The condition includes the requirement to report the application of these credits and/or offsets in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin upon issuance of the permit. 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 of each year.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR - Annual Nutrient Summary by November 28 of each year.

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

1. Chesapeake Bay Nutrient Requirements
2. Requirements applicable to stormwater outfalls
3. Chemical additives
4. Annual biological river survey

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

The EPA Waiver is not in effect.

**PA0009911**, Industrial Waste, SIC Code 2015, **Papettis Hygrade Egg Products Inc.**, 68 Spain Road, Klingerstown, PA 17941-9656. Facility Name: Michael Foods Egg Products. This existing facility is located in Upper Mahantongo Township, **Schuylkill County**.

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

The receiving stream(s), Unnamed Tributary to Pine Creek, is located in State Water Plan watershed 6-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.295 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Daily Average</i>	<i>Weekly Average</i>	
Flow (MGD)		Report				
pH (S.U.)	XXX	Daily Max	XXX	XXX	XXX	XXX
Total Residual Chlorine		XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	1.0	XXX	2.0
Total Suspended Solids	61.5	100	XXX	Avg Mo 25	40	50
Oil and Grease	74	113	XXX	Avg Mo 30	45 Wkly Avg	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	15.0	30.0	XXX
May 1 - Sep 30	XXX	XXX	XXX	Avg Mo	Daily Max	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	200		1,000
Ammonia-Nitrogen				2000		10,000
May 1 - Sep 30	37	XXX	XXX	Geo Mean	XXX	
Temperature (°F)				15.0		30
Jan 1-31 (Interim)	XXX	XXX	XXX	Avg Mo	XXX	report
Feb 1-28 (Interim)	XXX	XXX	XXX		XXX	report
Mar 1-31 (Interim)	XXX	XXX	XXX		XXX	report
Apr 1-15 (Interim)	XXX	XXX	XXX		XXX	report
Apr 16-30 (Interim)	XXX	XXX	XXX		XXX	report
May 1-15 (Interim)	XXX	XXX	XXX		XXX	report
May 16-31 (Interim)	XXX	XXX	XXX		XXX	report
Jun 1-15 (Interim)	XXX	XXX	XXX		XXX	report
Jun 16-30 (Interim)	XXX	XXX	XXX		XXX	report
Jul 1-31 (Interim)	XXX	XXX	XXX		XXX	report
Aug 1-15 (Interim)	XXX	XXX	XXX		XXX	report
Aug 16-31 (Interim)	XXX	XXX	XXX		XXX	report
Sep 1-15 (Interim)	XXX	XXX	XXX		XXX	report
Sep 16-30 (Interim)	XXX	XXX	XXX		XXX	report
Oct 1-15 (Interim)	XXX	XXX	XXX		XXX	report

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Daily Average</i>	<i>Weekly Average</i>	
Oct 16-31 (Interim)	XXX	XXX	XXX	report	XXX	report
Nov 1-15 (Interim)	XXX	XXX	XXX	report	XXX	report
Nov 16-30 (Interim)	XXX	XXX	XXX	report	XXX	report
Dec 1-31 (Interim)	XXX	XXX	XXX	report	XXX	report
Jan 1-31 (Final)	XXX	XXX	XXX	110	XXX	110
Feb 1-28 (Final)	XXX	XXX	XXX	110	XXX	110
Mar 1-31 (Final)	XXX	XXX	XXX	110	XXX	110
Apr 1-15 (Final)	XXX	XXX	XXX	110	XXX	110
Apr 16-30 (Final)	XXX	XXX	XXX	110	XXX	110
May 1-15 (Final)	XXX	XXX	XXX	90.6	110	XXX
May 16-31 (Final)	XXX	XXX	XXX	94.6	110	XXX
Jun 1-15 (Final)	XXX	XXX	XXX	84.4	XXX	110
Jun 16-30 (Final)	XXX	XXX	XXX	88.4	XXX	110
Jul 1-31 (Final)	XXX	XXX	XXX	83.5	XXX	110
Aug 1-15 (Final)	XXX	XXX	XXX	80.5	XXX	110
Aug 16-31 (Final)	XXX	XXX	XXX	80.5	XXX	110
Sep 1-15 (Final)	XXX	XXX	XXX	74.5	XXX	110
Sep 16-30 (Final)	XXX	XXX	XXX	68.5	XXX	110
Oct 1-15 (Final)	XXX	XXX	XXX	64.2	XXX	110
Oct 16-31 (Final)	XXX	XXX	XXX	60.2	XXX	110
Nov 1-15 (Final)	XXX	XXX	XXX	57.9	XXX	110
Nov 16-30 (Final)	XXX	XXX	XXX	63.7	XXX	110
Dec 1-31 (Final)	XXX	XXX	XXX	110	XXX	110

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	8,104			
Net Total Phosphorus	Report	532			

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

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2011. 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. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2011.

\*\* Total Annual Ammonia Load 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:

1. Chemical Additives
2. Chesapeake Bay Special conditions
3. Temperature

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

The EPA Waiver is not in effect.

**PA0070386**, Sewage, SIC Code 4952, **Shenandoah Municipal Sewer Authority** (Schuylkill County), 15 W Washington Street, Shenandoah, PA 17976-1708. Facility Name: Shenandoah Municipal Sewer Authority. This existing facility is located in Shenandoah Borough, **Schuylkill County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage, with incorporation of three plant stormwater discharge outfalls (015, 016, and 017).

The receiving stream(s), Shenandoah Creek, is located in State Water Plan watershed 6-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	2.0
CBOD <sub>5</sub>	417.0	667.0	XXX	25.0	40.0	50.0
Total Suspended Solids	500.0	750.0	XXX	30.0	45.0	60.0
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	Report	XXX	XXX
Dissolved Iron	XXX	XXX	XXX	Report	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Stormwater Outfalls 015, 016, 017 are based on a design flow of 0.000000 MGD. Discharges from these outfalls shall consist solely of uncontaminated storm water runoff.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
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
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Kjeldahl—N	XXX	XXX	XXX	XXX	Report	XXX

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

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
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	36,529			
Net Total Phosphorus	Report	4,871			

\* 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.

\*\* 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.

\*\*\* Total Annual Ammonia Load 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:

1. Whole Effluent Toxicity Testing with permit renewal.
2. Combined Sewer Outfall (CSO) conditions, including a requirement for an updated Long Term Control Plan (LTCP) with compliance schedule, for CSO outfalls 002 through 012, 013A, 013B, and 014.
3. Updated permit conditions reflecting new Chapter 92a regulations, including fecal coliform instantaneous maximum limits.
4. New stormwater conditions for Outfalls 015, 016, and 017.

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

The EPA Waiver is not in effect.

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

**Application No. PA0260550**, Concentrated Animal Feeding Operation (CAFO), **Galen Nolt (Westview Farm)**, 222 Little Britain Church Road, Peach Bottom, Pennsylvania 17563.

Galen Nolt has submitted an application for an Individual NPDES permit for an existing CAFO known as Westview Farm, located at Fulton Township in **Lancaster County**.

The CAFO is situated near an unnamed tributary of the Little Conowingo Creek in Watershed 7-K, which is classified for High Quality—Cold Water Fishery. The CAFO is designed to maintain an animal population of approximately 522.8 animal equivalent units (AEUs) consisting of 50 dairy cows, 20 calves/heifers, 3,000 finishing swine, and 20,000 poultry. Manure is collected and stored by underneath concrete storage for the swine, under roof collection of the dry poultry litter and an earthen lagoon for the dairy operation. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. You may make an appointment to review the files by calling the File Review Coordinator at 717-705-4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**PA0023442**, Sewage, SIC Code 4952, **Wrightsville Borough Municipal Authority**, 723 Water Street, Wrightsville, PA 17368-1506. Facility Name: Wrightsville WWTP. This existing facility is located in Wrightsville Borough, **York 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), 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 0.4 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>		130.0				
	80.0	Wkly Avg	XXX	25.0	40.0	50.0
BOD <sub>5</sub>						
Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids		150.0				
	100.0	Wkly Avg	XXX	30.0	45.0	60.0
Total Suspended Solids						
Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	XXX
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	Report	XXX	XXX	Report	XXX	XXX
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	8.0	XXX	XXX	2.0	XXX	4.0

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

Parameters	Mass (lbs)			Concentration (mg/l)	
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX



<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>
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	7306	XXX	XXX	XXX
Net Total Phosphorus	Report	974	XXX	XXX	XXX

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

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2013. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2013

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

The EPA Waiver is not in effect.

**PA0087661**, Sewage, SIC Code 4952, **Chestnut Ridge Area Joint Authority**, 320 Lane Metal Road, New Paris, PA 15554. Facility Name: Chestnut Ridge Area Joint Authority STP. This existing facility is located in East Saint Clair Township, **Bedford 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), Dunning Creek, is located in State Water Plan watershed 11-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.705 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>		235				
	147	Wkly Avg	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids		264				
	176	Wkly Avg	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	50	XXX	XXX	8.5	XXX	17

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

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen (Interim)	Report	Report	XXX	XXX	XXX
Net Total Nitrogen (Final)	Report	22,877	XXX	XXX	XXX
Net Total Phosphorus (Interim)	Report	Report	XXX	XXX	XXX
Net Total Phosphorus (Final)	Report	1,717	XXX	XXX	XXX

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

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2013. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2013.

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

1. Change to compliance schedule for the Chesapeake Bay limits.
2. Total Nitrogen cap load increases based on retirement of 400 on-lot systems

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

The EPA Waiver is not in effect.

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

**PA0217174**, Sewage, SIC Code 6514, **Ernst Elmor R**, 268 Harrison Road, Elizabeth, PA 15037-3037. Facility Name: Ernst Small Flow STP. This existing facility is located in Lincoln Borough, **Allegheny County**.

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

The receiving stream(s), Unnamed Tributary to Wylie Run—"Harrison Hollow", is located in State Water Plan watershed 19-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.008 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	0.0008	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.3
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	1000
	XXX	XXX	XXX	2000		
				Geo Mean	XXX	10000

The EPA Waiver is in effect.

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

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

**WQM Permit No. 3608408 Amendment 11-1**, Sewerage, **Manheim Borough Authority**, 15 East High Street, Manheim, PA 17545.

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

Description of Proposed Action/Activity: Seeking permit amendment approval to treat sludge from its wastewater treatment plant using lime addition.

**WQM Permit No. 2204406 Amendment 11-1**, Sewerage, **East Hanover Township**, 8848 Jonestown Road, PO Box 4323, Grantville, PA 17028-8650.

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

Description of Proposed Action/Activity: Seeking permit amendment approval for upgrades to the sewage treatment plant headworks.

**WQM Permit No. 6711201**, Industrial Waste, **Red Lion Municipal Authority**, PO Box 190, Red Lion, PA 17356.

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

Description of Proposed Action/Activity: Seeking approval to install a temporary backwash treatment system.

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

**WQM Permit No. 2011402**, Sewerage, **PA DCNR Bureau of State Parks**, P. O. Box 8551, 400 Market Street, Harrisburg, PA 17105-8551.

This proposed facility is located in West & South Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: The project consists of an installation of a dual sewage pump station and an underground sewer force main in Pymatuning State Park. The project will phase out and re-direct sewage from an old sub-standard sewage treatment plant (Pymatuning State Park's Jamestown Sewage Treatment Facility) to a more modern treatment facility (North and South Shenango Joint Municipal Authority WWTP).

#### IV. NPDES Applications for Stormwater Discharges from MS4

#### V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 091102	PPL Electric Utilities Company 2 North Ninth Street, GENN 5 Allentown, PA 18101	Bucks and Lehigh	Springfield/Richland Townships and Upper Saucon Township	Tumble Brook and Tohickon Creek (CWF-MF/TSF-MF)
PAI01 1506001-R	Upper Uwchlan Township 140 Pottstown Pike Chester Springs, PA 19425	Chester	Upper Uwchlan Township	Marsh Creek (HQ-TSF)
PAI01 151105	Anselma Crossing, LP 2323 Chester Springs Road Chester Springs, PA 19425	Chester	West Pikeland Township	Pickering Creek (HQ)
PAI01 2309002-1	Rose Tree Media School District 308 North Olive Street Media, PA 19063	Delaware	Upper Providence Township	Ridley and Crum Creeks (HQ-TSF/WWF-MF)

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

*Northampton County Conservation District: 14 Gracedale Ave., Nazareth PA 18060, 610-746-1971*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAS10U131R	Charles Chrin 400 South Greenwood Ave. Easton PA 18045	Northampton Co.	Palmer Twp	Bushkill Creek (HQ-CWF, MF)

*Lehigh County Conservation District: 4184 Dorney Park Rd., Allentown PA 18104, 610-391-9583*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023905007(R)	Michael Richardson Toll Brothers, Inc. 250 Gibraltar Rd. Horsham PA 19044	Lehigh Co.	Lower Macungie Twp.	Little Lehigh Creek (HQ-CWF, MF)
PAI023911007	Louis Pektor, III Stone Hill Station Route 100, LP 559 Main St., Su. 300 Bethlehem PA 18018	Lehigh Co.	Lower Macungie Twp. Borough of Macungie	Tributary to the Swabia Creek (HQ-CWF, MF)

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI030610014	Nancy Krauss Brandywine Heights Area School District 200 West Weiss Street Topton, PA 19562	Topton Borough Berks County	Toad Creek / Little Lehigh Creek (HQ CWF MF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657 Ext. 142

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

*Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501 (814-445-4352)*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055609005 (1)	National Park Service 109 West Main Street, Suite 104 Somerset, PA 15501	Somerset	Stonycreek & Shade Townships	Calendars Run and Lamberts Run (CWF) Grove Run (EV)

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

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

**CAFO Notices of Intent Received**

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

**PAG120006**, CAFO General Permit, NOI, **Paul Smoker, Woodland View Farm**, 305 Barnsley Road, Oxford, PA 19363.

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

Description of Size and Scope of Proposed Operation/Activity: Existing dairy and duck operation seeking renewal of their current CAFO permit; no expansion of operations is included in this request which consists of two duck barns with associated concrete circular manure storage and one dairy barn with associated concrete circular manure storage. There are 268.39 AEU's at this facility operating with an approved Nutrient Management Plan effective May 2010.

The receiving stream, Northeast Creek, is in watershed 7K Octoraro Watershed Basin and classified for: WWF in Chapter 93.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**STATE CONSERVATION COMMISSION**

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

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

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

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

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Scott Gochenaur 3057 Harvest Road Elizabethtown, PA 17022	Lancaster	21	371.7	Layers	NA	Renewal



## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

### SAFE DRINKING WATER

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

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

**Permit No. 6711503**, Public Water Supply.

Applicant	<b>Dover Township</b>
Municipality	Dover Township
County	<b>York</b>
Responsible Official	Charles G Farley, Public Works Director 2480 West Canal Road Dover, PA 17315
Type of Facility	Public Water Supply
Consulting Engineer	John F Leen IV, P.E. C S Davidson Inc 38 North Duke Street York, PA 17401
Application Received:	3/3/2011
Description of Action	Nitrate treatment for Well No. 10.

**Application No. 3611509 MA, Minor Amendment**, Public Water Supply.

Applicant **Borough of Lititz**

Municipality	Lititz Borough
County	<b>Lancaster</b>
Responsible Official	Sue Ann Barry, Borough Manager 7 South Broad Street Lititz, PA 17543
Type of Facility	Public Water Supply
Consulting Engineer	Steven E Riley, P.E. Entech Engineering, Inc PO Box 32 Reading, PA 19603
Application Received:	3/1/2011
Description of Action	Kissel Hill Booster Station fire pump upgrade

**Application No. 3611510 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Blue Ball Water Authority</b>
Municipality	East Earl Township
County	<b>Lancaster</b>
Responsible Official	Aaron Newswanger, Authority Chairman 4610 Division Highway East Earl, PA 17519
Type of Facility	Public Water Supply
Consulting Engineer	Timothy J Glessner, P.E. Gannett Fleming, Inc. 207 Senate Avenue Camp Hill, PA 17011
Application Received:	3/2/2011
Description of Action	Installation of Chlorine Contact Piping

**Application No. 3611511 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Mount Joy Township Authority</b>
Municipality	Elizabethtown City
County	<b>Lancaster</b>
Responsible Official	Rene Desrosiers, Operations Supervisor 157 Merts Drive Elizabethtown, PA 17022
Type of Facility	Public Water Supply
Consulting Engineer	Kirt L Ervin, P.E. US Engineering, LLC 13742 Mary Lane Aviston, IL 62216
Application Received:	3/3/2011
Description of Action	Recoating of the interior and exterior of the Rockwood Hydropillar.

### MINOR AMENDMENT

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

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

**Application No. 3910518MA**

Applicant **Lehigh County Authority**  
 [Township or Borough] North Whitehall Township  
 Lehigh County

Responsible Official Aurel M. Arndt, General  
 Manager  
 Lehigh County Authority  
 1053 Spruce Street, P. O. Box  
 3348  
 Allentown, PA 18106

Type of Facility Community Water System

Consulting Engineer Charles E. Volk, PE  
 ARRO Consulting Inc.  
 1150 Glenlivet Drive  
 Allentown, PA 18106

Application Received Date December 14, 2010

Description of Action Application for previously  
 completed, unpermitted  
 modifications at the Penn Hills  
 Nos. 1 & 3 Booster Pump  
 Stations and at the Crestwood &  
 Wayside Manor Booster Pump  
 Stations.

**Application No. 3511501 MA, Minor Amendment.**

Applicant **Aqua Pa. Inc.**  
 Thornhurst System

[Township or Borough] Lehigh Township  
**Lackawanna County**

Responsible Official Roswell S. McMullen  
 1775 N. Main Street  
 Honesdale, PA. 18431

Type of Facility Public Water Supply

Consulting Engineer Entech Engineering, Inc.  
 Douglas Berg, PE.  
 4 South 4th Street  
 Reading, PA. 19603

Application Received Date March 8, 2011

Description of Action Addition of 54LF of 30 inch pipe  
 to provide additional chlorination  
 contact time to comply with the  
 Ground Water Rule

**Application No. 1311502MA, Minor Amendment.**

Applicant **Lehigh Water Authority**

[Township or Borough] Lehighton Bor., Franklin Twp.,  
 and Mahoning Twp., **Carbon  
 County**

Responsible Official Armando Galasso II  
 Lehighton Water Authority  
 PO Box 29  
 Lehighton, PA. 18235

Type of Facility Public Water Supply

Consulting Engineer Gannett Fleming, Inc.  
 Laurence S. Zimmermann, PE  
 PO Box 67100  
 Harrisburg, PA. 17106

Application Received Date March 8, 2011

Description of Action This project provides for the  
 interior painting of (4) storage  
 tanks.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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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*

**Chelsea Tank Farm**, Upper Chichester Township, **Delaware County**. Chrissy Piecholsi, Timothy Jenesky, Antea Group, 780 East Market Street, West Chester, PA 19382, Randy Coil, Atlantic Richfield Company—A BP Products North America Inc, Affiliated Company, 501 Westlake Park Blvd, WL 1-28. 160B, Houston, TX 77079 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted the release of jet fuel. The intended future use of the property is non-residential for the storage of refined petroleum products.

**10 East Moreland Site**, City of Philadelphia, **Philadelphia County**. Richard S. Werner, P. G. Environmental Consulting, Inc, 500 East Washington Street, Suite 375, Norristown, PA 19401, Dr. Edward Jones, Renal Enterprises, LLC, 125 Medical Campus Drive, Suite 300, Lansdale, PA 19446, Andrew D. Hubley, Environmental Consulting, Inc, 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Eli Kahn, Free Range Associates, LP, 55 County Club Drive, Suite 20, Downingtown, PA 19335 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of polynuclear aromatic hydrocarbon. The building is proposed to be demolished as part of the redevelopment of the property into a medical office facility. A summary of the Notice of Intent to Remediate was reported to have been published in the *Chestnut Hill Local* on February 10, 2011.

**Marshall Island**, Tinicum Township, **Bucks County**. Philip Getty, Boucher & James, Inc, Suite 500, 1456 Ferry Road, Doylestown, PA 18901 on behalf of Ken Nygard, Cradle of Liberty Council—Boy Scouts of America, 1485 Valley Forge Road, Wayne, PA 19087 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of lead. The intended future use of the area of concern will be an isolated wildlife protection area from January 1 to August 1 of each year to protect a bald eagle nest that is within the area of concern.

**Scott Puras Residence**, Bedminster Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Scott Puras, 2455 Bedminster Road, Perkasio, PA 18944 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 reported to have been published in *The Intelligencer* on December 21, 2010.

**Columbia Lighting**, Borough of Bristol, **Bucks County**. Steve Tanen, AMEC Earth & Environmental, 502 West Germantown Pike Suite 850, Plymouth Meeting, PA 19462, Bonnie Barnett, Esq, JUSI Holdings, USI Canada, Inc., and Jacuzzi Brands Corporation, c/o Drinker Biddle & Reath, LLP, One Logan Square, Suite 2000, Philadelphia, PA 19013-6996 on behalf of Michael Scott Feeley, Esq, Hubbell Lighting, Inc, c/o Latham & Watkins, LLP, 335 South Grand Avenue, Los Angeles, CA 9007-1560 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of pcb. The current use of the property is non-residential for manufacturing purposes and the planned future use of the property will be non-residential for manufacturing purpose.

**Transmontaigne Site**, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104, William F. Schmidt, P. E., Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104, Jon Edelstein, Philadelphia Department of Commerce, 2515 Arch Street, 12th Floor, Philadelphia, PA 19102 on behalf of Elizabeth Gabor, Philadelphia Industrial Development Corporation, 2600 Center Square West, 1500 Market Street, Philadelphia, PA 19102 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of pah's. The future use of the site will remain the same.

**249 Upland Avenue**, Horsham Township, **Montgomery County**. Jeremy Bolyn, Environmental Maintenance Company Inc, 1420 East Mermaid Lane Glenside, PA 19038 on behalf of Barry Angley, 2701 York Road, Jamison, PA 18929 has submitted a Notice of Intent to Remediate. Groundwater and 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 reported to have been published in *The Intelligencer* on December 8, 2010.

**Miller Trailer Park**, Bristol Township, **Bucks County**. Gary R. Brown, P. E., RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, Lawrence W. Bily, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Nicholas J. Mink, Highlander Realty Management, LLC, 306 West Cuthbert Boulevard, Haddon Township, NJ 08108 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of chlorinated solvents.

**Castleman & Levin Residence**, Upper Dublin Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc. 135 Old Plains Road Pennsburg, PA 18073, David Kertis, Sedgwick CMS, 108 Market Street, 10 Penn Center, Suite 500, Philadelphia, PA 19103 on behalf of Brad Castleman and Ellen Levin, 504 Chaucer Drive Upper Dublin, PA 19002 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 Ambler Gazette* on January 12, 2001.

**908 Hyatt Street, LLC**, Chester City, **Delaware County**. Michael McCann, Ferguson & McCann, Inc. 270 Bodley Road, Aston, PA 19014 on behalf of William McGrath, 9098 Hyatt Street, LLC, 541 Lawrence Road, Broomall, PA 19008 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of heating 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 Delaware County Daily Times* on December 15, 2010.

**Delaware Valley Interchange MP 358**, Bristol Township, **Bucks County**. John R. Boulanger, GAI Consultants, Inc. 385 East Waterfront Drive, Homestead, PA 15120 on behalf of Dean S. Metro, P. E. Pennsylvania Turnpike Commission, PO Box 67676, Harrisburg, PA 17106 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 property is anticipated to remain as a toll roadway facility.

**Delaware River Bridge Toll Plaza**, Bristol Township, **Bucks County**. John R. Boulanger, GAI Consultants, Inc. 385 East Waterfront Drive, Homestead, PA 15120 on



behalf of Deann S. Metro, P. E. Pennsylvania Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of other organics. The future use of the property is anticipated to remain as a toll roadway facility.

**122 Leon Avenue**, Norwood Borough, **Delaware County**. Richard S. Werner, Environmental Consulting, Inc. 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Johanna Johnson, 122 Leon Avenue, Norwood, PA 19074 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with release of no. 2 fuel oil. The future use of the site will remain the same.

**Florence Titus Elementary School**, Warrington Township, **Bucks County**. Daniel B. Lewis, P. E. SSM Group, Inc., 1047 North Park Road, Reading, PA 19610-0307 on behalf of Michael Nickerson, Central Bucks School District, 320 West Swamp Road, Doylestown, PA 18901-2359 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of no. 2 fuel oil. The future site usage will remain to be that of a public elementary school. A summary of the Notice of Intent to Remediate was to have been published in *The Intelligencer* on January 7, 2011.

**Emico Property**, Perkasie Borough, **Bucks County**. I. Scott Renneisen, Synergy Environmental, Inc. 155 Railroad Plaza, Royersford, PA 19468, Andrew Fetterman, Synergy Environmental, Inc. 155 Railroad Plaza, Royersford, PA 19468 on behalf of Chris French, Centurial Bucks Associates, P. O. Box 252, Bedminster, PA 18910 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of chlorinated solvents. The intended future use of the site is commercial/non-residential. A summary of the Notice of Intent to Remediate was to have been reported in *The Intelligencer* on April 25, 2007.

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

**G.A. & F.C. Wagman, Inc.**, Manchester Township, **York County**. EA Engineering, Science and Technology, Inc., One Marketway West Suite 4C, York, PA 17401, on behalf of G.A. & F.C. Wagman, Inc. 3290 N. Susquehanna Trail, York, PA 17406, submitted a Notice of Intent to Remediate site soils contaminated with leaded gasoline and diesel fuel released from unregulated underground storage tanks. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is commercial.

**Former Tyco Electronics Florin Facility**, Mount Joy Borough, **Lancaster County**. Herbert, Rowland, & Grubic Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Elite Baseball of Lancaster, LLC, 218 South Plum Street, Mount Joy, PA 17554 and Tyco Electronics, Inc., PO Box 3608, Harrisburg, PA 17105-3608, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents from historical manufacturing operations. The site will be remediated to the Site-Specific standard and future use is commercial.

**Former Tyco Electronics Hamilton Street Facility**, Borough of Carlisle, **Cumberland County**. Herbert, Rowland, & Grubic Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Tyco Electronics, Inc., PO Box 3608, Harrisburg, PA 17105-3608, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chlorinated solvents from historical manufacturing operations. The site will be remediated to the Site-Specific standard and future use is commercial.

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

**Putnam 77 Wellpad**, Armenia Township, **Bradford County**. Don Coleman, Senior Geologist, URS Corporation, 4507 North Front Street, Suite 200, Harrisburg, PA 17110, on behalf of Talisman Energy USA Inc., 50 Pennwood Place, Warrendale, PA 15086, has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard requirements. The intended future use of the property is installation of a natural gas well and agriculture.

## 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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**PLAN APPROVALS**


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**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

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

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

**30-00072I: Consol Pennsylvania Col Co., LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) for installation of overland conveyor belt for the purpose of transferring raw coal from the Enlow Fork Mine to Bailey Prep Plant in Richhill Township, **Washington County**.

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

*Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940*

**62-141F: National Fuel Gas Supply Corp.** (1100 State Street, Erie, PA 16512) for installation of a non-selective catalytic reduction (NSCR) catalyst on an existing natural gas compressor engine at their Carter Hill Compressor Station facility in Wayne Township, **Erie County**.

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

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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*

**09-0216: B. Blair Corp.** (95 Louise Drive, Ivyland, PA 18974) for installation of a portable nonmetallic mineral processing plant in Northhampton Township, Bucks County. The plan approval is for a non-Title V facility and will consist of a new 220 ton per hour impact crusher and powered by a 2002 model year 326 horsepower diesel-fired engine. Potential emissions to the atmosphere will be less than or equal to the following: NO<sub>x</sub>—4.06 tpy, VOC—2.08 tpy, CO—0.62 tpy, SO<sub>x</sub>—0.62 tpy, and PM/PM<sub>10</sub>—0.42 tpy. There will be no add-on control technology for the air emissions from this engine. PM emissions from the crusher will be controlled by appropriate water sprays. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940*

**25-025Q: General Electric Transportation—Erie Plant** (2901 East Lake Road, Building 9-201, Erie, PA 16531) for modification of plan approval 25-025O with regards to the test cells in buildings 4E and 63 in Lawrence Park Township, **Erie County**. This is a Title V facility. The public notice is required for sources required

to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State Only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- Test Cells #2 & #3 Building 4E & Test Cells #1 Building 63 & Test Cells #1 & #2 Area 10K using Cloud Chamber Scrubber

- All conditions from plan approval 25-025O issued on July 24, 2009, are included in this plan approval unless modified below.

- The company shall install, operate, and maintain continuous emission monitors for carbon monoxide and oxygen on the engine test cell. [This condition removed the NO<sub>x</sub> reference]

- The company shall keep a copy of the manufacturer's specifications for:

- the cloud chamber;
- the oxidation catalyst;
- the selective catalytic reduction system;
- the carbon monoxide continuous emission monitor.

- The company shall operate the Department certified carbon monoxide continuous emission monitor any time an engine is being operated in the test cell. [This condition removed the NO<sub>x</sub> reference]

- The company shall install, operate and maintain the carbon monoxide and oxygen continuous emission monitor in accordance with all Department requirements as well as manufacturer's specifications. [This condition removed the NO<sub>x</sub> reference]

- Test Cells #2 & #3 Building 4E & Test Cells #1 Building 63 & Test Cells #1 & #2 Area 10K using Dry Filter

- The test engines shall use only ULSD (ultra low sulfur diesel - 15 ppm sulfur) in this test cell.

- The company shall continuously monitor the pH of the scrubbing liquid of the cloud chamber when an engine is operating in the test cell. [not applicable]

- The permittee shall continuously monitor the filter inlet temperature when an engine is operating in the test cell.

- The permittee shall continuously monitor the pressure drop across the filter when an engine is operating in the test cell.

- The company shall keep a copy of the manufacturer's specifications for:

- the dry filter system
- The permittee shall maintain records of the following:
  - Filter inlet temperature continuously - defined as at least once every 15 minutes.
  - Filter pressure drop continuously—defined as at least once every 15 minutes.

- The company shall determine the scrubbing liquid recirculation rate range of the cloud chamber during the stack test. The scrubbing liquid recirculation rate range shall be incorporated in to the company's facility operating permit. [not applicable]



- The company shall determine the pH range of the scrubbing liquid of the cloud chamber during stack testing. The scrubbing liquid pH range shall be incorporated in to the company's facility operating permit. [not applicable]

- The company shall operate the selected control device train any time an engine is being operated in the test cell.

- The company shall install, operate and maintain the engine test cell and selected control device train in accordance with the manufacturer's specifications as well as good air pollution control practices.

- The permittee shall maintain the following parameters within their prescribed ranges:

- Filter inlet temperature—600F to 950F

- Filter pressure drop—manufacturer's specifications or latest test data. Within 24-hours of discovery of a reading outside of the prescribed range the permittee shall perform a maintenance inspection on the control device and take corrective action. Records of all maintenance inspections on the control device, and corrective actions taken, shall be maintained on site for a minimum period of five years. In the event of more than one documented excursion outside the prescribed range in any calendar quarter the permittee shall submit a corrective measure plan to the Department. Corrective measures may include an increase of the frequency of required preventative maintenance inspections of the control device, a modification of the prescribed range, or other appropriate action as approved by the Department. Upon receipt of a corrective measure plan the Department shall determine the appropriate corrective measure on a case-by case basis.

- All conditions under Section D and E for this source are applicable except for the following:

- Condition #010(b)—not applicable
  - Condition #012(a)(1)—revised in Section F
  - Condition #013(b), (c)—not applicable
  - Condition #013(d)—revised in Section F
  - Condition #014(a)—revised in Section F

They will be replaced by conditions in this alternate scenario.

- Test Cells #2 & #3 Building 4E & Test Cells #1 Building 63 & Test Cells #1 & #2 Area 10K

- Within 5 business days after the start of construction of each test cell, the company shall submit to the Department, in writing, the starting date of construction of each test cell and whether the test cell will utilize the control device train consisting of the cloud chamber, SCR, and CATOX or the control device train consisting of the dry filter, SCR and CATOX.

- Construction schedule for Test Cells #2 & #3 in Building 4E and for Test Cell #1 in Building 63 and Test Cells #1 & #2 in Area 10K shall meet the following:

- The company shall submit a revised BAT analysis within 6 months of commencement of construction of a new test cell for Department approval if construction has not commenced within 18 months after plan approval 25-025Q issuance.

- All test cell construction shall be commenced no later than by December 31, 2013.

- The authorization to construct a particular test cell becomes invalid if: 1) construction, as defined in 25

Pa. Code Section 121.1, is not commenced by the date given above; or 2) construction of the particular test cell is discontinued for a period of 18 months or more.

- If the company does not commence construction of each test cell by the date given above for the respective test cell, then the company shall submit a new plan approval application for each test cell for which construction was not started. The plan approval application for each test cell shall be in conformance with all applicable Rules and Regulations of the Department of Environmental Protection.

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

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

**AMS 11003: Septa Frankford** (Frankford Avenue & Bridge Street, Philadelphia, PA 19124) to install Six (6) Boilers less than 5 MMBTU/hr firing natural gas or #2, One (1) 0.72 MMBTU/hr Pressure Washer firing natural gas, Three (3) Emergency generators less than 150 kW firing natural gas, One (1) 6000 gallon gasoline storage tank with Stage 2 vapor recovery, One (1) Cold cleaning degreaser in the City of Philadelphia, **Philadelphia County**. The facility will have the following combined potential annual emissions: 17 tons of Nitrogen Oxides (NOx), 1.4 tons of Particulate Matter, 0.78 tons of VOCs, 6.3 tons of Carbon Monoxide, 15 tons of Sulfur Dioxide and less than tons of Lead. The plan approval will contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

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

**46-00051: Schlosser Steel, Inc.** (2641 Township Line Road, Hatfield, PA 19440) for renewal of the Title V Operating Permit, in Hatfield Township, **Montgomery County**. The initial permit was issued on February 1, 1999. Schlosser Steel Incorporated is a steel coating operation for fabricated structural steel. The following insignificant sources are being added to the permit: three (3) additional forklifts and one (1) 250-gallon fuel tank. A parts washer (Source ID 202) has not been used by the facility and will be removed from the operating permit. The steel coating operation is subject to the requirements 25 Pa. Code § 130.601 through 130.611. The facility will be subject to the following emission limits: (a) VOC are limited to less than 71 tons/year; (b) NOx are limited to less than 3 tons/year; (c) HAP are limited to less than 2.7 tons/year; and (d) CO, PM, and SOx are limited to less than 1 ton/year. The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The operating permit will contain requirements to keep the facility operating within all applicable air quality requirements for this source.

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

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

**2-05047: Dura-Bond Pipe, LLC** (2716 South Front Street, Steelton, PA 17113) for their pipe and structural shapes manufacturing facility in Steelton Borough, **Dauphin County**. This is a renewal of their Title V Operating Permit issued in 2006.

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 1.7 tpy of CO, 1.9 tpy NOx, 3.3 tpy PM10, 2.2 tpy PM2.5, 28.9 tpy VOC, 22.1 tpy combined HAPs, and 17.0 tpy of a single HAP (xylene). 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. Among other items, the conditions include provisions derived from 40 CFR 63, Subpart MMMM - National Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products.

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

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

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

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

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

**06-05069: East Penn Manufacturing Co., Inc.** (PO Box 147, Deka Road, Lyon Station, PA 19536) for operation of a lead/acid storage battery manufacturing facility in Richmond Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Title V Operating Permit for the abovementioned facility. This action was previously noticed in the *Pennsylvania Bulletin* on February 27, 2010. It is being re-noticed due to revisions to the draft permit.

The subject facility has approximate actual emissions of the following main pollutants (amounts listed are in tons per year): carbon monoxide: 10, nitrogen oxides: 40, particulate matter: 20, sulfur oxides: 2, VOC: 15, lead: 2, toluene: 4, sulfuric acid: 9, total hazardous air pollutants (HAP): 7. The Operating Permit will include emission limits and work practice standards along with monitor-

ing, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart KK, Standards of Performance for New Stationary Sources (NSPS), 40 CFR Part 63, Subpart MMMM, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products, 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, and 25 Pa. Code Section 129.91, Control of Major Sources of NOx and VOC, Reasonably Available Control Technology (RACT).

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.

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

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

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

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

**V10-009: PaperWorks Industries, Inc.** (5000 Flat Rock Road, Philadelphia, PA 19127) for operation of a paperboard manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources include one (1) < 250 MMBTU/hr boiler with the capability of burning #6 oil and natural gas, one (1) 50 MMBTU/hr boiler with Low Nox burner burning natural gas, and one paper making and coating machine.

The operating permit will be issued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

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

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

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

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

**09-00184: Doylestown Hospital** (595 West State Street, Doylestown, PA 18901) for renewal of a State Only Operating Permit in Doylestown Township, **Bucks County**. The facility's primary sources include boilers and emergency generators. Doylestown Hospital is categorized as a synthetic minor facility for NOX emissions. The permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

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

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

**01-03020: Genlyte Thomas Group LLC** (100 Craftway, Littlestown, PA 17340) for their lighting products manufacturing facility in Littlestown Borough, **Adams 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 has actual emissions of 3 TPY of VOC and 1 TPY of NOx. 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. Among other items, the conditions include provisions derived from 25 Pa. Code Section 127.52 for surface coating processes.

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., Chief, West Permitting Section, 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.

**01-03026: Growmark FS, LLC** (3150 Stoney Point Road, East Berlin, PA 17316) for their fertilizer manufacturing facility in Latimore Township, **Adams County**.

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

The subject facility has potential particulate matter emissions of less than 5 tons per year. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. Daniel C. Husted, Chief, West Permitting Section 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.

**34-03006: Stella-Jones Corp.** (PO Box 251, McAlisterville, PA 17049) for their railroad cross tie manufacturing facility in Fayette Township, **Juniata 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 amendment to incorporate a name change for the previous Tangent Rail Products, Inc. facility.

The subject facility has potential particulate matter emissions of less than 10 tons per year. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and re-



porting 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. Daniel C. Husted, Chief, West Permitting Section 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.

**34-03005: Energex American, Inc.** (95 Energex Drive, Mifflintown, PA 17059) for their wood fuel pellet manufacturing facility in Walker Township, **Juniata County**.

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

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

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

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

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

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. Daniel C. Husted, Chief, West Permitting Section may be contacted at 717-705- 4863, or at PA DEP Air Quality Program, 909

Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

**63-00570: RAS Industries, Inc.** (12 Arentzen Blvd., Charleroi, PA 15022) for manufacturing of Preformed Millwork at their Speers Plant in the Borough of Speers, **Washington County**. This is a state only operating permit renewal submittal.

**03-00194: Glacial Sand and Gravel Co.** (One Glade Park East, P. O. Box 1022, Kittanning, PA 16201) for unloading and loading of coal and other materials at their Tarrtown Barge Unloading Facility in East Franklin Township, **Armstrong County**. This is a state only operating permit renewal submittal.

**56-00159: Somerset County Technical Center** (281 Technology Drive, Somerset, PA 15501) for the tri-fuel boiler at their Technical Center in Somerset Township, **Somerset County**. This is a state only operating permit renewal submittal.

**26-00573: Johnson Matthey, Inc.** (605 Mountain View Drive, Fayette Business Park, Smithfield, PA 15478) for manufacturing of catalytic inserts for automotive and industrial emissions control applications at the Johnson Matthey facility in Smithfield Borough, **Fayette County**. This is a Synthetic Minor Operating Permit submittal.

**56-00025: New Enterprise Stone & Lime Company—Bakersville Quarry** (Route 31 Somerset, PA 15501) for operation of a sand and lime processing facility located in Jefferson Township, **Somerset County**. In accordance with 25 Pa Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of seven crushers, eight screens, one wet screen, three water spray systems, two baghouses and various transfer conveyors and stockpiles. The facility has the potential to emit, based on a seasonal schedule, 93.221 tons per year of PM and 36.319 tons per year PM10. The facility is required to conduct a weekly survey of the facility to ensure compliance with the fugitive emission and malodor restrictions. The proposed authorization is subject to State and Federal Regulations (40 CFR Part 60, Subpart OOO). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

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

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

Identification of the proposed Operating Permit (56-00025).

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.

**56-00119: West Salisbury Foundry & Machine Co.** (PO Box 541, Salisbury, PA 15558) for their small foundry at Elk Lick Township, **Somerset County**. The sources include two electric induction furnaces, pouring & casting operations, shot blasting operations and casting finishing. The air pollutants emissions from this facility are well below the major thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting requirements are also included. This is an initial State Only Operating Permit.

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

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

**61-00210: Glenn O. Hawbaker, Inc.** (1041 Stevenson Road, Harrisville, PA 16038) for issuance of a Synthetic Minor Permit to operate an asphalt paving mixture and block manufacturing and mineral processing facility in Barkeyville Borough, **Venango County**. The facility's major emission sources include, Cummins QSL diesel engine 661 CID, C-12 DITA Diesel engine, CAT 3052 Diesel engine, counter flow drum mix asphalt plant, Kohlberg FT 4250 mineral processing plant, Nordberg LT 1213 Mineral processing plant, Warrior 1800 mineral processing plant and RAP system. The facility has taken a restriction on production of hot mix asphalt not more than 560,000 tons per year and limitations on hours of operation not more than 250 hours a year for Kolberg FT 4250, Nordberg LT 1213 and Warrior 1800, mineral processing plants to keep the emissions of NO<sub>x</sub>, SO<sub>x</sub>, CO, VOC, PM<sub>10</sub> and PM less than Title V threshold. After these restrictions the facility becomes Synthetic minor. The facility is subject to 40 CFR Part 60, Subpart OOO.

**62-00163: IA Construction Corp.—Garland Mine** (PO Box 290, Homer City, PA 15748) to issue a new State Only Operating Permit for their facility in Pittsfield Township, **Warren County**. The facility is a Synthetic Minor. The primary sources at the facility are a Stationary Sand & Gravel Plant and a Portable Sand & Gravel Plant. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference or a public hearing, as applicable, on

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

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

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

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

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

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

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

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

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



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

newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal Applications Received*

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

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

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

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

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

**56101301 and NPDES No. PA0236021, PBS Coals, Inc.**, (P. O. Box 260, Friedens, PA 15541), to operate the A Seam Deep Mine in Brothersvalley and Black Townships, **Somerset County** a new underground mine and related NPDES permit. Surface Acres Proposed 162.9, Underground Acres Proposed 3174.4, Subsidence Control Plan Acres Proposed 135.1. Receiving streams: Wilson Creek, classified for the following use: WWF and an Unnamed Tributary to Buffalo Creek, classified for the following use: CWF. Application received: July 6, 2010.

**56061301 and NPDES No. NA, RoxCOAL, Inc.**, (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Kimberly Run Mine in Somerset Township, **Somerset County** to add subsidence control plan area acres to the existing underground permit area. Subsidence Control Plan Acres Proposed 157.6. No additional discharges. Application received: December 22, 2010.

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

**65090101 and NPDES Permit No. PA0251593. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Revision application for permit boundary change and variance to S.R. 3015 of an existing bituminous surface mine, located in Rostraver Township, **Westmoreland County**, affecting 166.4 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: West Penn Power/Mitchell Power Station. Application received: March 8, 2010.

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

**10110102 and NPDES Permit No. PA0259012. K & A Mining** (P. O. Box 288, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Marion Township, **Butler County** affecting 41.3 acres. Receiving streams: Unnamed tributary to North Branch Slippery Rock Creek and North Branch Slippery Rock Creek, both classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 7, 2011.

**16110101 and NPDES Permit No. PA0259021. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242) Commencement, operation and restoration of a bituminous strip and auger operation in Porter Township, **Clarion County** affecting 114.3 acres. Receiving streams: Three unnamed tributaries to Leisure Run, two unnamed tributaries to Jacks Run, and Long Run, all classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Redbank Valley Municipal Authority. Application received: March 3, 2011.

**33050108. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242) Renewal of an existing bituminous strip operation in Ringgold Township, **Jefferson County** affecting 16.5 acres. Receiving streams: Eagle 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: March 9, 2011.

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

**54683045R5. Penn Equipment Corp.**, (15 Main Street, Port Carbon, PA 17965), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Butler, Union and West Mahanoy Townships, **Schuylkill County** affecting 743.0 acres, receiving stream: Mahanoy Creek. Application received: March 3, 2011.

**54820203C. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), correction to an existing anthracite coal refuse reprocessing operation to change the post mining land use from forest land to unmanaged natural habitat in Hegins and Porter Townships, **Schuylkill County** affecting 200.0 acres, receiving stream: East Branch Rausch Creek. Application received: March 3, 2011.

**22851602R5. Meadowbrook Coal Company, Inc.**, (P. O. Box 1, Wiconisco, PA 17097), renewal of an existing anthracite coal preparation plant operation in Wiconisco Township, **Dauphin County** affecting 23.4 acres, receiving stream: Wiconisco Creek. Application received: March 3, 2011.

**54683043R5. Jeddo-Highland Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 1328.0 acres, receiving stream: Mahanoy Creek. Application received: March 4, 2011.

**40663025R5. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 325.0 acres, receiving stream: Black Creek. Application received: March 4, 2011.

**40663026R5. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite coal refuse disposal and preparation plant in Hazle Township, **Luzerne County** affecting 285.0 acres, receiving stream: Black Creek. Application received: March 4, 2011.

**40663030R5. Pagnotti Enterprises, Inc.**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine and refuse reprocessing operation in Foster Township, **Luzerne County** affecting 225.0 acres, receiving stream: none Application received: March 4, 2011.

**54060101R. Blaschak Coal Corp.**, (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine and coal refuse disposal operation in Mahanoy Township, **Schuylkill County** affecting 1043.2 acres, receiving stream: Mahanoy Creek. Application received: March 8, 2011.

**54851601R5. Superior Coal Preparation Co-Op, LLC**, (184 Schwenk's Road, Hegins, PA 17938), renewal of an existing anthracite coal preparation plant operation in Hegins and Hubley Townships, **Schuylkill County** affecting 19.0 acres, receiving stream: Pine Creek. Application received: March 9, 2011.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**34110801. Hosler Excavating**, 4728 Groninger Valley Road, Port Royal, PA 17082, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Milford Township, **Juniata County**, affecting 5.0 acres, receiving stream(s): unnamed tributary to Tuscarora Creek. Permit received: February 11, 2011.

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

**08110304. TMT Gravel and Contracting, Inc.** (1609 Pennsylvania Ave., Pine City, NY 14871-9100). Commencement, operation and restoration of a large surface noncoal mine located in Wells Township, **Bradford County** affecting 60.33 acres. Receiving stream: Seeley Creek classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 7, 2011.

**08990301. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16804). TRANSFER of an existing large noncoal surface mine FROM Calvin C. Cole, Inc. affecting 20.08 acres. Receiving stream: Susquehanna River classified for warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 4, 2011.

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

**19810302C2. Sokol Quarries, Inc.**, (P. O. Box 366, Bloomsburg, PA 17815), stream channel change of an existing quarry operation in Benton and Fishing Creek Townships and Stillwater Borough, **Columbia County** affecting 152.0 acres, receiving stream: unnamed tributary to Fishing Creek, classified for the following use: cold water fishery. Application received: March 3, 2011.

**58060868. Ronald Opeil**, (145 42nd Street, Carbondale, PA 18407), Stage I & II bond release of a quarry operation in Lenox Township, **Susquehanna County** affecting 5.0 acres on property owned by Frank Lashinski, Jean Strelzik and Judy Davis. Application received: March 4, 2011.

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water

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

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

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

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**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.**

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**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-1065. Michael E. Power**, Abington Township, 1176 Old York Road, Abington, PA 19001, Abington Township, **Montgomery County**, ACOE Philadelphia District.

To restore, stabilize and maintain approximately 925 linear feet of streambank along Sandy Run (TSF-MF) within Roslyn Park, by utilizing natural stream design techniques.

The site is located approximately 500 feet northeast of the intersection of Susquehanna Road and Maple Avenue (Ambler, PA USGS Quadrangle N: 0.75 inches; W: 2.75 inches).

**E46-1064. PA American Water**, 4 Wellington Road, Wyomissing, PA 19610, Norristown Borough, Bridgeport Borough, **Montgomery County**, ACOE Philadelphia District.

To install and maintain approximately 960 linear feet of 16-inch diameter ductile iron water main across and along the floodplain of the Schuylkill River associated with replacement of the existing dilapidated water main. This works include placement of cofferdam/causeway in the River.

The site is located between Markley Street (S.R. 202) and Dekalb Pike bridge crossings. (Norristown, PA USGS Quadrangle N: 20.5; W: 13.5).

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

**E39-510. David Coult**, 6553 Hoffman Lane, Coopersburg, PA 18036, in Lower Milford Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following activities associated with a pond enhancement and streambank stabilization project: 1) To modify and maintain an existing 0.85 acre, 4-foot deep off-stream pond within the Saucon Creek Watershed (CWF) with work consisting of dredging the pond to a depth of approximately 15 feet. 2) To construct and maintain an approximately 192 square foot floating dock in the pond. 3) To construct and maintain a 25-foot wide sand beach extending into the pond approximately 11 feet from the water's edge. 4) To stabilize and maintain approximately 265 feet of streambank in a tributary to Saucon Creek (CWF) with R-5 riprap which includes areas under an existing foot bridge and vehicular bridge. The project is located at 6553 Hoffman Lane in Lower Milford Township, Lehigh County. (Milford Square, PA Quadrangle, Latitude: 40°29'58"; Longitude: -75°26'50").

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

**E06-663: Pa. Department of Transportation, Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18101, **Berks County**, ACOE Philadelphia District

To: 1) remove the existing structure and to construct and maintain a single span pre-cast concrete arch bridge having a span of 28.0 feet, a width of 31.6 feet and an underclearance of 7.7 feet over Little Lehigh Creek (HQ-CWF) approximately 30.0 feet upstream from the current alignment, and 2) relocate and maintain 292.0 linear feet of an unnamed tributary to Little Lehigh Creek (HQ-CWF) for the purpose of improving transportation safety and roadway standards located along SR 1010, Section 01B (Manatawny, PA Quadrangle; N: 19.1 inches, W: 7.1 inches; Latitude: 40°29'34.3", Longitude: 75°38'50.8") in Longswamp Township, Berks County.

**E22-572: Royalton Borough Authority**, Grubb Street Water Booster Station, 101 Northumberland Street, Royalton, PA 17057, **Dauphin County**, ACOE Baltimore District

To construct and maintain: 1) a water booster station consisting of a 17.3-foot by 17.3-foot, 13.5-foot high concrete block building housing two domestic service pumps and one high service pump, 2) 45.0 linear feet of 6.0-inch DIP waterline, 3) 74.0 linear feet of 8.0-inch DIP waterline, and 4) the replacement of 20.0 linear feet of 6.0-inch DIP waterline with 20.0 linear feet of DIP waterline. All impacts are located in the floodway of Swatara Creek (WWF, MF). The project is located west of Grubb Street at the intersection of Grubb Street and Edgewater Drive (Middletown, PA Quadrangle, N: 11.9 inches, W: 14.4 inches; Latitude: 40°11'28", Longitude: -76°43'41") in Royalton Borough, Dauphin County. The purpose of the project is to increase water pressure in the public water supply lines for the upper ward of the Borough.



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

**E5929-012: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Charleston Township, **Tioga County**, ACOE Baltimore District. To construct and maintain:

1) a temporary road crossing using a wood mat bridge, an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 3,881 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Cherry Flats, PA Quadrangle 41°44'57.01" N -77°11'31.99" W); The project will result in a total of 3,881 square feet (0.09 acres) of temporary wetland impacts for the purpose of installing a natural gas gathering line, fresh waterline, fiber optic cable, and associated access roadways.

**E5929-011: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Rutland and Jackson Townships, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipes, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 227 square feet of an unnamed tributary (UNT) to Painter Run (CWF) (Jackson Summit, PA Quadrangle 41°54'12.96" N -77°01'44.22" W);

2) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 292 square feet of an erosional feature (Jackson Summit, PA Quadrangle 41°54'45.83" N -77°01'52.03" W);

3) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipes, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 405 square feet of an unnamed tributary (UNT) to Mutton Lane Creek (WWF) (Jackson Summit, PA Quadrangle 41°55'37.45" N -77°02'19.57" W);

4) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 93 square feet of an unnamed tributary (UNT) to Mutton Lane Creek (WWF) (Jackson Summit, PA Quadrangle 41°55'40.08" N -77°02'21.88" W);

5) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 194 square feet of an unnamed tributary (UNT) to Mutton Lane Creek (WWF) (Jackson Summit, PA Quadrangle 41°55'42.67" N -77°02'23.78" W);

6) a temporary road crossing using 20 foot long, 42 inch diameter corrugated metal pipes, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 314 square feet of Mutton Lane Creek (WWF) (Jackson Summit, PA Quadrangle 41°56'12.41" N -77°02'29.44" W);

7) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10

inch diameter fresh waterline, and a fiber optic cable impacting 956 square feet of an unnamed tributary (UNT) to Mutton Lane Creek (WWF) (Jackson Summit, PA Quadrangle 41°56'37.46" N -77°02'17.41" W);

8) a temporary road crossing using a 20 foot long, 24 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 373 square feet of an unnamed tributary (UNT) to Mutton Lane Creek (WWF) (Jackson Summit, PA Quadrangle 41°57'06.05" N -77°02'02.40" W);

9) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 2,277 square feet of a palustrine forested (PFO) wetland (Jackson Summit, PA Quadrangle 41°54'31.54" N -77°01'49.04" W);

10) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 424 square feet of a palustrine forested (PFO) wetland (Jackson Summit, PA Quadrangle 41°54'54.18" N -77°01'58.01" W);

11) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 3,857 square feet of a palustrine forested (PFO) wetland (Jackson Summit, PA Quadrangle 41°54'56.56" N -77°02'01.00" W);

12) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 2,066 square feet of a palustrine forested (PFO) wetland (Jackson Summit, PA Quadrangle 41°55'15.35" N -77°02'12.08" W);

13) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 440 square feet of a palustrine emergent (PEM) wetland (Jackson Summit, PA Quadrangle 41°56'05.78" N -77°02'29.04" W);

14) a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 901 square feet of a palustrine emergent (PEM) wetland (Jackson Summit, PA Quadrangle 41°56'12.98" N -77°02'29.36" W);

15) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 12,811 square feet of a palustrine emergent (PEM) wetland (Jackson Summit, PA Quadrangle 41°56'53.81" N -77°02'08.59" W);

16) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 1,287 square feet of a palustrine emergent (PEM) wetland (Jackson Summit, PA Quadrangle 41°57'18.76" N -77°02'01.36" W);

17) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 6,526 square feet of a palustrine emergent (PEM) wetland (Jackson Summit, PA Quadrangle 41°58'09.88" N -77°02'09.64" W);

18) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter

natural gas gathering line, a 10 inch diameter fresh waterline, and a fiber optic cable impacting 2,542 square feet of a palustrine emergent (PEM) wetland (Jackson Summit, PA Quadrangle 41°58'20.93" N -77°02'10.61" W);

The project will result in 62 linear feet of temporary stream impacts, 24,507 square feet (0.563 acres) of temporary wetland impacts, and 8,624 square feet (0.198 acres) of permanent wetland impacts all for the purpose of installing natural gas gathering lines, a fresh waterline, a fiber optic cable, and associated access roadways.

**E5929-013: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Shippen Township, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and 2-4 inch diameter water lines impacting 300 square feet of an unnamed tributary (UNT) to Elk Run (TSF) (Mansfield, PA Quadrangle 41°50'21" N 77°00'19" W);

2) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and 2-4 inch diameter water lines impacting 27,307 square feet of a 10-acre palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'21" N 77°00'22" W);

3) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and 2-4 inch diameter water lines impacting 1,755 square feet of a 10-acre palustrine emergent (PEM) wetland (Mansfield, PA Quadrangle 41°50'25" N 77°00'31" W);

4) a temporary road crossing using a mat bridge, a 6 inch diameter natural gas gathering line and 2-4 inch diameter water lines impacting 4,324 square feet of a palustrine emergent/scrub/shrub (PEM/PSS) wetland (Mansfield, PA Quadrangle 41°50'25" N 77°00'27" W).

The project will result in 6 linear feet of temporary stream impacts and 33,386 square feet (0.77 acres) of temporary wetland impacts. Streams and wetlands are being crossed all for the purpose of installing a natural gas spur line with associated access roadways.

## ACTIONS

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

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

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

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

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

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

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



**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0070301 (Sewage)	SPG, Inc. Whispering Hollow North MHP Pa Route 248 Northampton, PA 18067	Northampton County Moore Township	Hokendauqua Creek (2-C) CWF & MF	Y
PA0061573 (Sewage)	Camp Moshava 245 Navajo Road Honesdale, PA 18431	Wayne County Berlin Township	Unnamed Tributary to Indian Orchard Brook	(1-B) Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0010677 (IW)	Veeder Root Company 2764 Route 764 Duncansville, PA 16635-8047	Blair County Allegheny Township	UNT to Spencer Run / 11-A	Y
PA0024228 (IW)	BC Natural Chicken LLC 2609 Route 22 Fredericksburg, PA 17026	Lebanon County Bethel Township	Elizabeth Run Beach Run Deep Run / 7-D	Y
PA0247499 (Sew)	Ruth Colledge 1180 E. Graceville Road Breezewood, PA 15533	Bedford County East Providence Township	Tub Mill Run / 11-D	Y
PA0080195 (IW)	Anvil International Inc. 1411 Lancaster Avenue Columbia, PA 17512	Lancaster County West Hempfield Township	UNT to Shawnee Run / 7-G	Y
PA0246581 (CAFO)	Mercer Vu Farms, Inc. 12275 Mount Pleasant Road Mercersburg, PA 17236	Franklin County Montgomery Township	Watershed 13-C	Y
PA0246956 (SEW)	Alsace Township Alsace Manor STP 65 Woodside Avenue Temple, PA 19560-9530	Berks County Alsace Township	Antietam Creek / 3-C	Y
PA0070050 (SEW)	Reading Alloys Inc. Old William Penn Highway Robesonia, PA 19551-0053	Berks County South Heidelberg Township	UNT to Spring Creek / 3-C	Y
PA0070149 (Sew)	Leesport Borough Authority Berks County 10 East Wall Street PO Box 201 Leesport, PA 19533-0201	Berks County Leesport Borough	Schuylkill River / 3-B	Y

*Southwest Region: Water Management 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>
PA0204714 Sewage	New Horizons Foundation, Inc. 145 New Horizons Drive Clymer, PA 15728-7928	Indiana County Cherryhill Township	UNT to Penn Run	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>
PA0101907 (Sewage)	Emlenton Area Municipal Authority Mariasville STP SR 38/208 P. O. Box 448 Emlenton, PA 16373	Clarion County Salem Township	Richey Run 16-G	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>
PA0221708 (Sewage)	Chicora Borough STP Box 35 200 Fenellton Road Chicora, PA 16025-0035	Butler County Chicora Borough	Buffalo Creek 18-F	Y
PA0239615 (Sewage)	Hidden Acres, Walnut Square & Wilsons Ridge STP State Route 68 Spithaler School Road Evans City, PA 16033	Butler County Forward Township	Unnamed tributary of Connoquenessing Creek 20-C	Y
PA0030686 (Sewage)	Cross Creek Resort 3815 State Route 8 Titusville, PA 16354	Venango County Cherrytree Township	Cherrytree Run 16-E	Y
PA0020044 (Sewage)	Fredonia WWTP Marstellar Road Fredonia, PA 16124	Mercer County Fredonia Borough	Mill Run 20-A	Y
PA0222771 (Industrial Waste)	International Waxex Inc. 1100 E. Main Street Titusville, PA 16354	Crawford County City of Titusville	Oil Creek 16-E	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. PA0057380**, Sewage, **Heidi Whitney**, 3315 Chatham Place, Media, PA 19063-4313.

This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 500 gpd of treated sewage from a sewage treatment plant serving the Heidi Whitney residence to an unnamed tributary of Ridley Creek in Watershed 3G.

**NPDES Permit No. PA0244554**, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

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

Description of Proposed Action/Activity: Approval for an NPDES permit to discharge 10,200 gpd of treated sewage from a facility known as Preserve at Worcester WWTP to Stony Creek in Watershed 3F-Lower Schuylkill.

**NPDES Permit No. PA0244074**, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 45,000 gpd of treated sewage from a facility know as Stony Creek Farms WWTF to Stony Creek in Watershed 3F-Lower Schuylkill.

**NPDES Permit No. PA0244546**, Industrial Waste, **Chester Downs & Marina LLC d/b/a, Harrah's Chester Casino & Racetrack**, 777 Harrah's Boulevard, Chester, PA 19013.

This proposed facility is located in Chester City, **Delaware County**.

Description of Proposed Action/Activity: Approval to discharge stormwater from a facility know as Harrah's Chester Casino & Racetrack to Delaware River in Watershed 3-G.

**NPDES Permit No. PA0056642**, Industrial Waste, **Meenan Oil Company, LP**, 8301 Lansdowne Avenue, Upper Darby, PA 19082-5408.

This proposed facility is located in Upper Darby Township, **Delaware County**.

Description of Proposed Action/Activity: Approval to discharge stormwater runoff from a facility known as Meenan Oil Company to Naylor's Run in Watershed 3G.

**NPDES Permit No. PA0050377**, Industrial Waste, **Johnson Matthey Inc**, 435 Devon Park Drive, Suite 600, Wayne, PA 19087-1998.

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

Description of Proposed Action/Activity: Approval for renewal and transfer of the NPDES permit from Lonza, Inc. to Johnson Matthey, Inc. to discharge from a facility known as Riverside Facility to Matsunk Creek in Watershed 3-F.

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

**NPDES Permit No. PA0033863**, Sewage, SIC Code 7033, **Camp-A-While, Inc.**, 1921 East Main Street, Hegins, PA 17938-9143.

This existing facility is located in Hegins Township, **Schuylkill County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage from a facility known as Camp-A-While, Inc. to Pine Creek (CWF) (Pa Stream Code 17028) in Watershed 6C.

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

**NPDES Permit No. PA0261572**, Sewage, **Mount Hope Nazarene Retirement Community**, 3026 Mount Hope Home Road, Manheim, PA 17545-9529.

This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Brubaker Run in Watershed 7-G.

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

**NPDES Permit No. PA0003247**, Industrial Waste, **Essroc Cement Corporation**, P. O. Box 779, Bessemer, PA 16112.

This existing facility is located in Bessemer Borough, **Lawrence County**.

Description of Proposed Action/Activity: Issuance of a renewal NPDES permit for discharge of truck wash water, non-contact cooling water and stormwater.

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

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

**WQM Permit No. 5210402**, Sewerage, **Lake Adventure Community Association, Inc.**, 5000 Lake Adventure, Milford, Pa 18337.

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

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit to convert the treatment process of the existing 0.16 MGD WWTP from extended aeration to a Sequencing Batch Reactor.

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

**WQM Permit No. 6797407, Amendment 10-1**, Sewage, **Jackson Township Sewer Authority**, 439 Roth's Church Road, Spring Grove, PA 17362.

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

Description of Proposed Action/Activity: Permit approval for the construction/operation of a 131,000-gallon sludge storage tank and installation of two positive displacement blower packages adjacent to the sludge storage tank to provide mixing aeration.

**WQM Permit No. 3610404**, Sewage, **Mt Hope Nazarene Retirement Community**, 3026 Mount Hope Home Road, Manheim, PA 17545-9529.

This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewage facilities consisting of a sewer system and a Modified Ludzack-Ettinger (MLE) Norweco package treatment plant providing partial Total Nitrogen and partial Total Phosphorus removal with discharge to Brubaker Run.

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

**WQM Permit No. 1410402**, Sewerage [4952], **ADG—Hospital Drive Associates**, 1300 Market Street, PO Box 622, Lemyone, PA 17043

This proposed facility is located in College Township, **Centre County**

Description of Proposed Action/Activity: Wastewater pumping station to serve a medical building that will contain doctor's offices and clinics.

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

**WQM Permit No. 3274405-A3**, Sewerage, **Clymer Borough Municipal Authority**, 470 Adams Street, Clymer, PA 15728

This existing facility is located in Clymer Borough, **Indiana County**

Description of Proposed Action/Activity: Permit amendment issuance to add an ultraviolet radiation disinfection system to augment the gas chlorination system at the Clymer Borough Municipal Authority STP.

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

**WQM Permit No. 6110402**, Sewage, **Borough of Rouseville**, P. O. Box 317, Rouseville, PA 16344-0317.

This existing facility is located in Cornplanter Township, **Venango County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Permit to upgrade an existing Sewage Treatment Facility to provide for redevelopment of the Route 8 area.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions****V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1506010A-2	Immaculata University 1145 King Road Immaculata, PA 19345	Chester	East Whiteland Township	Valley Creek (EV-MF)
PAI01 151934	Norbetine Fathers, Inc. 220 South Valley Road Paoli, PA 19301	Chester	Willistown Township	Crum Creek (HQ-CWF)
PAI01 151043	Michael Kirby 221 Spring Road Malvern, PA 19355	Chester	Willistown Township	Unnamed Tributary Crum Creek (HQ-CWF)
PAI01 151027	Southdown Homes, LP 55 Country Club Dr, Ste 200 Downingtown, PA 19335	Chester	West Vincent Township	Pickering Creek (HQ)

*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>
PAI0252080034	Iglesia La Gran Comision, Inc. R.D. #2, Box 740 Dingmans Ferry, PA 18328	Pike Co.	Lehman Twp	Little Bushkill Creek (EV, MF)
PAI024804031R	Plainfield Township 6292 Sullivan Trail Nazareth PA 18064	Northampton Co.	Plainfield Twp	Little Bushkill Creek (HQ-CWF, MF) Mud Run (CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036710001	Mr. Robert Borden Real Places, LP 415 Norway St., PO Box 1509, York, PA 17403	York	Shrewsbury Twp.	Deer Creek/CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044110003	Neil Scharder S&T Land & Timber Co LLC 387 Scharders Ln Lock Haven, PA 17745	Lycoming	McHenry Township	First Big Fork Trout Run HQ-CWF

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

*Mercer County Conservation District, 753 Greenville Road, Mercer PA 16137*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0643 10 001	Mr. Donald E. Hall PennDOT District 1-0 255 Elm Street Oil City PA 16301	Mercer	City of Farrell, City of Sharon, Wheatland Borough	Shenango River WWF

**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).

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**List of NPDES and/or Other General Permit Types**


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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>
City of Philadelphia Philadelphia County	PAG0201 511042	Brierwood Company 300 Chestnutwood Lane Bensalem, PA 19020	Pennypack Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hilltown Township Bucks County	PAG0200 0905026-R	Deluca Homes 370 East Maple Avenue, Ste 201 Langhorne, PA 19047	Unnamed Tributary Neshaminy Creek (TSF-Mf)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAR10- D538-R	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044	Neshaminy Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG0200 461083	Strategic Domain Ventures 2333 Welsh Road, Suite 207 Lansdale, PA 19454	Skippack Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Collegeville Borough Montgomery County	PAG0200 4609011	Lower Perkiomen Valley Regional Sewer Authority 5 River Road, PO Box 297 Oaks, PA 19456	Perkiomen Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Salford Township Montgomery County	PAG0200 461106	Spring Hill Realty, Inc. 528 Main Street, Suite 200 Harleysville, PA 19438	East Branch Perkiomen Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Moreland Township Montgomery County	PAG0200 461092	Upper Moreland Township 117 Park Avenue Willow Grove, PA 19090	War Memorial Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Franconia Township Montgomery County	PAG0200 461096	Franconia Sewer Authority 641 Allentown Road Telford, PA 18969	Skippack Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plymouth Township Montgomery County	PAG0200 4607075-1	ENOAP, LLC 1120 N Bethlehem Pike PO Box 280 Spring House, PA 19477	Plymouth Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Throop Boro. Lackawanna Co.	PAG02003511002	Randy Parry Mid Valley School District 52 Underwood Rd. Throop, PA 18512-1195	Eddy Creek (WWF, MF)	Lackawanna Co. Conservation District 570-281-9495
Perry Township and Shoemakersville Borough Berks County	PAG0200610055	Eugene Bell PO Box 239 Shoemakersville Boro Berks County	Pidgeon Creek/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610-372-4657
Exeter Township Berks County	PAG02000605055R	MB Investments 2650 Audubon Road Audubon, PA 19403	UNT to Mollases Creek/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610-372-4657
Spring Township Berks County	PAG02000611006	Covenant Orthodox Presbyterian Church 1502 Snyder Street Reading, PA 19601	Cacoosing Creek/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610-372-4657
Allegheny Township Blair County	PAG2000710002	Old Dominion Freight Lines 500 Old Dominion Way Thomasville, NC 27360	UNT Gillans Run/CWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877 Ext. 5
East Hanover Township Dauphin County	PAG02002210046	Keystone Custom Homes 227 Granite Run Road Suite 100 Lancaster, PA 17601	Bow Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Carbon Township Huntingdon County	PAG020031011002	John and Nance Glantz 19366 Little Valley Road Saxton, PA 16678	Shoups Run/WWF, MF	Huntingdon County Conservation District 10605 Raystown Road, Suite A Huntingdon, PA 16652 814-627-1627
North Londonderry Township, Lebanon County	PAG02003810016	Dennis Hess 575 Trail Road Hummelstown, PA 17036	Swatara Creek/WWF, MF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 ext. 4
North Annville Township, Lebanon County	PAG02003810021	Harold Weaver HR Weaver Family Realty LP	Quittapahilla Creek/ TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4

<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>
Bethel Township, Lebanon County	PAG02003810030	Dale Weiler 170 Camp Strauss Road Bethel, PA 19507	Deep Run/WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 ext. 4
Granville Township Mifflin County	PAG02004410005	Locust Road Phase II c/o MCIDC Plaza Building 50 6395 SR 103N Lewistown, PA 17044	Juniata River/WWF	Mifflin County Conservation District 20 Windmill Hill #4 Burnham, PA 17009 717-248-4695
Watts Township Perry County	PAG02035010010	Fine Line Homes Inc. 7300 Derry Street Harrisburg, PA 17111	UNT to Buffalo Creek/WWF UNT to Susquehanna River/WWF	Perry County Conservation District 31 West Main Street PO Box 36 New Bloomfield, PA 17068 717-582-8988 ext. 4
Windsor Township York County	PAG2006709027	PennDOT District 8-0 2140 Herr St. Harrisburg, PA 17103	Kruetz Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
East Manchester Township York County	PAG2006709066	Manor Village Associates 1377C Spencer Avenue Lancaster, PA 17603	UNT Conewago Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Penn Township York County	PAG2006705094	Conewago Contractors Inc. 610 Edgegrove Road Hanover, PA 17331	Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Straban Township Adams County	PAG02000111003	Scott Crabtree Straban Solar LLC 201 King of Prussia Road, Suite 550 Radnor, PA 19087	Conewago Creek/WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201, Gettysburg, PA 17325, 717-334-0636
Straban Township Adams County	PAG02000110021	Curtis Sigler Autozone, Inc. 123 S. Front Street 3rd Floor Memphis TN 38103	Rock Creek/ WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636
Washington Twp. Berks County	PAG2000605070(1)	Rich Mingey Barto Mall, Inc. 63 Chestnut Road Paoli, PA 192301	UNT to Swamp Creek/CWF, MF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Lower Heidelberg Twp. Berks County	PAG02000610007	Hill, Bruce Community Evangelical Church 51 Green Valley Road Sinking Spring, PA 19610	UNT of Little Cacoosing Creek/ Schuylkill (CWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Washington County North Franklin Township	PAG02006311006	North Franklin Township Recreation and Business Improvement Authority 23 East Beau Street Washington, PA 15301	Chartiers Creek (WWF)	Washington County CD 602 Courthouse Square Washington, PA 15301 724-228-6774
Slippery Rock Township Butler County	PAG02 0010 11 002	PADOT Eng District 10 2550 Oakland Avenue PO Box 429 Indiana PA 15701	Slippery Rock Creek CWF	Butler Conservation District 724-284-5270
Sugarcreek Borough Venango County	PAG02 0061 11 004	Jeff Clark Valley Grove School District 429 Wiley Avenue Franklin PA 16323	UNT Sugar Creek CWF	Venango Conservation District 814-676-2832

*General Permit Type—PAG-3*

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Forty Fort Boro Luzerne County	PAR802266	Luzerne County 200 North River St Wilkes-Barre PA 18711	Abrahams Creek (CWF)	PA DEP Northeast Regional Office 2 Public Square Wilkes-Barre, PA 18701-1915 570-826-2511
Franklin County Waynesboro Borough	PAR113543	York Refrigeration Frick 100 CV Avenue Waynesboro, PA 17268-0997	West Branch Antietam Creek / CWF	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County New Holland Borough	PAR113518	CNH America LLC 300 Diller Avenue New Holland, PA 17557	UNT to Mill Creek / 7-J	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County West Manchester Township	PAR603519	Consolidated Scrap Resources, Inc. 120 Hokes Mill Road PO Box 389 York, PA 17405	UNT to Codorus Creek / WWF	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Manor Township	PAR323509	Armstrong World Industries, Inc. PO Box 3001 2500 Columbia Avenue Lancaster, PA 17604	UNT of Little Conestoga Creek / WWF	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Columbia Borough	PAR203527	Colonial Metals Company PO Box 311 217 Linden Street Columbia, PA 17512	Susquehanna River / WWF	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County Manchester Township	PAR213555	Oldcastle APG NE Inc. Db a Trenwyth Ind. Astro Glaze Plant 1 Connelly Road Emigsville, PA 17318	UNT to Codorus Creek / WWF	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County Manchester Township	PAR213556	Oldcastle APG NE Inc. Db a Trenwyth Ind. Astro Glaze Plant 1 Connelly Road Emigsville, PA 17318	UNT to Codorus Creek / WWF	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<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>
Adams County Straban Township	PAR603592	Consolidated Scrap Resources, Inc. 120 Hokes Mill Road PO Box 389 York, PA 17405	UNT of Rock Creek / WWF	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County York City	PAR603580	Consolidated Scrap Resources, Inc. 120 Hokes Mill Road PO Box 389 York, PA 17405	Codorus Creek / WWF	DEP / SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Parker City Armstrong County	PAR226119	UFP Parker, LLC 2801 East Beltline Northeast Grand Rapids, MI 49525	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Chartiers Township Washington County	PAR206115	Industrial Gasket & Shim Company 200 Country Club Road PO Box 368 Meadowland, PA 15347	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Center Township Indiana County	PAR406103	Evergreen Landfill, Inc. PO Box 195 Route 119 North Luciousboro Road Coral, PA 15731	UNT to Laurel Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

## General Permit Type—PAG-8

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Swatara Township Dauphin County	PAG083597	The Harrisburg Authority 1662 South Cameron Street Harrisburg, PA 17104	Harrisburg Advanced WWTF 1662 South Cameron Street Harrisburg, PA 17104	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

## General Permit Type—PAG-9

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Ayr Township Fulton County	PAG093547	Chestnut's Septic Service 327 Chestnut Farm Lane McConnellsburg, PA 17233	Chestnut Septic Service 327 Chestnut Farm Lane McConnellsburg, PA 17233	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707



General Permit Type—PAG-12

Facility Location:

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
Adams County Mount Pleasant Township	PAG123699	Blue Berry Hill of Hanover, Inc. Blue Berry Hill Farm 2950 Centennial Road Hanover, PA 17831	South Branch Conewago Creek / WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 717-705-4707
Lancaster County East Donegal Township	PAG123700	Richard Rutt 375 Nissley Road Mt Joy, PA 17552	Donegal Creek / TSF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 717-705-4707

**PUBLIC WATER SUPPLY (PWS) PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 0610528 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>GSP Management Company</b>
Municipality	Tilden Township
County	<b>Berks</b>

Responsible Official	James Perano, COO PO Box 677 Morgantown, PA 19543
Type of Facility	Installation of approximately 125' of 12" contact pipe at Entry Point (EP) 101 and 110' of 12" contact piping at EP 102. Demonstration of 4-log treatment of viruses.
Consulting Engineer	James A. Cieri, P.E. ACT ONE Consultants, Inc. 200 S. 41 Street Harrisburg, PA 17111
Permit to Construct Issued:	3/9/2011
<b>Permit No. 0111501 MA, Minor Amendment, Public Water Supply.</b>	
Applicant	<b>Littlestown Borough Authority</b>
Municipality	Union Township
County	<b>Adams</b>
Responsible Official	Karen Louey, Chairwomen 10 South Queen Street Littlestown, PA 17340
Type of Facility	Replacement of existing transmission main with larger diameter pipe to provide additional contact time to meet the GWR 4-log inactivation of viruses requirements for Eps 104 & 107.
Consulting Engineer	Matthew D Cichy, P.E. Herbert, Rowland & Grubic, Inc. 369 East Park Drive Harrisburg, PA 17111
Permit to Construct Issued:	3/11/2011
<b>Operations Permit issued to: McAlisterville Area Joint Authority, 4340002, Fayette Township, Juniata County on 3/8/2011 for the operation of facilities approved under Construction Permit No. 3406501.</b>	
<b>Operations Permit issued to: Strasburg Borough Authority—Lancaster County, Strassburg Borough, Lancaster County on 3/11/2011 for the operation of facilities approved under Construction Permit No. 3607510.</b>	
<b>Operations Permit issued to: Gettysburg Municipal Authority, 7010019, Gettysburg Borough, Adams</b>	

County on 3/9/2011 for the operation of facilities submitted under Application No. 0110518 MA.

**Operations Permit** issued to: **Littlestown Borough Authority**, 7010022, Littlestown Borough, **Adams County** on 3/11/2011 for the operation of facilities submitted under Application No. 0110519 MA.

**Operations Permit** issued to: **Paradise Mobile Home Park**, 7500003, Wheatfield Township, **Perry County** on 3/11/2011 for the operation of facilities submitted under Application No. 5010513 MA.

**Operations Permit** issued to: **Leesport Borough Water Authority**, 3060047, Leesport Borough, **Berks County** on 3/8/2011 for the operation of facilities submitted under Application No. 0610539 MA.

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

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

Applicant	<b>Centre Hall Borough Water Department</b>
[Township or Borough]	Centre Hall Borough
County	<b>Centre</b>
Responsible Official	Kenneth Strouse, Supervisor Centre Hall Borough Water Department P. O. Box 54 Centre Hall, PA 16828
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued Date	March 14, 2011
Description of Action	4-log inactivation of viruses at Entry Point 102 (Well Nos. 8, 9 and 11).

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

Applicant	<b>Treasurer Lake Water System</b>
[Township or Borough]	Sandy Township
County	<b>Clearfield</b>
Responsible Official	Mr. Edward J. Sulin, Jr. Total Environmental Solutions, Inc. 906 Beaver Drive DuBois, PA 15801
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued Date	March 16, 2011
Description of Action	4-log inactivation of viruses at Entry Point 101 (Well N-12), Entry Point 102 (Well N-4), Entry Point 103 (Well N-14), Entry Point 105 (Well N-23) and Entry Point 106 (Well N-32).

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

**Permit No. 3210502**, Public Water Supply.

Applicant	<b>Glen Campbell Borough</b> PO Box 43 Glen Campbell, PA 15742
[Borough or Township]	Glen Campbell Borough
County	<b>Indiana</b>
Type of Facility	Water system
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive Somerset, PA 15501
Permit to Construct Issued	February 28, 2011

**Operations Permit** issued to: **Borough of Ambridge Water Authority**, PO Box 257, 600 Eleventh Street, Ambridge, PA 15003-2377, (PWSID #5040008) Ambridge Borough, **Beaver County** on February 28, 2011 for the operation of facilities approved under Construction Permit # 0410506MA.

**Operations Permit** issued to: **Somerset Township Municipal Authority**, 2209 North Center Avenue, Somerset, PA 15501, (PWSID #4560057) Somerset Township, **Somerset County** on March 12, 2011 for the operation of facilities approved under Construction Permit # 5608505.

**Operations Permit** issued to: **Coraopolis Water & Sewer Authority**, 1012 Fifth Avenue, Coraopolis, PA 15108, (PWSID #5020010) Coraopolis Borough, **Allegheny County** on March 11, 2011 for the operation of facilities approved under Construction Permit # 0206511.

**Permit No. 2610506GWR, Minor Amendment.** Public Water Supply.

Applicant	<b>Mountain Water Association</b> PO Box 527 Fairchance, PA 15436
[Borough or Township]	Georges Township
County	<b>Fayette</b>
Type of Facility	Water supply system
Consulting Engineer	Fayette Engineering Company Inc. 2200 University Drive P. O. Box 1030 Uniontown, PA 15401-1030
Permit to Operate Issued	March 1, 2011

**Permit No. 1110501GWR, Minor Amendment.** Public Water Supply.

Applicant	<b>Highland Sewer and Water Authority</b> 120 Tank Drive Johnstown, PA 15904
[Borough or Township]	Summerhill and Adams Township
County	<b>Cambria</b>
Type of Facility	Water supply system
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive Somerset, PA 15501
Permit to Operate Issued	March 1, 2011

**Permit No. 5609506GWR, Minor Amendment.** Public Water Supply.

Applicant Windber Area Authority,  
1700 Stockholm Avenue,  
Windber, PA 15963

[Borough or Township] Windber Borough  
County **Somerset**

Type of Facility Water supply system

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Operate March 7, 2011  
Issued

**Permit No. 5609504GWR, Minor Amendment.** Public Water Supply.

Applicant **Municipal Authority of the  
Borough of Somerset**  
347 West Union Street  
Somerset, PA 15501

[Borough or Township] Somerset Borough  
County **Somerset**

Type of Facility Water supply system

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Operate March 7, 2011  
Issued

**Permit No. 5610522GWR, Minor Amendment.** Public Water Supply.

Applicant **Conemaugh Township  
Municipal Authority**  
Box 429  
113 South Main Street  
Davidsville, PA 15928

[Borough or Township] Conemaugh Township  
County **Somerset**

Type of Facility Water supply system

Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Operate March 7, 2011  
Issued

**Permit No. 0209523GWR, Minor Amendment.** Public Water Supply.

Applicant **Springdale Borough  
Water Department**  
325 School Street  
Springdale, PA 15144

[Borough or Township] Springdale Borough  
County **Allegheny**

Type of Facility Water supply system

Consulting Engineer

Permit to Operate March 14, 2011  
Issued

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

**Permit No. 2010502,** Public Water Supply

Applicant **Mitchell Lake Mobile Home  
Park**

Township or Borough Cambridge Township  
County **Crawford County**

Type of Facility Public Water Supply

Consulting Engineer Mark J. Corey, PE

Permit to Construct 03/10/2011  
Issued

**Permit No. 4310506,** Public Water Supply

Applicant **Sugar Grove Mobile Home  
Park**

Township or Borough Sugar Grove Township  
County **Mercer County**

Type of Facility Public Water Supply

Consulting Engineer Ronald Bittler, PE

Permit to Construct 03/10/2011  
Issued

**Permit No. 1009503,** Public Water Supply

Applicant **Rock Lake North Association  
Inc**

Township or Borough Jackson Township  
County **Butler County**

Type of Facility Public Water Supply

Consulting Engineer Dennis J. Duryea, PE

Permit to Construct 03/10/2011  
Issued

**Operations Permit** issued to **Aqua Pennsylvania Incorporated**, Shenango Valley Division, PWSID, #6430054, Shenango Township, **Mercer County**, on March 11, 2011, for operation of the newly integrated Mitchell Road Booster Station. This permit is issued in response to an operation inspection conducted by Department personnel on February 7, 2011, and constructed in accordance with construction permit 4310502, issued July 19, 2010.

## 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*

**Castleman & Levin Residence**, Upper Dublin Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, David Kertis, Sedgwick, CMS, 108 Market Street, 10 Penn Center, Suite 500, Philadelphia, PA 19103 on behalf of Brad Castleman and Ellen Levin, 504 Chaucer Drive, Upper Dublin, PA 19002 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.

**249 Upland Avenue Residence**, Horsham Township, **Montgomery County**. Jeremy Bolyn, Environmental Maintenance Company, Inc, 1420 Mermaid Lane, Glenside, PA 19038 behalf of Barry Angely, 2701 York Road, Jamison, PA 18929 has submitted a Final Report concerning remediation of site groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Puras Residence**, Bedminster Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Lawrence Jackson, 1516 Reservoir Avenue, Roslyn, PA 19001 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.

**Spaz Beverage Company**, West Goshen Township, **Chester County**. Jessica Fox, Vertex Environmental Services, 400 Liberty Parkway, Weymouth, MA 02189 on behalf of Drew Chapman, Jefferson Apartment Group LLC, a Delaware Limited Liability Company, 1420 Spring Hill Road, Suite 420 McLean, VA 22102 has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**School Site Landfill**, Upper Merion Township, **Montgomery County**. Craig Herr, RT Environmental Ser-

vices, Inc, 215 West Church Road, King of Prussia, PA 19406 on behalf of William O'Hara, Executor, The Estate of Betty O'Hara, 405 Rock Creek, Berwyn, PA 19312 has submitted a Remedial Investigation/Final Report concerning remediation of site groundwater and soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Moyers Residence**, Pottstown Township, **Montgomery County**. Andrew K. Markoski, Patriot Environmental Management, P. O. Box 629, Douglasville, PA 19518, John Palmer, Sr., Automotive Service, Inc. P. O. Box 2157, 910 Mountain Home Road, Sinking Spring, PA 19608 on behalf of Douglas Moyer, 264 Lee Avenue, Pottstown, PA 19464 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.

**Marshall Island**, Tinicum Township, **Bucks County**. Philip Getty, Boucher & James, Inc. Suite 500, 1456 Ferry Road, Doylestown, PA 18901 on behalf of Ken Nygard, Cradle of Liberty Council—Boy Scouts of America, 1485 Valley Forge Road, Wayne, PA 19087 has submitted a Remedial Investigation/Risk Assessment/Cleanup Plan concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Site Specific Standard

**10 East Moreland Site**, City of Philadelphia, **Philadelphia County**. Richard S. Werner, Environmental Consulting, Inc. 500 East Washington Street, Suite 375, Norristown, PA 19401, Dr. Edward Jones, Renal Enterprises, LLC, 125 Medical Campus Drive, Suite 300, Lansdale, PA 19446, Andrew D. Hubley, Environmental Consulting, Inc. 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Eli Kahn, Free Range Associates, LP, 55 County Club Drive, Suite 20, Downingtown, PA 19335 has submitted a Final Report concerning remediation of site soil contaminated with polynuclear aromatic hydrocarbon. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**One Radnor Corporation Center Building 4**, Radnor Township, **Delaware County**. James Mulry, Mulry and Creswell Environ, Inc. 1679 Horseshoe Pike, Glenmoore, PA 19343, on behalf of Kristine Shanabarger, Brandywine Realty Trust, 555 East Lancaster, PA 19087 has submitted a Final Report concerning remediation of site soil contaminated with Diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Lonza Inc.**, Upper Merion Township, **Montgomery County**. Michael Gonshor, Roux Associates, Inc. 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 on behalf of Paul Sieracki, Lonza America, Inc. 90 Boroline Road, Allendale, NJ 07401 has submitted a Remedial Investigation/Risk Assessment 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.

**Leach Residence**, Springfield Township, **Delaware County**. Bill Gothier, Taylor GeoServices, 38 Bishop Hollow Road, Newtown, PA 19073, David O'Connell, Wilson of Wallingford, Inc., 221 Rogers Lane, Wallingford, PA 19086 on behalf of Joseph and Dolores Leach, 145 Old State Road, Springfield, PA 19064 has submitted a Final Report concerning remediation of site soil contaminated



with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Hartman Residence**, Upper Dublin Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ty Gawlik, State Farm Insurance Company, PO Box 8061, Ballston Spa, NY 12020-8061 on behalf of Eric and Hillary Hartman, 3335 Camp Hill Road, Fort Washington, PA 19034 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.

**Tyburn Railroad Company**, Falls Township, **Bucks County**. Michael Gonshor, Roux Associates, Inc. 1222 Forest Parkway Suite 190, West Deptford, NJ 08066 on behalf of Gerald McHugh, Tyburn Railroad Company, 1535 South Pennsylvania Avenue, Falls Township, PA 19067 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Penn Lighting**, City of Philadelphia, **Philadelphia County**. Jeff W. Brudereck, GES, 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Robert Wax, Penn Lighting, 239 South 24th Street, Philadelphia, PA 19103 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.

**908 Hyatt Street, LL**, Chester City, **Chester County**. Michael McCann, Ferguson & McCann, Inc. 270 Bodley Road, Aston, PA 19014 on behalf of William McGrath, 908 Hyatt Street, LLC, 541 Lawrence Road, Broomall, PA 19008 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.

**Lockheed Martin Corporation Information System & Global Service**, Upper Merion Township, **Montgomery County**. Mark Eschbacher, H&K Group, 2052 Lucon Road, Skippack, PA 19474, Peter Charrington, Stantec, 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 on behalf of Edward Novak, Lockheed Martin—Information Systems and Global Services, 230 Mall Boulevard, King of Prussia, PA 91428 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvent. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**G.A. & F.C. Wagman, Inc.**, Manchester Township, **York County**. EA Engineering, Science and Technology, Inc., One Marketway West Suite 4C, York, PA 17401, on behalf of G.A. & F.C. Wagman, Inc. 3290 N. Susquehanna Trail, York, PA 17406, submitted a Final Report site soils contaminated with leaded gasoline and diesel fuel released from unregulated underground storage tanks. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is commercial.

**Ben Kelly Property**, Lower Paxton Township, **Dauphin County**. Pennsylvania Tectonics, 826 Main Street, Peckville, PA 18452, on behalf of Mr. Ben Kelly, 6125 Blue Grass Avenue, Harrisburg, PA 17112, submitted a Final Report concerning remediation of site soils contaminated

with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Steven Fenton Residence/Harmony Estates MHP**, North Middleton Township, **Cumberland County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Keystone Oil Products Corporation, 1600 Hummel Avenue, Camp Hill, PA 17011-5527; P.C. Sekhar Chadaga, 110 Inverness Drive, Blue Bell, PA 19422-3202; and Steven Fenton, 30 Coral Drive, Carlisle, PA 17013-7439, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

**Muncy Valley Hospital**, Muncy Creek Township, **Lycoming County**. Converse Consultants, 2738 W. College Ave., State College, PA 16801 on behalf of Susquehanna Health Systems, 215 E. Water St., Muncy, PA 17756 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. 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*

**US Bronze Foundry & Machine, Inc.—Metals Impacted Soils & Sediment**, Woodcock Township, Crawford County. Geosyntec Consultants, 10220 Old Columbia Road, Suite A, Columbia, MD 21046 on behalf of Pneumo Abex, LLC, c/o Briggs & Morgan, PA, 2200 IDS Center, 80 South 8th Street, Minneapolis, MN 55402 has submitted a Cleanup Plan concerning remediation of site soil and sediment contaminated with lead, copper, zinc, antimony, arsenic, barium, beryllium, cadmium, mercury, nickel, silver, selenium, thallium, plant debris, building materials and residual wastewater sludge. The report is intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

## 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*

**Puras Residence**, Bedminster Township **Bucks County**. Richard D. Trimpi Trimpi Associates Inc. 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Lawrence Jackson, 1516 Reservoir Avenue, Roslyn, PA 19001 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 22, 2011

**249 Upland Avenue**, Horsham Township **Montgomery County**. Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Barry Angley, 2710 York Road, Jamison, PA 18929 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 8, 2011.

**Spaz Beverage Company**, West Goshen Township **Chester County**. Jessica, Vertex Environmental Services, 400 Liberty Parkway, Weymouth MA 02189 on behalf of Drew Chapman, VIF II/Jefferson at West Goshen LLC, a Delaware Limited Liability Company, 1420 Spring Hill Road, Suite 420, McLean, VA has submitted a Final Report concerning the remediation of site soil contaminated with inorganic. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 24, 2011.

**Castleman & Levin Residence**, Upper Dublin Township **Montgomery County**. Richard Trimpi, Trimpi Asso-

ciates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, David Kertis, Sedgwick CMS, 108 Market Street, 10 Penn Center, Suite 500, Philadelphia, PA 91103 on behalf of Brad Castleman and Ellen Levin, 504 Chaucer Drive, Upper Dublin, PA 19002 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 March 4, 2011.

**Robin and Armstrong Residence**, Bridgeton Township **Bucks County**. Mark Hasting, Hillman Environmental Group, LLC, 1600 Route 22 East, Union, NJ 07083, Robert M. Fry, Hillman Environmental Group, LLC, 1600 Route 22 East, Union, NJ 07083 on behalf of Brain Robin and Gary Armstrong, 399 Geigel Hill Road, Upper Black Eddy, PA 18972 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 February 18, 2011.

**Park N Dry Cleaners**, City of Philadelphia **Philadelphia County**. David Farrington, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Victoria M. Ryan, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Refael & Eli Nachmani, Imports Realty, LLC, 911 Montgomery Avenue, Penn Valley, PA 19072 has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 3, 2011.

**Essington Avenue Property Redevelopment Project**, City of Philadelphia, **Philadelphia County**. Gerald Kirkpatrick Environmental Standards, Inc. 1140 Valley Forge Road, PO Box 810, Valley Forge, PA 19482 on behalf of Kevin Klye, Essington Avenue, Partners, LLP, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19046 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with voc and pHs and metals. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on February 25, 2011.

**Foamex Facility**, Eddystone Borough, **Delaware County**. Michael Christie, Penn E&R, Inc. 2755 Bergey Road, Hatfield, PA 19440 on behalf of Cynthia McKeown, Camden, NJ 08104 has submitted a Final Report concerning the remediation of site groundwater and soils contaminated with voc, metals, and pahs. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 25, 2011.

**Cloud Landfill**, Lower Oxford Township **Chester County**. Douglass Schott, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Andrew Jones & Michael Losito, Reedville Farms, LP, PO, Box 485/181 Willow Street, Toughkenamo, PA 19374 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 7, 2011.

**Wawa Convenience Store #192**, Bristol Township **Bucks County**. Curtis Herman, Austin James Associates, Inc. Route 423, Pocono Pines, PA 18935 on behalf of Matthew Winters Wawa, Inc. 260 Baltimore Pike, Wawa,



PA 19603 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with unleaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 17, 2011.

**Abasco Parcel A, City of Philadelphia Philadelphia County.** Nicholas DeRose, Lagan Engineering and Environmental Service, PO Box 1569, Doylestown, PA 18901 on behalf of Paul Rabinovitch, 1300 North Second Limited Partnership, 7 North Mountain Avenue, Montclair, NJ 07042 has submitted a Final Report concerning the remediation of site soil contaminated with metals, pcb's and lead. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on March 4, 2011.

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

**J. Blaisure 1H/6H Well Site, RR 4, Box 231, Dimock Township, Susquehanna County.** James Pinta, Jr. and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a Final Report (on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276), concerning the remediation of soil found to have been impacted by drilling fluid constituents due to storage tank vandalism, which consisted of four drilling fluid storage tanks being opened during the night. The report documented attainment of the Statewide Health Standard for soil and also documented attainment of the Background Standard for arsenic for soils. The Final Report was approved on March 2, 2011. The report was originally submitted within 90 days of the release.

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

**Former Getty Pumping Station** Griffith Road, Muncy Creek Township, Lycoming County. SAIC, 6310 Allentown Blvd., Harrisburg, PA 17112 on behalf of Texaco Downstream Properties, Inc., c/o CBRES, 6001 Bollinger Canyon Road, San Ramon, CA 94583 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with various volatile and semi volatile organic compounds associated with petroleum products such as diesel fuel and crude oil. The report was approved by the Department on March 10, 2011

**Regal Transportation Route 54 and Warrior Run Blvd. Accident, Lewis Township, Northumberland County.** Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Regal Transportation, 6202 Shortman Road, Ripley, NY 14775 has submitted a Final Report within 90 days concerning 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 March 14, 2011.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Former ExxonMobil Bakerstown Grease Plant.** Richland Township, Allegheny County. Groundwater and Environmental Services, Inc., 800 Commonwealth Drive, Suite 201, Warrendale, PA 15086 on behalf of ExxonMobil Environmental Services Company, 1545 Route 22 East, Room CCM09B, Annandale, NJ 08801 has submitted a combined Remedial Investigation Report and Final Report concerning the remediation of site soil and

groundwater contaminated with metals and PAH's from the former grease plant operations. The Final Report was approved on March 8, 2011.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP1-46-0242: New Regional Medical Center, Inc.** (551 Old York Road, Philadelphia, PA 19141) on March 10, 2011, to construct and operate (3) three small gas/#2 oil combustion units in East Norriton Township, **Montgomery County.**

**GP9-46-0048: New Regional Medical Center, Inc.** (551 Old York Road, Philadelphia, PA 19141) on March 10, 2011, to construct and operate (2) two diesel-fired internal combustion engines in East Norriton Township, **Montgomery County.**

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

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

**66-399-010GP5: Williams Field Services Co. LLC.** (2800 Post Oak Boulevard, Houston, TX 77056) on March 1, 2011, to install and operate three (3) compressor engines at their Springville Compressor Station site in Tunkhannock Township, **Wyoming County.**

**66-310-020GP3: Meshoppen Stone, Inc.** (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on March 1, 2011, to construct and operate a Portable Crushing Operation with watersprays at the Bunnell Site in Meshoppen Township, **Wyoming County.**

**66-310-021GP3: Meshoppen Stone, Inc.** (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on March 1, 2011, to construct and operate a Portable Crushing Operation with watersprays at their Fike Site in Windham Township, **Wyoming County.**

**66-329-007GP9: Meshoppen Stone, Inc.** (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on March 1, 2011, to install and operate a Diesel I/C engine at the Bunnell Site in Meshoppen Township, **Wyoming County.**

**66-329-008GP9: Meshoppen Stone, Inc.** (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on March 1, 2011, to install and operate a Diesel I/C engine at their Fike Site in Windham Township, **Wyoming County.**

**48-310-083GP3: Chrin Brothers, Inc.** (635 Industrial Drive, Easton, PA 18042) on March 1, 2011, to construct and operate a Portable Crushing Operation with watersprays at their site in Tatamy Borough, Upper Nazareth Township and Palmer Township, **Northampton County.**

**48-329-011GP9: Chrin Brothers, Inc.** (635 Industrial Drive, Easton, PA 18042) on March 1, 2011, to install and operate a Diesel I/C Engine at their site in Tatamy Borough, Upper Nazareth Township and Palmer Township, **Northampton County.**

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

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

**GP3-28-05035B: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, Pennsylvania 19422-0465) on March 9, 2011, for a portable nonmetallic mineral crushing plant under GP3, at their St. Thomas Development Quarry in St. Thomas Township, **Franklin County**.

**GP1-28-03059: PA Dept. of Military and Veterans Affairs—Scotland School for Veterans' Children** (3583 Scotland Road, Scotland, PA 17254-0900) on March 9, 2011, for Small Gas and #2 Oil Fired Combustion Units under GP1, in Greene Township, **Franklin County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**09-0102D: Clean Earth of Southeast Pennsylvania, Inc.** (7 Steel Road East, Morrisville, PA 19067) on March 10, 2011, for replacement of a cyclone with a 36-tube multi-cone at a soil remediation facility in Falls Township, **Bucks County**. This facility is a non-Title V facility. The proposed action will not increase any emissions from the soil remediation facility. The Plan Approval will contain recordkeeping and further operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**15-0035A: Sabic Innovative Plastics** (251 South Bailey Road, Thorndale, PA 19372) on March 14, 2011, for replacement of a burn-off oven at an existing facility in Caln Township, **Chester County**. The proposed source is used to burn plastic resins off of the metal screws used for extruding plastic resins. Some of the plastic resins contain some halogens and emit less than 1 ton per year of hazardous air pollutants. The proposed burn-off oven may increase nitrogen oxide emissions by 1.53 tons per year and volatile organic compounds by 4.34 tons per year.

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

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

**01-05017F: World Color Printing USA II Corp.** (100 North Miller Street, Fairfield, PA 17320) on March 8, 2011, to install a heat set web offset printing press and a digital printing press at their printing facility in Fairfield Borough, **Adams County**.

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

*Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940*

**24-083S: Mersen USA—St Marys** (215 Stackpole Street, St Marys, PA 15857) on March 8, 2011, formerly known as Carbone of America, to install four (4) mixers

and a new pulverizer. This action is under Plan Approval 24-083S for their facility at 1032 Trout Run Road, in the City of St Marys, **Elk County**.

**24-131N: SGL Carbon LLC** (900 Thersia Street, St Marys, PA 15857) on March 8, 2011, to install a new reactor under Plan Approval 24-131N for their facility in the City of St Marys, **Elk County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**46-0241A: Gibraltar Rock, Inc.** (355 Newbold Road, Fairless Hills, PA 19030) on March 3, 2011, to operate (2) two wet suppression systems in New Hanover Township, **Montgomery County**.

**46-0026E: Global Packaging, Inc.** (209 Brower Avenue, Oaks, PA 19456) on March 3, 2011, to operate an used regenerative thermal oxidizer in Upper Providence Township, **Montgomery County**.

**46-0031C: SmithKline Beecham Pharmaceuticals—d.b.a. GlaxoSmithKline Pharmaceuticals** (1250 South Collegeville Road, Collegeville, PA 19426) on March 4, 2011, to operate (2) two scrubbers in Upper Providence Township, **Montgomery County**.

**15-0060C: SECCRA Landfill** (P. O. Box 221, Kennett Square, PA 19348) on March 14, 2011, to operate an IC Engine/generator in London Grove Township, **Chester County**.

**09-0007C: Waste Management Disposal Services of PA, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) on March 14, 2011, to operate a landfill gas collection treatment system in Falls Township, **Bucks County**.

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

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

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

**01-05007: Schindler Elevator Corp.** (1200 Biglerville Road, Gettysburg, PA 17325-4449) on March 7, 2011, for their elevator manufacturing facility in Cumberland Township, **Adams County**. The Title V Permit was renewed.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**46-00049: International Business Systems, Inc.** (431 Yerkes Road, King of Prussia, PA 19406) on March 10, 2011, to renew their permit to operate six (6) litho-



graphic printing presses at their manufacturing plant in Upper Merion Township, **Montgomery County**. The renewal permit is for a non-Title V (State-only) facility. The facility is a natural minor for Volatile Organic Compounds (VOC); potential to emit VOC is less than 25 tons per year. Source ID 115 (Press 5—6 Color Didde VIP) and two (2) Safety Kleen Parts Washers (Source ID 107) have been removed from the plant and no longer appear in Section A (Site Inventory) and Section D (Source Level Requirements) of the permit. A 250-kW Caterpillar Diesel Emergency Generator was installed in October 2007 (RFD No. 151) and now appears in Section A (Site Inventory) and Section D (Source Level Requirements) as Source ID 117 (250-kW Diesel Emergency Generator). The requirements of CFR Part 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines have been added to Source ID 117 because the source was installed after 2005. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00193: Basic Chemical Solutions, LLC** (5 Steel Road East, Morrisville, PA 19067) on March 10, 2011, for issuance of a State Only Operating Permit to operate Above Ground Acid Storage Tanks at the Basic Chemical Solutions, LLC, chemicals manufacturing facility at 5 Steel Road East, Falls Township, Bucks County. Plan Approval, 09-0193, is being incorporated into the facility natural minor initial operating permit, 09-00193. This Operating Permit shall include monitoring and recordkeeping requirements to ensure that this facility complies with all applicable air quality regulations.

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

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

**05-05026: Steckman Ridge, LP - Clearville Quarles 1709** (890 Winter Street, Waltham, MA 02451-1470) on March 8, 2011, for their natural gas compressor station in Monroe Township, **Bedford County**.

**28-03044: Tarco Roofing Materials, Inc.** (8650 Molly Pitcher Highway, Greencastle, PA 17225-9716) on March 8, 2011, for their roofing manufacturing facility in Antrim Township, **Franklin County**. This is a renewal of the State Only Operating permit.

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

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

**37-00300: North American Forgemasters** (710 Moravia Street, New Castle, PA 16101) on March 7, 2011, a renewal State Only Operating Permit for their facility in New Castle, **Lawrence County**. The facility is a Natural Minor. The primary sources at the facility are 6 forge furnaces, 2 slow cooling furnaces, and an immersion degreaser. The renewal permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**43-00321: Northeast Industrial Manufacturing, Inc.** (640 Keystone Road, Greenville, PA 16125), on March 7, 2011, a renewal State Only Operating Permit for their facility in Hempfield Township, **Mercer County**. The facility is a Natural Minor. The primary sources at the facility are 2 spray paint booths. The renewal permit

contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

*Contact: Edward Brawn, Chief—Telephone: 215-685-9476*

**S10-025: Park Towne Place Apartments** (2200 Ben Franklin Parkway, Philadelphia, PA 19130) on March 8, 2011, for operation of an apartment complex facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 25.1 MMBTU/hr boilers burning either natural gas or #4 oil and four (4) 35 kW natural gas emergency generators.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**28-05029: Fayetteville Contractors, Inc.** (PO Box 610, Fayetteville, PA 17222-0610) on March 2, 2011, for their batch asphalt plant in Antrim Township, **Franklin County**. This State Only Operating permit was administratively amended to incorporate the requirements of Plan Approval No. 28-05029B.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### *Coal Applications Returned*

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

**26100102 and NPDES Permit No. PA0251917. Amrikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Returned application for commencement, operation and reclamation of a bituminous surface mine, located in Springfield Township, **Fayette County**, affecting 40 acres. Receiving streams: Middle Fork and Laurel Run. Application received: March 26, 2010. Application returned: March 8, 2011.

*Coal Permits Actions*

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

**32990107 and NPDES No. PA0235121. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, permit renewal for reclamation only of a bituminous surface and auger mine in Rayne and Washington Townships and Ernest Borough, **Indiana County**, affecting 90.5 acres. Receiving stream(s): McKee Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 6, 2011. Permit issued: March 9, 2011.

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

**26050112 and NPDES Permit No. PA0250805. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687-1301). Permit renewal issued for continued reclamation only of an existing bituminous surface/auger mining site located in Springhill Township, **Fayette County**, affecting 39.5 acres. Receiving streams: Unnamed tributaries to Hope Hollow to Cheat River. Renewal application received: January 5, 2011. Reclamation-only renewal issued: March 9, 2011.

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

**17060102 and NPDES No. PA0256331. Strishock, LLC** (220 Hillcrest Drive, DuBois, PA 15801). Transfer of an existing bituminous surface mine located in Brady Township, **Clearfield County** affecting 140.0 acres. Receiving streams: one unnamed tributary to Beech Run & East Branch Mahoning Creek (high quality cold water fishery) to East Branch Mahoning Creek (cold water fishery) to Mahoning Creek (warm water fishery) to Allegheny River (warm water fishery) to Ohio River (warm water fishery). There are no potable water supply intakes within 10 miles downstream. Application received: September 10, 2010. Permit issued: March 1, 2011.

*Noncoal Permits Actions*

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

**31950301 and NPDES No. PA0213268. Glass Bagging Enterprises, Inc.**, P. O. Box 120, Duncansville, PA 16635, renewal of NPDES Permit, Hopewell Township, **Huntingdon County**. Receiving stream(s): unnamed tributaries to Shy Beaver Creek classified for the following use(s): warm water fishery. The first downstream potable water supply intake from the point of discharge is Lake Raystown Resort. Application received: December 10, 2010. Permit issued: March 7, 2011.

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

**10960301. Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Renewal of existing NPDES Permit No. PA0227196 in Marion Township, **Butler County** affecting 131.8 acres. Receiving streams: Unnamed tributaries to Blacks Creek and Blacks Creek, unnamed tributary to Slippery Rock Creek. Application received: January 18, 2011. Permit Issued: March 9, 2011.

**42100802. Joe Maljovec** (401 West Hemlock Avenue, Kane, PA 16735) Commencement, operation and restoration of a small industrial mineral operation in Hamlin Township, **McKean County** affecting 5.0 acres. Receiving

streams: Marvin Creek. Application received: October 12, 2010. Permit Issued: March 9, 2011.

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

**08830301. Dalrymple Gravel & Contracting Co., Inc.** (2105 South Broadway, Pine City, NY 14871). Renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Athens Township, **Bradford County** affecting 305.0 acres. Receiving stream: Chemung River classified for warm water fishery. Application received: November 22, 2010. Permit issued: March 2, 2011.

**14000301 and NPDES No. PA0242681. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16804). Renewal of the NPDES Permit for discharges of treated mine drainage from a quarry operation in Halfmoon and Worth Townships, **Centre County**. Receiving stream: Bald Eagle Creek classified for cold water fishery. Application received: February 10, 2011. Permit issued: March 2, 2011.

### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

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

**03114001. J & J Snyder, Inc.** (361 Salem Road, Mayport, PA 16240). Blasting activity permit for the reclamation of the Snyder 2 GFCC Project, located in Redbank Township, **Armstrong County**. The duration of blasting is expected to last nine months. Blasting permit issued: March 9, 2011.

**63114002. Del-Rick Corp.** (P. O. Box 693, Tazewell, VA 24651). Blasting activity permit for the construction of the CNX Gas Site NV-31, to conduct seismic activity located in Morris Township, **Washington County**. The duration of blasting is expected to last one year. Blasting permit issued: March 9, 2011.

**26114005. Shallenberger Construction Co.** (195 Enterprise Lane, Connellsville, PA 15425). Blasting activity permit for the construction of the Hamborsky Unit-Atlas Resources Well Site, to conduct seismic activity located in Bullsken Township, **Fayette County**. The duration of blasting is expected to last 60 days. Blasting permit issued: March 9, 2011.

**65114001. RWS Development** (8958 Hill Drive, North Huntingdon, PA 15642). Blasting activity permit for the construction of the Missile Silos, to conduct seismic activity located in North Huntingdon Township, **Westmoreland County**. The duration of blasting is expected to last six months. Blasting permit issued: March 9, 2011.

**02114001. New Dominion Construction** (1554 Millers Run Road, McDonald, PA 15057). Blasting activity permit for the construction of a borrow pit at the Imperial Landfill, located in Findlay Township, **Allegheny County**. The duration of blasting is expected to last four months. Blasting permit issued: March 9, 2011.



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

**08114011. Doug Wathen, LLC** (16208 State Highway 13, Suite 100, Branson West, MO 65616). Blasting for construction of a gas well pad located in Tuscarora Township, **Bradford County**. Permit issued: March 3, 2011. Permit expires: December 31, 2012.

**08114010. Mike Kipar** (6005 State Route 267, Meshoppen, PA 15630). Blasting for a road and to level the K pad located in Stevens Township, **Bradford County**. Permit issued: March 1, 2011. Permit expires: March 1, 2012.

**08114110. Maurer & Scott Sales, Inc.** (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for construction of a gas well pad located in Albany Township, **Bradford County**. Permit issued: March 1, 2011. Permit expires: May 31, 2011.

**08114112. Maurer & Scott Sales, Inc.** (122 Thomas St., Coopersburg, PA 18036-2100). Blasting for construction of a gas well pad located in Litchfield Township, **Bradford County**. Permit issued: March 1, 2011. Permit expires: June 30, 2011.

**08114113. Dyno Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033). Blasting for pipeline right of way located in Wyalusing, Tuscarora and Granville Townships, **Bradford County**. Permit issued: March 11, 2011. Permit expires: March 31, 2012.

**12114001. Tidelands Geophysical Co.** (101 East Park Blvd., Suite 955, Plano, TX 75074). Seismic exploration blasting located in Portage, East Shippen, Lumber, Grove, Gibson and Benezette Townships, **Cameron and Elk Counties**. Permit issued: March 9, 2011. Permit expires: December 31, 2011.

**14114002. M & W Joint Venture** (1076 E. Bishop St., Bellefonte, PA 16823). Construction blasting located in Benner Township, **Centre County**. Permit issued: March 2, 2011. Permit expires: December 10, 2011.

**14114104. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866). Construction blasting for a water line located in Miles Township, **Centre County**. Permit issued: March 4, 2011. Permit expires: April 30, 2011.

**17114002. Earthmovers Unlimited, Inc.** (P. O. Box 187, Kylertown, PA 16847). Blasting for the Bloom GFCC# 17-09-03 permit located in Knox Township, **Clearfield County**. Permit issued: March 8, 2011. Permit expires at the end of the GFCC# 17-09-03 contract.

**41114007. E & J Construction, LLC** (1842 Masten Road, Canton, PA 17724). Blasting at the Minnier Quarry located in McNett Township, **Lycoming County**. Permit issued: March 9, 2011. Permit expires: March 20, 2014.

**53114101. Dyno Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033). Blasting for pipeline right of way located in Allegany, Ulysses and Hector Townships, **Potter County**. Permit issued: March 11, 2011. Permit expires: March 31, 2012.

**57114002. Geokinetics** (RR 6, Box 6176, Towanda, PA 18848). Seismic exploration blasting located in Colley, Cherry, LaPorte, Davidson, Forks, Shrewbury and Hillsgrove Townships, Sullivan County AND Plunketts Creek, Mill Creek, Muncy, Shrewbury, Wolf, Upper Fairfield and Fairfield Townships, **Lycoming County AND Forston and North Branch Townships, Wyoming County**. Permit issued: March 8, 2011. Permit expires: March 31, 2012.

**59114102. Dyno Nobel, Inc.** (1320 Galiffa Drive, Donora, PA 15033). Blasting for pipeline right of way

located in Clymer, Charleston and Richmond Townships, **Tioga County**. Permit issued: March 11, 2011. Permit expires: March 31, 2012.

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

**06114102. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Joey Mills Garage in South Heidelberg Township, **Berks County** with an expiration date of April 30, 2011. Permit issued: March 8, 2011.

**36114114. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Herr Fruit Farm in West Hempfield Township, **Lancaster County** with an expiration date of March 7, 2012. Permit issued: March 8, 2011.

**38114101. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for a single dwelling in Myerstown Borough, **Lebanon County** with an expiration date of March 30, 2011. Permit issued: March 8, 2011.

**66114107. Maurer & Scott Sales, Inc.**, (P. O. Box 20843, Lehigh Valley, PA 18002), construction blasting for W & L Wilson Gas Well Pad in Lemon Township, **Wyoming County** with an expiration date of May 31, 2011. Permit issued: March 10, 2011.

**23114102. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Ravens Cliff in Marple Township, **Delaware County** with an expiration date of March 31, 2012. Permit issued: March 14, 2011.

**40114103. Dyno-Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Centerpoint East & West in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of March 31, 2012. Permit issued: March 14, 2011.

**40114104. Dyno-Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Centerpoint East & West in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of March 31, 2012. Permit issued: March 14, 2011.

**40114105. Dyno-Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Centerpoint East & West in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of March 31, 2012. Permit issued: March 14, 2011.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be

sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E21-417: Pennsylvania Turnpike Commission, PO Box 67676, Harrisburg, PA 17106-7676, Cumberland County, ACOE Baltimore District**

To: 1) extend and maintain an existing 138.0-foot long, 6.0-inch uniformly depressed, 42.0-inch diameter RCP culvert with an endwall and depressed riprap apron in kind by 35.0 feet on the upstream side and by 25.0 feet on the downstream side, for a total length of 198.0 feet, in an unnamed tributary to Newburg Run (WWF, MF) (Latitude: 40°09'40", Longitude: -77°36'33"); 2) extend and maintain an existing 109.0-foot long, 18.0-inch diameter RCP culvert with endwalls and a depressed riprap apron by 20.0 feet on the upstream side and 30.0 feet on the downstream side, for a total length of 159.0 feet, in an unnamed tributary to Newburg Run (WWF, MF) (Latitude: 40°09'49", Longitude: -77°36'19"); 3) extend and maintain an existing 119.0-foot long, 10.0-foot wide by 6.75-foot high, reinforced concrete open bottom arch culvert by 43.5 feet on the upstream side and 31.5 feet on the downstream side, with a 1.0-foot uniformly depressed, 10.0-foot wide by 7.5-foot high reinforced concrete box culvert with fish baffles, for a total length of 194.0 feet, in an unnamed tributary to Newburg Run (WWF, MF) (Latitude: 40°09'49", Longitude: -77°36'14"); and 4) fill and maintain approximately 0.01 acre of PEM wetland in the Newburg Run watershed. The project is located between mileposts 200.4 and 202.3 on Interstate 76 (from Newburg, PA Quadrangle, N: 6.32 inches, W: 15.58 inches; Latitude: 40°09'35", Longitude: -77°36'42" to Newburg, PA Quadrangle, N: 7.03 inches, W: 14.54; Latitude:

40°09'35", Longitude -77°36'42") in Hopewell Township, Cumberland County. The purpose of the project is to improve existing interchange geometry, widen the roadway, improve safety conditions, and to upgrade culverts and stormwater management facilities. Wetland impacts will be accounted for in the Pennsylvania Turnpike advanced compensation wetland created in North Middlesex Township, Cumberland County under Permit No. E21-389. Stream mitigation for this project and for the Franklin County portion of the project will include 1,190.0 feet of stream restoration in Middle Spring Creek (CWF, MF).

**E28-362: Pennsylvania Turnpike Commission, PO Box 67676, Harrisburg, PA 17106-7676, Franklin County, ACOE Baltimore District**

To: 1) temporarily relocate 135.0 feet and to place approximately 10.0 cubic yards of fill in the floodway of an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40°09'05", Longitude: -77°37'45"); 2) repair and maintain an existing 206.0-foot long, 60.0-inch diameter CMP culvert by slip-lining it with 54.0-inch diameter HDPE pipe and to construct and maintain a 20.0-foot long, 6.0-inch depressed, 54.0-inch diameter HDPE culvert extension, endwalls, and a depressed riprap discharge apron on the downstream side in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40°09'05", Longitude: -77°37'45"); 3) extend and maintain an existing 172.0-foot long, 30.0-inch diameter RCP culvert in kind by 17.0 feet upstream and 30.0 feet downstream, including endwalls and a depressed riprap discharge apron in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40°09'08", Longitude: -77°37'35"); 4) extend and maintain an existing 143.0-foot long, 8.0-foot wide by 4.8-foot high, reinforced concrete open bottom arch culvert by 24.5 feet upstream and 51.2 feet downstream, with a 1.0 foot uniformly depressed, 8.0-foot wide by 4.8-foot high reinforced concrete box culvert with fish baffles, for a total structure length of 218.7 feet, in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40°09'14", Longitude: -77°37'22"); 5) remove a 110.0-foot long, 24.0-inch diameter RCP culvert and to construct and maintain a 180.0-foot long, 6.0-inch depressed, 30.0-inch diameter RCP culvert with endwalls and a depressed riprap discharge apron in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40°09'17", Longitude: -77°37'15"); 6) extend and maintain an existing 153.0-foot long, 12.0-foot wide by 11.0-foot high, open bottom reinforced concrete arch culvert in kind by 7.6 feet upstream and 17.0 feet downstream for a total structure length of 177.6 feet and to relocate and maintain the existing riprap discharge apron to the extended downstream discharge location in an unnamed tributary to Laughlin Run (WWF, MF) and to construct and maintain an 18.0-inch diameter stormwater outfall, endwall, and depressed riprap apron discharging to an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40°09'23", Longitude: -77°37'4"); 7) extend and maintain an existing 88.0-foot wide single span, concrete slab bridge with a normal span of 12.0 feet and a minimum underclearance of 4.5 feet in kind by 37.2 feet downstream for a total structure width of 125.2 feet in an unnamed tributary to Laughlin Run (WWF, MF), and to construct and maintain an 18-inch diameter stormwater outfall, endwall, and depressed riprap apron discharging to an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40°09'14", Longitude: -77°36'47"); 8) relocate 127.0 feet of stream and to construct and maintain a 250.0-foot long 30.0-inch diameter RCP culvert in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude:



tude: 40°09'25", Longitude: -77°36'51"); 9) construct and maintain a temporary crossing using a 34.0-foot long, 30.0-inch diameter RCP culvert in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40°09'24", Longitude: -77°36'49"); 10) to remove the existing 105.0-foot wide, single span, concrete slab bridge, having an underclearance of 3.7-5.7 feet and a normal span of 6.0 feet, to relocate 441.0 feet of stream, and to construct and maintain a 144.0-foot long, 6.0-inch uniformly depressed, 24.0-inch diameter RCP culvert with endwall and a depressed riprap discharge apron and to construct and maintain a 203.0-foot long, 6.0-inch uniformly depressed, 24.0-inch high by 38.0-inch wide RCP culvert with endwall and depressed riprap apron in an unnamed tributary to Laughlin Run (WWF, MF) (Latitude: 40°09'33", Longitude: -77°36'47"); 11) relocate 45.0 feet of stream and to extend and maintain an existing 132.0-foot long, 8.0-foot wide by 5.6-5.9-foot high, open-bottom, reinforced concrete arch culvert with a 1.0-foot uniformly depressed, 8.0-foot wide by 6.5-foot high reinforced concrete box culvert with fish baffles by 39.3 feet upstream and 23.5 feet downstream for a total structure length of 194.8 feet in an unnamed tributary to Laughlin Run (WWF, MF), and to construct and maintain an 18.0-inch diameter stormwater outfall, endwall, and depressed riprap apron discharging to Laughlin Run (WWF, MF) (Latitude: 40°09'35", Longitude: -77°36'42"); and 12) fill and maintain 0.11 acre of wetland (0.015 acre PEM and 0.099 acre PEM/PSS) and a 0.588 acre pond in the Laughlin Run (WWF, MF) watershed. The project is located between mileposts 200.4 and 202.3 on Interstate 76 (from Doyleburg, PA Quadrangle; N: 4.78 inches, W: 0.61 inch; Latitude: 40°09'05", Longitude: -77°37'45" to Newburg, PA Quadrangle; N: 6.35 inches, W: 15.63 inches; Latitude: 40°09'35", Longitude: -77°36'42") in Lurgan Township, Franklin County. The purpose of the project is to improve existing interchange geometry, widen the roadway, improve safety conditions, and to upgrade culverts and stormwater management facilities. Wetland impacts will be accounted for in the Pa. Turnpike advanced compensation wetland created in North Middlesex Township, Cumberland County under Permit No. E21-389. Stream mitigation for this project and for the Cumberland County portion of the project will include 1,190.0 feet of stream restoration in Middle Spring Creek (CWF, MF).

**E36-830: John G. Smith**, 555 Mountain Home Road, Sinking Springs, PA 19608, **Lancaster County**, ACOE Baltimore District

To construct and maintain: 1) a 21.0-foot single span concrete arch bridge having a normal span of 42.0 feet and an underclearance of 10.0 feet, and a 2.0-inch diameter gas line, a 4.0-inch diameter PVC electric line, and a 24.0-inch diameter RCP storm sewer utility line crossings in and across an unnamed tributary to Donegal Creek (CWF), temporarily impacting 631.0 square feet of PFO Exceptional Value wetlands, (Elizabethtown, PA Quadrangle; N: 3.63 inches, W: 9.28 inches; Latitude: 40°08'42"N, Longitude: -76°33'59"W), 2) an 8.0-inch diameter PVC sanitary sewer line across an unnamed tributary to Donegal Creek (CWF) (Elizabethtown, PA Quadrangle; N: 3.63 inches, W: 9.28 inches; Latitude: 40°08'42"N, Longitude: -76°33'59"W), 3) a 50.0-foot long stormwater outfall swale in the floodway of an unnamed tributary to Donegal Creek (CWF) (Elizabethtown, PA

Quadrangle; N: 3.68 inches, W: 9.20 inches; Latitude: 40°08'43"N, Longitude: -76°33'57"W), 4) an 8.0-inch diameter PVC sewer line and a 6.0-inch diameter DIPCL waterline utility lines associated with an unnamed tributary to Donegal Creek (CWF) (Elizabethtown, PA Quadrangle; N: 3.73 inches, W: 9.47 inches; Latitude: 40°08'44"N, Longitude: -76°34'04"W), 5) a 12.0-foot wide, single span pedestrian bridge having a normal span of 20.0 feet and an underclearance of 3.0 feet across an unnamed tributary to Donegal creek (CWF) (Elizabethtown, PA Quadrangle; N: 3.43 inches, W: 8.85 inches; Latitude: 40°08'38"N, Longitude: -76°33'48"W), 6) a 36.0-inch diameter SLCPP outfall structure along an unnamed tributary to Donegal Creek (CWF) (Elizabethtown, PA Quadrangle; N: 3.48 inches, W: 8.85 inches; Latitude: 40°08'39"N, Longitude: -76°33'48"W), 7) a 36.0-inch diameter SLCPP outfall structure along an unnamed tributary to Donegal Creek (CWF) (Elizabethtown, PA Quadrangle; N: 3.53 inches, W: 8.85 inches; Latitude: 40°08'40"N, Longitude: -76°33'48"W), 8) an 8.0-inch diameter PVC sewer line across an unnamed tributary to Donegal Creek (CWF) (Elizabethtown, PA Quadrangle; N: 3.58 inches, W: 8.73 inches; Latitude: 40°08'41"N, Longitude: -76°33'45"W), and 9) a 24.0-inch SLCPP outfall pipe along an unnamed tributary to Donegal Creek (CWF) (Elizabethtown, PA Quadrangle; N: 3.58 inches, W: 8.73 inches; Latitude: 40°08'41"N, Longitude: -76°33'45"W), all for the purpose of developing a 243-lot residential subdivision located off of Schwanger and Campus Roads in Mount Joy Township, Lancaster County. Wetland impacts are considered temporary and de minimus and mitigation is not required.

**E38-171: Pennsylvania Department of Transportation Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103, **Lebanon County**, ACOE Baltimore District

To remove the existing structure and to construct and maintain a 31.38-foot wide, single span bridge having a normal span of 57.10 feet, a skew of 80°00'00", and a minimum underclearance of 9.99 feet over Raccoon Creek (WWF, MF) for the purpose of improving transportation safety and roadway standards. The project is located on SR 4013, Section 005 (Lindley Murray Road), approximately 500.0 feet east of its intersection with Woods Lane (Palmyra, PA Quadrangle; N: 21.5 inches, W: 16.1 inches; Latitude: 40° 22'07", Longitude: -76° 36'56") in East Hanover Township, Lebanon County. The project will involve the use of temporary cofferdams in Raccoon Creek and a temporary access road in the floodplain of Raccoon Creek.

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

**E17-466. DuBois Area School District**, 500 Liberty Boulevard, Dubois, PA 15801-2437. Juniata Elementary School Expansion Project in the City of DuBois, **Clearfield County**, ACOE Pittsburgh District (Falls Creek, PA Quadrangle Latitude: 41° 07' 51.3"; Longitude: 78° 45' 30.72").

DuBois Area School District proposes to expand the Juniata Elementary School requiring construction, replacement, modification, operation and maintenance of the following encroachments of Juniata Run and its 100-year floodplain:

Permit ID	Activity	Resource	Water Quality	Latitude	Longitude
School Addition	Excavation, Fill and Building	Juniata Run 100-year Floodplain	CWF	41° 07' 50.62"	78° 45' 32.35"
Parking Area	Excavation, Fill and Impervious	Juniata Run 100-year Floodplain	CWF	41° 07' 51.12"	78° 45' 30.72"
Play Area	Excavation and Grading	Juniata Run 100-year Floodplain	CWF	41° 07' 52.26"	78° 45' 29.13"
Pavilion	Excavation and Building	Juniata Run 100-year Floodplain	CWF	41° 07' 52.97"	78° 45' 28.49"
Juniata Street Footbridge	Existing Footbridge Replacement	Juniata Run	CWF	41° 07' 50.04"	78° 45' 31.75"
First Street Footbridge	Existing Footbridge Replacement	Juniata Run	CWF	41° 07' 50.04"	78° 45' 31.75"
First Street Parking Area	Excavation, Fill and Impervious	Juniata Run 100-year Floodplain	CWF	41° 07' 51.36"	78° 45' 27.97"
Stormwater Facility	Outfall Structure	Juniata Run	CWF	41° 07' 52.65"	78° 45' 28.29"

As proposed, the activities in and along Juniata Run shall not increase the water 100-year frequency flood water surface elevations that are defined in the National Flood Insurance Program mapping for the City of DuBois. The project is located along the western right-of-way of First Street, immediately south of West Sherman Avenue and First Street intersection.

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

**E25-736, Amity Township Supervisors**, 15030 Casler Road, Union City, PA 16438. Tarbell Road Culvert, in Amity Township, **Erie County**, ACOE Pittsburgh District (Union City, PA Quadrangle N: 41°, 56', 50.5"; W: 79°, 46', 31").

To remove the existing bridge and to install and maintain a 40 foot long, 7.9-foot wide by 5.6-foot high corrugated metal pipe arch culvert in Beaver Run on T-770 Tarbell Road approximately 0.1 mile south of Fenno Road in Amity Township, Erie County.

**E62-423, Municipal Authority of the Township of Sheffield**, P. O. Box 821, Sheffield, PA 16347. Sheffield Twp Sewer Lines and Treatment Plant Upgrade, in Sheffield Township, **Warren County**, ACOE Pittsburgh District (Sheffield, PA Quadrangle N: 41°, 41', 40"; W: 79°, 1', 48").

to extend sewer lines in Sheffield Township and upgrade the existing sewage treatment plant involving:

constructing and maintaining 23 sanitary sewer line watercourse crossings (21 by boring/2 by open cut) including the following crossings of special protection watersby boring (unless noted):

a. Four Mile Run (HQ-CWF) N: 41°, 43', 29"; W: 79°, 3', 17"

b. UNT Two Mile Run (HQ-CWF) N: 41°, 42', 18"; W: 79°, 00', 51"

c. UNT South Branch Tionesta Creek by open cut (HQ-CWF) N: 41°, 40', 39"; W: 79°, 1', 39"

d. UNT South Branch Tionesta Creek (HQ-CWF) N: 41°, 40', 21"; W: 79°, 1', 28"

e. UNT South Branch Tionesta Creek (HQ-CWF) N: 41°, 40', 20"; W: 79°, 1', 27"

f. UNT South Branch Tionesta Creek (HQ-CWF) N: 41°, 40', 11"; W: 79°, 1', 26"

g. UNT South Branch Tionesta Creek (HQ-CWF) N: 41°, 39', 43"; W: 79°, 1', 1"

h. UNT South Branch Tionesta Creek (HQ-CWF) N: 41°, 39', 41"; W: 79°, 0', 59"

i. South Branch Tionesta Creek (HQ-CWF) N: 41°, 40', 20"; W: 79°, 1', 43"

j. UNT South Branch Tionesta Creek (HQ-CWF) N: 41°, 40', 20"; W: 79°, 1', 45"

k. UNT South Branch Tionesta Creek (HQ-CWF) N: 41°, 40', 20"; W: 79°, 1', 45"

l. UNT South Branch Tionesta Creek (HQ-CWF) N: 41°, 39', 40"; W: 79°, 1', 35"

m. UNT South Branch Tionesta Creek (HQ-CWF) N: 41°, 39', 38"; W: 79°, 1', 36"

n. UNT South Branch Tionesta Creek (HQ-CWF) N: 41°, 40', 18"; W: 79°, 1', 27"

2. To construct and maintain 20 sanitary sewer line exceptional value wetland crossings via boring including the following:

Wetland N1; (EV); N: 41°, 43', 15"; W: 79°, 3', 0"

Wetland N6; (EV); N: 41°, 43', 54"; W: 79°, 3', 35"

Wetland N7; (EV); N: 41°, 44', 0"; W: 79°, 3', 39"

Wetland E1; (EV); N: 41°, 42', 18"; W: 79°, 0', 51"

Wetland E2; (EV); N: 41°, 42', 18"; W: 79°, 0', 48"

Wetland E3; (EV); N: 41°, 42', 18"; W: 79°, 0', 47"

Wetland E4; (EV); N: 41°, 42', 16"; W: 79°, 0', 42"

Wetland E5; (EV); N: 41°, 42', 12"; W: 79°, 0', 16"

Wetland E6; (EV); N: 41°, 42', 12"; W: 79°, 0', 12"

Wetland BH 1 (W); (EV); N: 41°, 41', 49"; W: 79°, 2', 43"

Wetland BH 2 (W); (EV); N: 41°, 41', 46"; W: 79°, 2', 31"

Wetland BA 21 (S); (EV); N: 41°, 41', 6"; W: 79°, 1', 48"

Wetland BA 17 (S); (EV); N: 41°, 40', 35"; W: 79°, 1', 35"

Wetland BA 8 (S); (EV); N: 41°, 40', 20"; W: 79°, 1', 27"

Wetland BA 20 (S); (EV); N: 41°, 40', 50"; W: 79°, 1', 44"

Wetland BA 4 (S); (EV); N: 41°, 39', 47"; W: 79°, 1', 9"

Wetland BA 3 (S); (EV); N: 41°, 39', 46"; W: 79°, 1', 7"

Wetland BA 10 (S); (EV); N: 41°, 39', 57"; W: 79°, 1', 42"

Wetland BA 11 (S); (EV); N: 41°, 39', 53"; W: 79°, 1', 41"

Wetland BA 12 (S); (EV); N: 41°, 39', 49"; W: 79°, 1', 39"

3. To conduct approximately 1 acre of disturbance within the FEMA 100-year floodplain of the West Branch of Tionesta Creek involving the following:

a. to remove existing structures (having an approximate footprint of 4300 square feet) and to construct and maintain two SBR tanks, a SBR control building, a sludge holding tank and sludge reed bed units (having an approximate footprint of 17,365 square feet)

b. to mitigate the floodplain fill/new structures by excavating approximately 5261 square feet of ground to a depth of one foot below existing grade and 5250 square feet of ground to a depth of one and a half feet below existing grade

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

11/12/2010

ESCGP-1 No.: ESX10-059-0007 Major Revision  
Applicant Name: Tangelwood Exploration LLC  
CONTACT: Tom Scott  
Address: 226 Elm Drive Suite 102

City: Waynesburg State: PA Zip Code: 15370  
County: Greene Township(s): Franklin  
Receiving Stream(s) And Classifications: UNTs to South Fork Tenmile Creek/Coal Lick Run, Other  
Secondary Water: South Fork Tenmile Creek

02/07/2011

ESCGP-1 No.: ESX10-051-0013 Major Revision  
Applicant Name: Atlas Resources LLC  
Contact Person: Jeremy Hirtz  
Address: 800 Mountain View Drive  
City: Smithfield State: Pa Zip Code: 15478  
County: Fayette Township(s): Bullskin  
Receiving Stream(s) and Classifications: UNT To Youghioghney River, CWF, Other  
Secondary Water: Youghioghney River CWF

12/23/2010

ESCGP-1 No.: ESX10-125-0065 Major Revision  
Applicant Name: Range Resources—Appalachia LLC  
Contact Person: Carla Suszkowski  
Address: 380 Southpointe Boulevard Suite 300  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): Morris  
Receiving Stream(s) and Classifications: UNT to Shosrt Creek and Tenmile Creek, Other  
Secondary Water: Tenmile Creek

2/3/2011

ESCGP-1 No.: ESX11-059-0014  
Applicant Name: Coal Gas Recovery LLC  
Contact Person: Joanne Reilly  
Address: 158 Portal Road, P O Box 1020  
City: Waynesburg State: PA Zip Code: 15370  
County: Greene Township(s): Franklin  
Receiving Stream(s) and Classifications: Purman Run flows to South Fork Tenmile Creek/Monongahela River  
Secondary Water: WWF

1/24/2011

ESCGP-1 No.: ESX11-059-0009  
Applicant Name: Chesapeake Appalachia LLC  
Contact Person: Tal Oden  
Address: P O Box 18496  
City: Oklahoma City State: OK Zip Code: 73154  
COUNTY Greene Township(s): Washington  
Receiving Stream(s) and Classifications: UNT WWF Ruff Creek WWF South Fork Tenmile Creek, Other  
Secondary Water: South Fork Tenmile Creek WWF Monongahela River WWF

1/24/2011

ESCGP-1 No.: ESX11-125-0003  
Applicant Name: Chesapeake Appalachia LLC  
Contact Person: Tal Oden  
Address: P O Box 18496  
City: Oklahoma City State: OK Zip Code: 73154  
County: Washington Township(s): Carroll  
Receiving Stream(s) and Classifications: Taylors Run—WWF Maple Creek, Other  
Secondary Water: Pigeon Creek WWF Monongahela River

1/24/2011

ESCGP-1 No.: ESX11-125-0004  
Applicant Name: Chesapeake Appalachia LLC  
Contact Person: Tal Oden  
Address: P O Box 18496  
City: Oklahoma City State: OK Zip Code: 73154  
County: Washington Township(s): Union  
Receiving Stream(s) and Classifications: UNT TSF—Peters Creek—TSF/Peters Creek Other  
Secondary Water: Peters Creek TSF Monongahela River WWF



2/8/2011

ESCGP-1 No.: ESX11-125-0011  
 Applicant Name: Range Resources Appalachia LLC  
 Contact Person: Carla Suszkowski  
 Address: 380 Southpointe Blvd.  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Donegal  
 Receiving Stream(s) and Classifications: UNT to Bonar Creek, HQ  
 Secondary Water: Bonar Creek

2/16/2011

ESCGP-1 No.: ESX10-129-0041 Major Revision  
 Applicant Name: RW Gathering LLC  
 Contact Person: David R Freudenrich  
 Address: 1000 Town Center Suite 130  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Westmoreland Township(s): Derry  
 Receiving Stream(s) and Classifications: Stony Run, Other CWF (Cold Water Fishes)  
 Secondary Water: Conemaugh River

02/17/2011

ESCGP-1 NO.: ESX10-129-0024 Major Revision  
 Applicant Name: Burnett Oil Co Inc  
 CONTACT PERSON: Robert Hilliard  
 ADDRESS: 601 Technology Drive Pointe Plaza Bldg. Suite 120  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Westmoreland Township(s): Fairfield  
 Receiving Stream(s) and Classifications: UNT to Tubmill Creek TSF, Other  
 Secondary water: Tubmill Creek

01/27/2011

ESCGP-1 NO.: ESX11-125-0007  
 Applicant Name: Rice Drilling B LLC  
 CONTACT: Toby Rice  
 ADDRESS: 171 Hillpointe Drive Suite 301  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): North Bethlehem  
 Receiving Stream(s) and Classifications: Pine Run Monogahela River Basin, Other  
 Secondary Water: Little Tenmile Creek

01/28/2011

ESCGP-1 NO.: ESX09-125-0048  
 Applicant Name: Range Resources—Appalachia LLC  
 CONTACT: Carla Suszkowski  
 ADDRESS: 380 Southpointe Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Mt Pleasant  
 Receiving Stream(s) and Classifications: UNT to Robinson Run, Other  
 Secondary Water: Robinson Run

01/27/2011

ESCGP-1 NO.: ESX11-129-0002  
 Applicant Name: Laurel Mountain Midstream LLC  
 CONTACT: Lisa Reaves  
 ADDRESS: 1550 Coraopolis Heights Road  
 City: Moon Township State: PA Zip Code: 15108  
 County: Westmoreland Township(s): Sewickely & South Huntingdon  
 Receiving Stream(s) and Classifications: UNT to Sewickley Creek WWF & Secickley Creek WWF Youghiogheny Watershed  
 Secondary Water: Youghiogheny River WWF

01/14/2011

ESCGP-1 NO.: ESX11-005-0002  
 Applicant Name: EQT Production Company  
 CONTACT: Todd Klaner

ADDRESS: 455 Racetrack Road  
 City: Washington State: PA Zip Code: 15301  
 County: Armstrong Township(s): Plumcreek  
 Receiving Stream(s) and Classifications: UNT to Fagley Run WWF UNT to Cherry Run CWF, Other  
 Secondary Water: Fagley Run—WWF Cherry Run—CWF

01/21/2011

ESCGP-1 NO.: ESX11-059-0005  
 Applicant Name: EQT Production Company  
 CONTACT: Todd Klaner  
 ADDRESS: 455 Racetrack Road  
 City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Center  
 Receiving Stream(s) and Classifications: UNT to Grays Fork HQ-WWF, UNT To Patterson Creek HQ-WWE, HQ

02/08/2011

ESCGP-1 NO.: ESX11-125-0012  
 Applicant Name: CNX Gas Company LLC  
 CONTACT: Daniel Bitz  
 ADDRESS: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Washington Township(s): Morris  
 Receiving Stream(s) and Classifications: UNT to Tenmile Creek Tenmile Creek, Other

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

ESCGP-1 # ESX11-117-0011

Applicant Name SWEPI LP  
 Contact Person Richard Lewis  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086 County Tioga Township(s) Chatham Twp.  
 Receiving Stream(s) and Classification(s) UNT to Crooked Cr/Susquehanna River, Crooked Cr

ESCGP-1 # ESX11-117-0022

Applicant Name SWEPI LP  
 Contact Person Richard Lewis  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086 County Tioga Township(s) Farmington Twp.  
 Receiving Stream(s) and Classification(s) UNT Thornbottom Cr/Susquehanna River Basin in PA—Tioga River, Thornbottom Cr to Cowanesque River

ESCGP-1 # ESX09-117-0075(01)

Applicant Name SWEPI LP  
 Contact Person Richard Lewis  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086 County Tioga Township(s) Nelson Twp.  
 Receiving Stream(s) and Classification(s) UNT to Cowanesque River/Susquehanna R Basin in PA—Tioga River, Cowanesque River

ESCGP-1 # ESX11-081-0010

Applicant Name Anadarko E&P Company LP  
 Contact Person Rane Wilson  
 Address 33 West 3rd Street, Ste 200  
 City, State, Zip Williamsport, PA 17701 County Lycoming Township(s) Watson & Cummings Twps.  
 Receiving Stream(s) and Classification(s) Gamble Run and UNT to Gamble Run



ESCGP-1 # ESX11-115-0006  
 Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road Ext, Ste 210  
 City, State, Zip Wexford, PA 15090  
 County Susquehanna  
 Township(s) Springville Twp.  
 Receiving Stream(s) and Classification(s) Pond Brook,  
 Meshoppen Cr

ESCGP-1 # ESX11-015-0044  
 Applicant Name Chief Oil & Gas LLC  
 Contact Person Michael Hritz  
 Address 6051 Wallace Road Ext, Ste 210  
 City, State, Zip Wexford, PA 15090  
 County Bradford  
 Township(s) Asylum and Monroe Twp.  
 Receiving Stream(s) and Classification(s) UNT to Ellis Cr,  
 Ellis Cr

ESCGP-1 # ESX11-115-0015  
 Applicant Name Cabot Oil & Gas Corp  
 Contact Person Phil Stalnaker  
 Address 5 Penn Center West, Ste 401  
 City, State, Zip Pittsburgh, PA 15276  
 County Susquehanna  
 Township(s) Dimock Twp.  
 Receiving Stream(s) and Classification(s) UNTs to White  
 Cr and Meshoppen Cr

ESCGP-1 # ESX11-015-0047  
 Applicant Name Talisman Energy USA, Inc  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford and Susquehanna  
 Township(s) Pike Twp. (Bradford); Rush Twp  
 (Susquehanna)  
 Receiving Stream(s) and Classification(s) Ross Cr

ESCGP-1 # ESX11-015-0002(01)  
 Applicant Name Talisman Energy USA, Inc  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Stevens and Pike Twps.  
 Receiving Stream(s) and Classification(s) Wyalusing Cr,  
 Mill Cr, Ross Cr, Rockwell Cr, Ford Street Cr

ESCGP-1 # ESX11-117-0023  
 Applicant Name Seneca Resources Corp  
 Contact Person Michael Clinger  
 Address 51 Zents Blvd  
 City, State, Zip Brookville, PA 15825  
 County Tioga  
 Township(s) Covington Twp.  
 Receiving Stream(s) and Classification(s) UNT to Marvin  
 Cr, UNT to Elk Run

ESCGP-1 # ESX11-081-0011  
 Applicant Name Anadarko E&P Company, LP  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251-1330  
 County Lycoming  
 Township(s) Cummings Twp.  
 Receiving Stream(s) and Classification(s) First Fork  
 Larry's Creek, Larry's Creek

ESCGP-1 # ESX11-081-0016  
 Applicant Name Anadarko E&P Company, LP  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251-1330  
 County Lycoming  
 Township(s) Cummings Twp.  
 Receiving Stream(s) and Classification(s) Bull Run, Pine  
 Creek

*Northwest Region: Oil and Gas Program Manager 230  
 Chestnut St Meadville PA 16335*

ESCGP-1 # ESX10-123-0009—KCS ENERGY CORP., SGL  
 29—LOTS 574, 573, 574, 575  
 Applicant KCS Energy Corp  
 Contact Mr. Darryl McTavish  
 Address P. O. Box 187  
 Warren, PA 16365  
 County Warren Township(s) Watson  
 Receiving Stream(s) and Classification(s) Wildcat Run  
 (Exceptional Value)

ESCGP-1 # ESX10-019-0047A—MARK C RUTLEDGE  
 1H, 2H, 3H, 4H, 5H, 6H  
 Applicant Phillips Exploration, Inc  
 Contact Mr. Gary Clark  
 Address 502 Keystone Drive  
 Warrendale, PA 15086  
 County Butler Township(s) Forward, Connoquenessing  
 Receiving Stream(s) and Classification(s) UNT of Con-  
 noquenessing Creek—WWF, Connoquenessing Creek—  
 WWF

ESCGP-1 #ESX11-123-0011—RENSMA WT 474 WELL  
 DRILLING PROJECT  
 Applicant D&S Energy Corporation  
 Contact Mr. Gary Neely  
 Address 111Brenckle Lane  
 City Evans City State PA Zip Code 16033  
 County Warren Township(s) Pleasant(s)  
 Receiving Stream(s) Morrison Run (EV) and Sill Run  
 (CWF) and Classification(s) (Exceptional Value)  
 Secondary Water Allegheny River & Browns Run

ESCGP-1 #ESX10-083-0023  
 Applicant East Resources, Inc.  
 Contact Jefferson Long  
 Address 190 Thorn Hill Rd  
 City Warrendale State PA Zip Code 15086  
 County McKean Township(s) Hamlin(s)  
 Receiving Stream(s) and Classification(s) South Branch  
 Kinzua Creek & Windfall Run/Ohio River Basin in  
 PA-Allegheny R. (List Q)—HQ/CWF, Kinzua Creek

ESCGP-1 #ESG10-083-0006—Warrant 4339 Phase 1  
 Applicant US Energy Development Corp  
 Contact Todd Witmer  
 Address 2350 North Forest Road  
 Getzville NY 14068  
 County McKean Township(s) Foster  
 Receiving Stream(s) and Classification(s) Willow Creek  
 (HQ); North Branch Willow Creek (HQ)

ESCGP-1 #ESX10-047-0003—Owl's Nest  
 Applicant Seneca Resources  
 Contact Douglas A. Kepler  
 Address 51 Zents Boulevard  
 City Brookville State PA Zip Code 15825  
 County Elk Township(s) Highland(s)  
 Receiving Stream(s) and Classification(s) Hill Run, Pigeon  
 Run, and Big Run-HQ-CWF

ESCGP-1 #ESX09-031-0002B—Wedekind Project—  
Phase 2  
Applicant EQT Production Company  
Contact Shari Hodges  
Address 455 Racetrack Road, Suite 101  
City Washington State PA Zip Code 15301  
County Clarion Township(s) Elk  
Receiving Stream(s) Judith Run & Deer Creek—CWF

ESCGP-1 #ESX10-065-0008—Morris Pad  
Applicant Exco Resources (PA) Inc.  
Contact Joel Heiser  
Address 3000 Ericsson Drive, Suite 200  
City Warrendale State PA Zip Code 15086  
County Jefferson Township(s) Henderson  
Receiving Stream(s) UNT of East Branch Mahoning  
Creek (HQ CWF) & UNT Stump Creek (CWF)

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## STORAGE TANKS

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### SITE-SPECIFIC INSTALLATION PERMITS

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 504, 1101—1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, 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>
11-41-001	M-I LLC 1110 Matthew Street Watsonstown, PA 17777 Attn: Dennis LaHood	Lycoming	City of Williamsport	28 ASTs storing drilling fluids	588,000 gallons total

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## SPECIAL NOTICES

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### Mining Activity NPDES Draft Permits

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724.769.1100*

**NPDES No. PA0215228 (Mining Permit No. 32991301), AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650). A renewal to the NPDES and mining activity permit for the Nolo Deep Mine in Buffington Township, **Indiana County**. Surface Acres Affected 42.8, Underground Acres Affected 3,592. Receiving streams: Unnamed Tributary to Little Yellow Creek, classified for the following use: HQ-CWF; Little Yellow Creek, classified for the following use: HQ-CWF; and Unnamed Tributary to Laurel Run, classified for the following use: CWF. All streams Kiskiminetas-Conemaugh River Watershed TMDL. Application received December 1, 2009.

*The proposed effluent limits for Outfall 001 Lat: 40° 33' 24" Long: 78° 58' 43"*

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH1 (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		1	2	2.5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Total Dissolved Solids (mg/l)		2000	3500	5000
Specific Conductance (umho)		Monitor and Report		

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

*The proposed effluent limits for Outfall 002 Lat: 40° 33' 15" Long: 78° 58' 30"*

<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	3.8
Manganese (mg/l)		1	2	2.5
Aluminum (mg/l)		0.5	1	1.3
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mOs/kg)		50	100	125
Total Dissolved Solids (mg/l)		500	750	1250
Specific Conductance (umho)		Monitor and Report		

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

The proposed effluent limits for Outfall 003 Lat: 40° 33' 13" Long: 78° 58' 39"

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
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
Total Dissolved Solids (mg/l)		2000	3500	5000
Specific Conductance (umho)		Monitor and Report		

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

The proposed effluent limits for Outfall 004 Lat: 40° 33' 15" Long: 78° 58' 30"

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
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
Total Dissolved Solids (mg/l)		2000	3500	5000
Specific Conductance (umho)		Monitor and Report		

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

The proposed effluent limits for Outfall 007 Lat: 40° 38' 48" Long: 78° 58' 34"

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.5	2.34	
Manganese (mg/l)		0.642	1.0	
Aluminum (mg/l)		0.481	0.75	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow			2.88 mgd	2000 gpm
Osmotic Pressure (mOs/kg)		50	78	
Total Dissolved Solids (mg/l)		Monitor and Report		
Sulfates (mg/l)		Monitor and Report		
Chlorides (mg/l)		Monitor and Report		
Specific Conductance (umho)		Monitor and Report		

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

### Request for Comments on the Proposed Total Maximum Daily Load (TMDL) Developed for the Cumberland Valley Run Watershed in Bedford County Pennsylvania

The Department of Environmental Protection will accept comments on the proposed TMDL developed for the Cumberland Valley Run Watershed in Bedford County, PA. This TMDL was established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation.

There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. This proposed TMDL set allowable loadings of sediment in the Cumberland Valley Run Watershed. The sediment loadings were allocated among cropland, hay/pasture land, and streambank categories present in the watershed. Data used in establishing this TMDL was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loadings for the watershed. Overall load reductions necessary in order to meet the TMDL are also identified.

#### Summary of TMDL Based Load Reductions in the Cumberland Valley Run Watershed

POLLUTANT	EXISTING LOAD (lbs./yr.)	EXISTING LOAD (lbs./day)	TMDL (lbs./yr.)	TMDL (lbs./day)	PERCENT REDUCTION
Sediment	869,800	2,383	837,721	2,295	22.1%

The data and all supporting documentation used to develop the proposed TMDL is available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of the proposed TMDL contact:

Christian N. Boyer, Water Pollution Biologist  
Water Supply Program, Southcentral Regional Office  
Pennsylvania Department of Environmental Protection  
909 Elmerton Avenue  
Harrisburg, PA 17110  
Phone: 717-705-4150, e-mail: [chrboyer@state.pa.us](mailto:chrboyer@state.pa.us)

The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 45 days after publication in the PA bulletin. A public meeting to discuss the technical merits of the TMDL will be held upon request.

[Pa.B. Doc. No. 11-521. Filed for public inspection March 25, 2011, 9:00 a.m.]

### Availability of Final 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)

The Department of Environmental Protection (Department) has finalized the minor revision of its current General Plan Approval and General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5).

The notice of availability of the proposed General Permit was published at 40 Pa.B. 5387 (September 18, 2010). A 45-day comment period was provided and written comments were received. A comment and response document has been prepared, which summarizes the Department's response to the comments.

BAQ-GPA/GP-5 applies to the construction, operation and modification of both new and existing natural gas, coal bed methane or gob gas production or recovery facilities. This General Permit is limited to the construction, operation and modification of a facility engaged in the production of natural gas, coal bed methane or gob gas only. The applicant must notify the Department using the General Permit Application and receive written approval prior to constructing and/or operating under this General Permit. The owners and operators of existing permitted natural gas, coal bed methane or gob gas production or recovery facilities may either continue to operate under an existing operating permit or elect to apply for authorization to use this General Permit.

BAQ-GPA/GP-5 is now approved by the Department and available for use by qualifying applicants.

A copy of the General Permit with related documents can be obtained by contacting Jeanette Van Skike, Bureau of Air Quality, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. The documents have also been placed on the Department's web site: [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Air Permits").

MICHAEL L. KRANCER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-522. Filed for public inspection March 25, 2011, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Rescission of Technical Guidance*

DEP ID: 012-5500-002. Title: Environmental Education Grants Elective Program. Description: This document is being rescinded because the information it contains is no longer current. Information pertaining to this program is now maintained on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) under the "Environmental Education" tab. Contact: Questions regarding the rescission should be directed to Jack Farster at (717) 705-3767 or [jfarster@state.pa.us](mailto:jfarster@state.pa.us).

*Effective Date:* March 26, 2011

MICHAEL L. KRANCER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-523. Filed for public inspection March 25, 2011, 9:00 a.m.]



**Bid Opportunity; Abandoned Tire Pile Remediation Projects in Fulton Township, Lancaster County and Rochester Township, Beaver County**

The Department of Environmental Protection (Department) announces the availability of two Invitations for Bids (IFB) for qualified contractors. The principle items of work and approximate quantities include the complete removal and proper disposal/recycling of waste tires from two tire piles, including:

- The McFadden pile (estimated 350,000 tires) located in Fulton Township, Lancaster County.
- The Jake Ours Junkyard properties located in Rochester Township, Beaver County (estimated 50,000 tires).

Beginning on March 26, 2011, the IFB documents will be available on the Commonwealth's eMarketplace at [www.emarketplace.state.pa.us](http://www.emarketplace.state.pa.us) for 30 days. Contractors must register online at the eMarketplace web site to receive approval to bid. As part of the bidding process, the Department requires that all contractors attend the prebid site visit before submitting its respective bid.

The site visit to the McFadden property will be held on April 12, 2011, at 10 a.m. at 2642 Robert Fulton Highway, Peach Bottom, PA 17563.

The site visit to the Jake Ours Junkyard properties will be held on April 14, 2011, at 10 a.m. at Virginia Avenue and 51st Street, Rochester, PA 15074, including lots 3 and 4, previously known as the Ours family subdivision.

All bids must be received on the eMarketplace web site by 2 p.m. on April 29, 2011.

These projects are made possible by the act of May 12, 2010 (P.L. 189, No. 24), by means of the annual allocation of \$1.25 million over 4 consecutive years for the Department to use towards the remediation of abandoned, scrap tire piles.

The contact person is Joseph Sieber, Department of Environmental Protection, Bureau of Waste Management, (717) 783-7500, [josieber@state.pa.us](mailto:josieber@state.pa.us).

MICHAEL L. KRANCER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-524. Filed for public inspection March 25, 2011, 9:00 a.m.]

**DEPARTMENT OF HEALTH**

**Long-Term Care Nursing Facilities; Requests for Exception**

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.36(b) (relating to bathing facilities):

Clepper Manor  
959 East State Street  
Sharon, PA 16146  
FAC ID 032902

Snyder Memorial Health Care Center  
P. O. Box 680, South Cherry Street, Rt. 66  
Marienville, PA 16239  
FAC ID 137902

The requests are on file with the Department of Health (Department). Persons may receive a copy of the request for exception by requesting a copy from the Division of

Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-525. Filed for public inspection March 25, 2011, 9:00 a.m.]

**Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices**

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective April 1, 2011, through June 30, 2011, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.55
Beans/Peas—Dry—16 oz. ....	\$1.88
Canned Fish—Pink Salmon ....	\$2.06
Canned Fish—Sardines ....	\$1.31
Canned Fish—Tuna ....	\$1.08
Cereal (per oz.) ....	\$0.32
Cheese, 16 oz. ....	\$6.17
Eggs ....	\$1.85
Gerber Infant Cereal—8 oz. ....	\$1.93
Infant Fruits, 100%—4 oz. ....	\$0.54
Infant Vegetables, 100%—4 oz. ....	\$0.54
Infant Meats, 100%—2.5 oz. ....	\$0.95
Juice—11.5/12 oz. ....	\$2.15
Juice—48 oz. ....	\$2.87
Juice—64 oz. ....	\$3.88
Kosher Cheese—16 oz. ....	\$6.99
Kosher Low Fat Milk—quart ....	\$1.39
Kosher Low Fat Milk—1/2 gallon ....	\$2.26
Kosher Whole Milk—quart ....	\$1.39

<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Whole Milk—1/2 gallon	\$2.39
Milk, Dry—9.6 oz.	\$3.94
Milk, Dry—25.6 oz.	\$7.91
Milk, Evaporated—12 oz.	\$1.23
Milk, Low Fat—quart	\$1.30
Milk, Low Fat—1/2 gallon	\$2.40
Milk, Low Fat Lactose Free—quart	\$2.33
Milk, Low Fat Lactose Free—1/2 gallon	\$3.75
Milk, Whole—quart	\$1.32
Milk, Whole—1/2 gallon	\$2.18
Milk, Whole Lactose Free—quart	\$2.17
Milk, Whole Lactose Free—1/2 gallon	\$3.69
Peanut Butter—18 oz.	\$2.40
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.25
Soy Beverage—8th Continent 64 oz.	\$3.00
Tofu—Soy Boy/House Premium 15/16 oz.	\$2.07
Whole Grain—Bread, 16 oz.	\$3.81
Whole Grain—Bread, 24 oz.	\$3.84
Whole Grain—Brown Rice, 16 oz.	\$1.53
Whole Grain—Brown Rice, 24 oz.	\$3.15
Whole Grain—Oats, 16 oz.	\$2.26
Whole Grain—Oats, 24 oz.	\$5.56
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.40
Boost RTF Formula—8 oz.	\$2.00
EnfaCare LIPIL RTF Formula—32 oz.	\$7.01
EnfaCare LIPIL Powder Formula—12.8 oz.	\$13.99
Enfamil Premium Infant Concentrate Formula—13 oz.	\$4.59
Enfamil Premium Infant RTF Formula—32 oz.	\$6.75
Enfamil Premium Infant Powder Formula—12.5 oz.	\$13.85
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$4.30
Good Start Gentle PLUS RTF—Orange Formula—32 oz.	\$6.35
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$14.11
Good Start Gentle Powder Formula—12.7 oz.	\$14.11
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$4.51
Good Start Soy PLUS RTF—Blue Formula—32 oz.	\$6.56
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$15.21
Good Start Soy Powder—Blue Formula—12.9 oz.	\$15.21
Good Start 2 Soy PLUS Powder Formula—Blue w/blue—24 oz.	\$22.19
Good Start 2 Soy Powder Formula—24 oz.	\$22.19
Good Start 2 Gentle PLUS Powder Formula—Blue w/orange—24 oz.	\$23.99
Good Start 2 Gentle Powder Formula—22 oz.	\$23.99
Good Start 2 Protect PLUS Powder Formula—Blue w/green—24 oz.	\$26.41
Good Start 2 Protect Powder Formula—22 oz.	\$26.41
Good Start Protect PLUS Powder Formula—Green—12 oz.	\$14.61
Good Start Protect Powder Formula—12.4 oz.	\$14.61
Nutramigen LIPIL Concentrate Formula—13 oz.	\$7.01
Nutramigen LIPIL RTF Formula—32 oz.	\$8.98
Nutramigen LIPIL w/Enflora Powder Formula—12.6 oz.	\$23.16
Pediasure RTF Formula—8 oz.	\$1.93
Pediasure w/Fiber RTF Formula—8 oz.	\$1.86

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Advance Concentrate Formula—13 oz.	\$4.32
Similac Advance RTF Formula—32 oz.	\$6.34
Similac Advance w/Iron Powder Formula—12.4 oz.	\$13.33
Similac Expert Care Alimentum RTF Formula—32 oz.	\$9.14
Similac Expert Care Alimentum Powder Formula—16 oz.	\$26.02
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$6.49
Similac Expert Care NeoSure RTF Formula—32 oz.	\$7.48
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$15.49
Store Brand Milk Based Concentrate Formula—13 oz.	\$2.84
Store Brand Milk Based RTF Formula—32 oz.	\$3.79
Store Brand Milk Based Powder Formula—25.75 oz.	\$16.13

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2011, through June 30, 2011, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.36
Beans/Peas—Dry—16 oz.	\$1.68
Canned Fish—Pink Salmon	\$1.99
Canned Fish—Sardines	\$1.24
Canned Fish—Tuna	\$1.01
Cereal (per oz.)	\$0.29
Cheese, 16 oz.	\$5.41
Eggs	\$1.70
Gerber Infant Cereal—8 oz.	\$1.93
Infant Fruits, 100%—4 oz.	\$0.53
Infant Vegetables, 100%—4 oz.	\$0.53
Infant Meats, 100%—2.5 oz.	\$0.93
Juice—11.5/12 oz.	\$1.95
Juice—48 oz.	\$2.76
Juice—64 oz.	\$3.50
Kosher Cheese—16 oz.	\$6.99
Kosher Low Fat Milk—1/2 gallon	\$2.24
Kosher Whole Milk—1/2 gallon	\$2.35
Milk, Low Fat—1/2 gallon	\$2.24
Milk, Whole—1/2 gallon	\$2.11
Peanut Butter—18 oz.	\$2.28
Whole Grain—Bread, 16 oz.	\$3.58
Whole Grain—Brown Rice, 16 oz.	\$1.53
Whole Grain—Oats, 16 oz.	\$2.21
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.22
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$4.30

<i>Description</i>	<i>Competitive Prices</i>
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$14.11
Good Start Gentle Powder Formula—12.7 oz. ....	\$14.11
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$4.51
Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$15.21
Good Start Soy Powder—Blue Formula—12.9 oz. ....	\$15.21

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective April 1, 2011, through June 30, 2011, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.55
Beans/Peas—Dry—16 oz. ....	\$1.91
Canned Fish—Pink Salmon ....	\$2.08
Canned Fish—Sardines ....	\$1.41
Canned Fish—Tuna ....	\$1.19
Cereal (per oz.) ....	\$0.33
Cheese, 16 oz. ....	\$6.17
Eggs ....	\$1.85
Gerber Infant Cereal—8 oz. ....	\$2.09
Infant Fruits, 100%—4 oz. ....	\$0.67
Infant Vegetables, 100%—4 oz. ....	\$0.67
Infant Meats, 100%—2.5 oz. ....	\$1.02
Juice—11.5/12 oz. ....	\$2.44
Juice—48 oz. ....	\$3.04
Juice—64 oz. ....	\$4.14
Kosher Cheese—16 oz. ....	\$7.01
Kosher Low Fat Milk—quart ....	\$1.39
Kosher Low Fat Milk—1/2 gallon ....	\$2.26
Kosher Whole Milk—quart ....	\$1.39
Kosher Whole Milk—1/2 gallon ....	\$2.39
Milk, Dry—9.6 oz. ....	\$3.94
Milk, Dry—25.6 oz. ....	\$8.28
Milk, Evaporated—12 oz. ....	\$1.35
Milk, Low Fat—quart ....	\$1.30
Milk, Low Fat—1/2 gallon ....	\$2.40
Milk, Low Fat Lactose Free—quart ....	\$2.33
Milk, Low Fat Lactose Free—1/2 gallon ....	\$4.01
Milk, Whole—quart ....	\$1.32
Milk, Whole—1/2 gallon ....	\$2.18
Milk, Whole Lactose Free—quart ....	\$2.28
Milk, Whole Lactose Free—1/2 gallon ....	\$4.06
Peanut Butter—18 oz. ....	\$2.59
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.25
Soy Beverage—8th Continent 64 oz. ....	\$3.39
Tofu—Soy Boy/House Premium 15/16 oz. ....	\$2.11
Whole Grain—Bread, 16 oz. ....	\$3.89
Whole Grain—Bread, 24 oz. ....	\$4.00
Whole Grain—Brown Rice, 16 oz. ....	\$2.06
Whole Grain—Brown Rice, 24 oz. ....	\$3.15
Whole Grain—Oats, 16 oz. ....	\$2.26
Whole Grain—Oats, 24 oz. ....	\$5.56

<i>Description</i>	<i>Maximum Allowable Price</i>
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.40
Boost RTF Formula—8 oz. ....	\$2.19
EnfaCare LIPIL RTF Formula—32 oz. ....	\$7.49
EnfaCare LIPIL Powder Formula—12.8 oz. ....	\$14.44
Enfamil Premium Infant Concentrate Formula—13 oz. ....	\$4.92
Enfamil Premium Infant RTF Formula—32 oz. ...	\$7.12
Enfamil Premium Infant Powder Formula—12.5 oz. ....	\$14.23
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$4.73
Good Start Gentle PLUS RTF—Orange Formula—32 oz. ....	\$6.57
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$15.16
Good Start Gentle Powder Formula—12.7 oz. ....	\$15.16
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$4.90
Good Start Soy PLUS RTF—Blue Formula—32 oz. ....	\$6.91
Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$15.21
Good Start Soy Powder—Blue Formula—12.9 oz. ....	\$15.21
Good Start 2 Soy PLUS Powder Formula—Blue w/blue—24 oz. ....	\$22.19
Good Start 2 Soy Powder Formula—24 oz. ....	\$22.19
Good Start 2 Gentle PLUS Powder Formula—Blue w/orange—24 oz. ....	\$23.99
Good Start 2 Gentle Powder Formula—22 oz. ....	\$23.99
Good Start 2 Protect PLUS Powder Formula—Blue w/green—24 oz. ....	\$26.44
Good Start 2 Protect Powder Formula—22 oz. ...	\$26.44
Good Start Protect PLUS Powder Formula—Green—12 oz. ....	\$16.28
Good Start Protect Powder Formula—12.4 oz. ...	\$16.28
Nutramigen LIPIL Concentrate Formula—13 oz. ....	\$7.30
Nutramigen LIPIL RTF Formula—32 oz. ....	\$9.20
Nutramigen LIPIL w/Enflora Powder Formula—12.6 oz. ....	\$23.56
Pediasure RTF Formula—8 oz. ....	\$2.13
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.09
Similac Advance Concentrate Formula—13 oz. ...	\$4.54
Similac Advance RTF Formula—32 oz. ....	\$6.53
Similac Advance w/Iron Powder Formula—12.4 oz. ....	\$13.72
Similac Expert Care Alimentum RTF Formula—32 oz. ....	\$9.43
Similac Expert Care Alimentum Powder Formula—16 oz. ....	\$26.86
Similac Expert Care for Diarrhea RTF Formula—32 oz. ....	\$7.44
Similac Expert Care NeoSure RTF Formula—32 oz. ....	\$7.65
Similac Expert Care NeoSure Powder Formula—13.1 oz. ....	\$15.89
Store Brand Milk Based Concentrate Formula—13 oz. ....	\$2.89
Store Brand Milk Based RTF Formula—32 oz. ..	\$3.86
Store Brand Milk Based Powder Formula—25.75 oz. ....	\$17.39

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the



store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2011, through June 30, 2011, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.36
Beans/Peas—Dry—16 oz. ....	\$1.72
Canned Fish—Pink Salmon ....	\$2.07
Canned Fish—Sardines ....	\$1.37
Canned Fish—Tuna ....	\$1.10
Cereal (per oz.) ....	\$0.30
Cheese, 16 oz. ....	\$5.41
Eggs ....	\$1.70
Gerber Infant Cereal—8 oz. ....	\$2.09
Infant Fruits, 100%—4 oz. ....	\$0.66
Infant Vegetables, 100%—4 oz. ....	\$0.66
Infant Meats, 100%—2.5 oz. ....	\$1.00
Juice—11.5/12 oz. ....	\$2.27
Juice—48 oz. ....	\$2.92
Juice—64 oz. ....	\$3.77
Kosher Cheese—16 oz. ....	\$7.01
Kosher Low Fat Milk—1/2 gallon ....	\$2.24
Kosher Whole Milk—1/2 gallon ....	\$2.35
Milk, Low Fat—1/2 gallon ....	\$2.24
Milk, Whole—1/2 gallon ....	\$2.11
Peanut Butter—18 oz. ....	\$2.46
Whole Grain—Bread, 16 oz. ....	\$3.73
Whole Grain—Brown Rice, 16 oz. ....	\$2.06
Whole Grain—Oats, 16 oz. ....	\$2.21
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.22
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$4.73
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$15.16
Good Start Gentle Powder Formula—12.7 oz. ....	\$15.16
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$4.90
Good Start Soy PLUS Powder—Blue Formula— 12.9 oz. ....	\$15.21
Good Start Soy Powder—Blue Formula— 12.9 oz. ....	\$15.21

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective April 1, 2011, through June 30, 2011, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.55
Beans/Peas—Dry—16 oz. ....	\$1.91
Canned Fish—Pink Salmon ....	\$2.08

*Maximum Allowable Price*

<i>Description</i>	<i>Maximum Allowable Price</i>
Canned Fish—Sardines ....	\$1.41
Canned Fish—Tuna ....	\$1.19
Cereal (per oz.) ....	\$0.36
Cheese, 16 oz. ....	\$6.17
Eggs ....	\$1.85
Gerber Infant Cereal—8 oz. ....	\$2.28
Infant Fruits, 100%—4 oz. ....	\$0.72
Infant Vegetables, 100%—4 oz. ....	\$0.72
Infant Meats, 100%—2.5 oz. ....	\$1.11
Juice—11.5/12 oz. ....	\$2.53
Juice—48 oz. ....	\$3.24
Juice—64 oz. ....	\$4.26
Kosher Cheese—16 oz. ....	\$7.01
Kosher Low Fat Milk—quart ....	\$1.62
Kosher Low Fat Milk—1/2 gallon ....	\$3.05
Kosher Whole Milk—quart ....	\$1.67
Kosher Whole Milk—1/2 gallon ....	\$3.06
Milk, Dry—9.6 oz. ....	\$4.41
Milk, Dry—25.6 oz. ....	\$8.35
Milk, Evaporated—12 oz. ....	\$1.47
Milk, Low Fat—quart ....	\$1.30
Milk, Low Fat—1/2 gallon ....	\$2.40
Milk, Low Fat Lactose Free—quart ....	\$2.33
Milk, Low Fat Lactose Free—1/2 gallon ....	\$4.07
Milk, Whole—quart ....	\$1.33
Milk, Whole—1/2 gallon ....	\$2.18
Milk, Whole Lactose Free—quart ....	\$2.42
Milk, Whole Lactose Free—1/2 gallon ....	\$4.06
Peanut Butter—18 oz. ....	\$2.77
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.25
Soy Beverage—8th Continent 64 oz. ....	\$3.39
Tofu—Soy Boy/House Premium 15/16 oz. ....	\$2.11
Whole Grain—Bread, 16 oz. ....	\$3.89
Whole Grain—Bread, 24 oz. ....	\$4.15
Whole Grain—Brown Rice, 16 oz. ....	\$2.43
Whole Grain—Brown Rice, 24 oz. ....	\$4.87
Whole Grain—Oats, 16 oz. ....	\$2.26
Whole Grain—Oats, 24 oz. ....	\$6.34
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.40
Boost RTF Formula—8 oz. ....	\$2.19
EnfaCare LIPIL RTF Formula—32 oz. ....	\$9.01
EnfaCare LIPIL Powder Formula—12.8 oz. ....	\$16.35
Enfamil Premium Infant Concentrate Formula— 13 oz. ....	\$6.15
Enfamil Premium Infant RTF Formula—32 oz. ...	\$7.54
Enfamil Premium Infant Powder Formula— 12.5 oz. ....	\$15.41
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$4.85
Good Start Gentle PLUS RTF—Orange Formula—32 oz. ....	\$6.94
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$15.45
Good Start Gentle Powder Formula—12.7 oz. ....	\$15.45
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$5.12
Good Start Soy PLUS RTF—Blue Formula— 32 oz. ....	\$7.28
Good Start Soy PLUS Powder—Blue Formula— 12.9 oz. ....	\$15.21
Good Start Soy Powder—Blue Formula— 12.9 oz. ....	\$15.21
Good Start 2 Soy PLUS Powder Formula—Blue w/blue—24 oz. ....	\$22.19
Good Start 2 Soy Powder Formula—24 oz. ....	\$22.19



<i>Description</i>	<i>Maximum Allowable Price</i>
Good Start 2 Gentle PLUS Powder Formula—Blue w/orange—24 oz. ....	\$23.99
Good Start 2 Gentle Powder Formula—22 oz. ....	\$23.99
Good Start 2 Protect PLUS Powder Formula—Blue w/green—24 oz. ....	\$26.49
Good Start 2 Protect Powder Formula—22 oz. ....	\$26.49
Good Start Protect PLUS Powder Formula—Green—12 oz. ....	\$16.28
Good Start Protect Powder Formula—12.4 oz. ....	\$16.28
Nutramigen LIPIL Concentrate Formula—13 oz. ....	\$7.82
Nutramigen LIPIL RTF Formula—32 oz. ....	\$9.50
Nutramigen LIPIL w/Enflora Powder Formula—12.6 oz. ....	\$23.56
Pediasure RTF Formula—8 oz. ....	\$2.53
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.63
Simrilac Advance Concentrate Formula—13 oz. ....	\$5.17
Simrilac Advance RTF Formula—32 oz. ....	\$7.86
Simrilac Advance w/Iron Powder Formula—12.4 oz. ....	\$15.02
Simrilac Expert Care Alimentum RTF Formula—32 oz. ....	\$9.48
Simrilac Expert Care Alimentum Powder Formula—16 oz. ....	\$27.28
Simrilac Expert Care for Diarrhea RTF Formula—32 oz. ....	\$8.19
Simrilac Expert Care NeoSure RTF Formula—32 oz. ....	\$9.23
Simrilac Expert Care NeoSure Powder Formula—13.1 oz. ....	\$15.89
Store Brand Milk Based Concentrate Formula—13 oz. ....	\$3.19
Store Brand Milk Based RTF Formula—32 oz. ....	\$4.79
Store Brand Milk Based Powder Formula—25.75 oz. ....	\$18.25

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2011, through June 30, 2011, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.36
Beans/Peas—Dry—16 oz. ....	\$1.72
Canned Fish—Pink Salmon ....	\$2.07
Canned Fish—Sardines ....	\$1.38
Canned Fish—Tuna ....	\$1.14
Cereal (per oz.) ....	\$0.33
Cheese, 16 oz. ....	\$5.41
Eggs ....	\$1.70
Gerber Infant Cereal—8 oz. ....	\$2.28
Infant Fruits, 100%—4 oz. ....	\$0.71
Infant Vegetables, 100%—4 oz. ....	\$0.71
Infant Meats, 100%—2.5 oz. ....	\$1.10
Juice—11.5/12 oz. ....	\$2.37
Juice—48 oz. ....	\$3.07

<i>Description</i>	<i>Competitive Prices</i>
Juice—64 oz. ....	\$3.95
Kosher Cheese—16 oz. ....	\$7.01
Kosher Low Fat Milk—1/2 gallon ....	\$3.05
Kosher Whole Milk—1/2 gallon ....	\$3.00
Milk, Low Fat—1/2 gallon ....	\$2.24
Milk, Whole—1/2 gallon ....	\$2.12
Peanut Butter—18 oz. ....	\$2.68
Whole Grain—Bread, 16 oz. ....	\$3.73
Whole Grain—Brown Rice, 16 oz. ....	\$2.38
Whole Grain—Oats, 16 oz. ....	\$2.21
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.29
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$4.85
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$15.45
Good Start Gentle Powder Formula—12.7 oz. ....	\$15.45
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$5.12
Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$15.21
Good Start Soy Powder—Blue Formula—12.9 oz. ....	\$15.21

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective April 1, 2011, through June 30, 2011, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.64
Beans/Peas—Dry—16 oz. ....	\$2.02
Canned Fish—Pink Salmon ....	\$2.06
Canned Fish—Sardines ....	\$1.39
Canned Fish—Tuna ....	\$1.09
Cereal (per oz.) ....	\$0.33
Cheese, 16 oz. ....	\$6.23
Eggs ....	\$1.95
Gerber Infant Cereal—8 oz. ....	\$2.00
Infant Fruits, 100%—4 oz. ....	\$0.56
Infant Vegetables, 100%—4 oz. ....	\$0.56
Infant Meats, 100%—2.5 oz. ....	\$0.96
Juice—11.5/12 oz. ....	\$2.30
Juice—48 oz. ....	\$2.92
Juice—64 oz. ....	\$4.02
Kosher Cheese—16 oz. ....	\$7.89
Kosher Low Fat Milk—quart ....	\$1.39
Kosher Low Fat Milk—1/2 gallon ....	\$2.26
Kosher Whole Milk—quart ....	\$1.39
Kosher Whole Milk—1/2 gallon ....	\$2.41
Milk, Dry—9.6 oz. ....	\$4.15
Milk, Dry—25.6 oz. ....	\$8.26
Milk, Evaporated—12 oz. ....	\$1.26
Milk, Low Fat—quart ....	\$1.36
Milk, Low Fat—1/2 gallon ....	\$2.44
Milk, Low Fat Lactose Free—quart ....	\$2.33
Milk, Low Fat Lactose Free—1/2 gallon ....	\$3.85
Milk, Whole—quart ....	\$1.36

<i>Description</i>	<i>Maximum Allowable Price</i>
Milk, Whole—1/2 gallon	\$2.32
Milk, Whole Lactose Free—quart	\$2.33
Milk, Whole Lactose Free—1/2 gallon	\$3.88
Peanut Butter—18 oz.	\$2.46
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.25
Soy Beverage—8th Continent 64 oz.	\$3.05
Tofu—Soy Boy/House Premium 15/16 oz.	\$2.07
Whole Grain—Bread, 16 oz.	\$3.91
Whole Grain—Bread, 24 oz.	\$3.99
Whole Grain—Brown Rice, 16 oz.	\$1.53
Whole Grain—Brown Rice, 24 oz.	\$3.15
Whole Grain—Oats, 16 oz.	\$2.31
Whole Grain—Oats, 24 oz.	\$5.61
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.40
Boost RTF Formula—8 oz.	\$2.00
EnfaCare LIPIL RTF Formula—32 oz.	\$7.29
EnfaCare LIPIL Powder Formula—12.8 oz.	\$14.91
Enfamil Premium Infant Concentrate Formula—13 oz.	\$4.63
Enfamil Premium Infant RTF Formula—32 oz.	\$6.80
Enfamil Premium Infant Powder Formula—12.5 oz.	\$13.98
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$4.52
Good Start Gentle PLUS RTF—Orange Formula—32 oz.	\$6.49
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$14.84
Good Start Gentle Powder Formula—12.7 oz.	\$14.84
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$4.82
Good Start Soy PLUS RTF—Blue Formula—32 oz.	\$6.64
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$15.21
Good Start Soy Powder—Blue Formula—12.9 oz.	\$15.21
Good Start 2 Soy PLUS Powder Formula—Blue w/blue—24 oz.	\$21.65
Good Start 2 Soy Powder Formula—24 oz.	\$21.65
Good Start 2 Gentle PLUS Powder Formula—Blue w/orange—24 oz.	\$25.99
Good Start 2 Gentle Powder Formula—22 oz.	\$25.99
Good Start 2 Protect PLUS Powder Formula—Blue w/green—24 oz.	\$26.49
Good Start 2 Protect Powder Formula—22 oz.	\$26.49
Good Start Protect PLUS Powder Formula—Green—12 oz.	\$15.48
Good Start Protect Powder Formula—12.4oz.	\$15.48
Nutramigen LIPIL Concentrate Formula—13 oz.	\$7.17
Nutramigen LIPIL RTF Formula—32 oz.	\$9.02
Nutramigen LIPIL w/Enflora Powder Formula—12.6 oz.	\$23.67
Pediasure RTF Formula—8 oz.	\$1.93
Pediasure w/Fiber RTF Formula—8 oz.	\$2.04
Similac Advance Concentrate Formula—13 oz.	\$4.43
Similac Advance RTF Formula—32 oz.	\$6.44
Similac Advance w/Iron Powder Formula—12.4 oz.	\$13.60
Similac Expert Care Alimentum RTF Formula—32 oz.	\$9.33
Similac Expert Care Alimentum Powder Formula—16 oz.	\$27.01
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$6.49

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Expert Care NeoSure RTF Formula—32 oz.	\$7.81
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$16.16
Store Brand Milk Based Concentrate Formula—13 oz.	\$2.87
Store Brand Milk Based RTF Formula—32 oz.	\$3.85
Store Brand Milk Based Powder Formula—25.75 oz.	\$16.19

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2011, through June 30, 2011, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.42
Beans/Peas—Dry—16 oz.	\$1.78
Canned Fish—Pink Salmon	\$1.99
Canned Fish—Sardines	\$1.33
Canned Fish—Tuna	\$1.02
Cereal (per oz.)	\$0.30
Cheese, 16 oz.	\$5.51
Eggs	\$1.80
Gerber Infant Cereal—8 oz.	\$2.00
Infant Fruits, 100%—4 oz.	\$0.55
Infant Vegetables, 100%—4 oz.	\$0.55
Infant Meats, 100%—2.5 oz.	\$0.93
Juice—11.5/12 oz.	\$2.11
Juice—48 oz.	\$2.82
Juice—64 oz.	\$3.65
Kosher Cheese—16 oz.	\$7.89
Kosher Low Fat Milk—1/2 gallon	\$2.24
Kosher Whole Milk—1/2 gallon	\$2.35
Milk, Low Fat—1/2 gallon	\$2.29
Milk, Whole—1/2 gallon	\$2.24
Peanut Butter—18 oz.	\$2.31
Whole Grain—Bread, 16 oz.	\$3.66
Whole Grain—Brown Rice, 16 oz.	\$1.53
Whole Grain—Oats, 16 oz.	\$2.29
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.22
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz.	\$4.52
Good Start Gentle PLUS Powder—Orange Formula—12 oz.	\$14.84
Good Start Gentle Powder Formula—12.7 oz.	\$14.84
Good Start Soy PLUS Concentrate—Blue Formula—13 oz.	\$4.82
Good Start Soy PLUS Powder—Blue Formula—12.9 oz.	\$15.21
Good Start Soy Powder—Blue Formula—12.9 oz.	\$15.21

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective April 1, 2011, through June 30, 2011, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.64
Beans/Peas—Dry—16 oz. ....	\$2.02
Canned Fish—Pink Salmon .....	\$2.08
Canned Fish—Sardines .....	\$1.67
Canned Fish—Tuna .....	\$1.19
Cereal (per oz.) .....	\$0.35
Cheese, 16 oz. ....	\$6.23
Eggs .....	\$1.95
Gerber Infant Cereal—8 oz. ....	\$2.19
Infant Fruits, 100%—4 oz. ....	\$0.67
Infant Vegetables, 100%—4 oz. ....	\$0.67
Infant Meats, 100%—2.5 oz. ....	\$1.05
Juice—11.5/12 oz. ....	\$2.44
Juice—48 oz. ....	\$3.07
Juice—64 oz. ....	\$4.19
Kosher Cheese—16 oz. ....	\$7.89
Kosher Low Fat Milk—quart .....	\$1.39
Kosher Low Fat Milk—1/2 gallon .....	\$2.26
Kosher Whole Milk—quart .....	\$1.39
Kosher Whole Milk—1/2 gallon .....	\$2.41
Milk, Dry—9.6 oz. ....	\$4.15
Milk, Dry—25.6 oz. ....	\$8.28
Milk, Evaporated—12 oz. ....	\$1.37
Milk, Low Fat—quart .....	\$1.36
Milk, Low Fat—1/2 gallon .....	\$2.44
Milk, Low Fat Lactose Free—quart .....	\$2.33
Milk, Low Fat Lactose Free—1/2 gallon .....	\$4.14
Milk, Whole—quart .....	\$1.41
Milk, Whole—1/2 gallon .....	\$2.32
Milk, Whole Lactose Free—quart .....	\$2.28
Milk, Whole Lactose Free—1/2 gallon .....	\$4.17
Peanut Butter—18 oz. ....	\$2.70
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.25
Soy Beverage—8th Continent 64 oz. ....	\$3.39
Tofu—Soy Boy/House Premium 15/16 oz. ....	\$2.13
Whole Grain—Bread, 16 oz. ....	\$3.91
Whole Grain—Bread, 24 oz. ....	\$4.00
Whole Grain—Brown Rice, 16 oz. ....	\$2.06
Whole Grain—Brown Rice, 24 oz. ....	\$3.15
Whole Grain—Oats, 16 oz. ....	\$2.31
Whole Grain—Oats, 24 oz. ....	\$5.83
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.41
Boost RTF Formula—8 oz. ....	\$2.19
EnfaCare LIPIL RTF Formula—32 oz. ....	\$7.74
EnfaCare LIPIL Powder Formula—12.8 oz. ....	\$15.30
Enfamil Premium Infant Concentrate Formula— 13 oz. ....	\$4.92
Enfamil Premium Infant RTF Formula—32 oz. ..	\$7.12
Enfamil Premium Infant Powder Formula— 12.5 oz. ....	\$14.63
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$4.78

<i>Description</i>	<i>Maximum Allowable Price</i>
Good Start Gentle PLUS RTF—Orange Formula—32 oz. ....	\$6.86
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$15.39
Good Start Gentle Powder Formula—12.7 oz. ....	\$15.39
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$4.95
Good Start Soy PLUS RTF—Blue Formula— 32 oz. ....	\$6.91
Good Start Soy PLUS Powder—Blue Formula— 12.9 oz. ....	\$15.45
Good Start Soy Powder—Blue Formula—12.9 oz. ....	\$15.45
Good Start 2 Soy PLUS Powder Formula—Blue w/blue—24 oz. ....	\$22.38
Good Start 2 Soy Powder Formula—24 oz. ....	\$22.38
Good Start 2 Gentle PLUS Powder Formula— Blue w/orange—24 oz. ....	\$25.99
Good Start 2 Gentle Powder Formula—22 oz. ....	\$25.99
Good Start 2 Protect PLUS Powder Formula— Blue w/green—24 oz. ....	\$26.49
Good Start 2 Protect Powder Formula—22 oz. ...	\$26.49
Good Start Protect PLUS Powder Formula— Green—12 oz. ....	\$16.28
Good Start Protect Powder Formula—12.4 oz. ...	\$16.28
Nutramigen LIPIL Concentrate Formula—13 oz. ....	\$7.51
Nutramigen LIPIL RTF Formula—32 oz. ....	\$9.20
Nutramigen LIPIL w/Enflora Powder Formula— 12.6 oz. ....	\$23.82
Pediasure RTF Formula—8 oz. ....	\$2.29
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.22
Similac Advance Concentrate Formula—13 oz. ...	\$4.70
Similac Advance RTF Formula—32 oz. ....	\$6.71
Similac Advance w/Iron Powder Formula— 12.4 oz. ....	\$14.44
Similac Expert Care Alimentum RTF Formula— 32 oz. ....	\$9.74
Similac Expert Care Alimentum Powder Formula—16 oz. ....	\$27.51
Similac Expert Care for Diarrhea RTF Formula— 32 oz. ....	\$7.79
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$7.93
Similac Expert Care NeoSure Powder Formula— 13.1 oz. ....	\$16.68
Store Brand Milk Based Concentrate Formula— 13 oz. ....	\$2.95
Store Brand Milk Based RTF Formula—32 oz. ..	\$4.05
Store Brand Milk Based Powder Formula— 25.75 oz. ....	\$17.39

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2011, through June 30, 2011, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:



<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.42
Beans/Peas—Dry—16 oz. ....	\$1.78
Canned Fish—Pink Salmon ....	\$2.07
Canned Fish—Sardines ....	\$1.39
Canned Fish—Tuna ....	\$1.10
Cereal (per oz.) ....	\$0.32
Cheese, 16 oz. ....	\$5.51
Eggs ....	\$1.80
Gerber Infant Cereal—8 oz. ....	\$2.19
Infant Fruits, 100%—4 oz. ....	\$0.66
Infant Vegetables, 100%—4 oz. ....	\$0.66
Infant Meats, 100%—2.5 oz. ....	\$1.04
Juice—11.5/12 oz. ....	\$2.28
Juice—48 oz. ....	\$2.96
Juice—64 oz. ....	\$3.85
Kosher Cheese—16 oz. ....	\$7.89
Kosher Low Fat Milk—1/2 gallon ....	\$2.24
Kosher Whole Milk—1/2 gallon ....	\$2.35
Milk, Low Fat—1/2 gallon ....	\$2.29
Milk, Whole—1/2 gallon ....	\$2.24
Peanut Butter—18 oz. ....	\$2.52
Whole Grain—Bread, 16 oz. ....	\$3.73
Whole Grain—Brown Rice, 16 oz. ....	\$2.06
Whole Grain—Oats, 16 oz. ....	\$2.29
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.36
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$4.78
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$15.39
Good Start Gentle Powder Formula—12.7 oz. ....	\$15.39
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$4.95
Good Start Soy PLUS Powder—Blue Formula— 12.9 oz. ....	\$15.45
Good Start Soy Powder—Blue Formula—12.9 oz. ....	\$15.45

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective April 1, 2011, through June 30, 2011, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.64
Beans/Peas—Dry—16 oz. ....	\$2.02
Canned Fish—Pink Salmon ....	\$2.17
Canned Fish—Sardines ....	\$1.67
Canned Fish—Tuna ....	\$1.25
Cereal (per oz.) ....	\$0.37
Cheese, 16 oz. ....	\$7.09
Eggs ....	\$1.95
Gerber Infant Cereal—8 oz. ....	\$2.57
Infant Fruits, 100%—4 oz. ....	\$0.81
Infant Vegetables, 100%—4 oz. ....	\$0.81
Infant Meats, 100%—2.5 oz. ....	\$1.18
Juice—11.5/12 oz. ....	\$2.67
Juice—48 oz. ....	\$3.24

<i>Description</i>	<i>Maximum Allowable Price</i>
Juice—64 oz. ....	\$4.26
Kosher Cheese—16 oz. ....	\$7.89
Kosher Low Fat Milk—quart ....	\$1.65
Kosher Low Fat Milk—1/2 gallon ....	\$3.05
Kosher Whole Milk—quart ....	\$1.77
Kosher Whole Milk—1/2 gallon ....	\$3.06
Milk, Dry—9.6 oz. ....	\$4.54
Milk, Dry—25.6 oz. ....	\$8.43
Milk, Evaporated—12 oz. ....	\$1.47
Milk, Low Fat—quart ....	\$1.52
Milk, Low Fat—1/2 gallon ....	\$2.57
Milk, Low Fat Lactose Free—quart ....	\$2.33
Milk, Low Fat Lactose Free—1/2 gallon ....	\$4.14
Milk, Whole—quart ....	\$1.56
Milk, Whole—1/2 gallon ....	\$2.59
Milk, Whole Lactose Free—quart ....	\$2.42
Milk, Whole Lactose Free—1/2 gallon ....	\$4.17
Peanut Butter—18 oz. ....	\$2.98
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.25
Soy Beverage—8th Continent 64 oz. ....	\$3.65
Tofu—Soy Boy/House Premium 15/16 oz. ....	\$2.45
Whole Grain—Bread, 16 oz. ....	\$3.91
Whole Grain—Bread, 24 oz. ....	\$4.15
Whole Grain—Brown Rice, 16 oz. ....	\$2.43
Whole Grain—Brown Rice, 24 oz. ....	\$4.87
Whole Grain—Oats, 16 oz. ....	\$2.70
Whole Grain—Oats, 24 oz. ....	\$6.34
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.52
Boost RTF Formula—8 oz. ....	\$2.19
EnfaCare LIPIL RTF Formula—32 oz. ....	\$9.01
EnfaCare LIPIL Powder Formula—12.8 oz. ....	\$17.26
Enfamil Premium Infant Concentrate Formula— 13 oz. ....	\$6.15
Enfamil Premium Infant RTF Formula—32 oz. ...	\$8.45
Enfamil Premium Infant Powder Formula— 12.5 oz. ....	\$15.76
Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$5.74
Good Start Gentle PLUS RTF—Orange Formula—32 oz. ....	\$8.14
Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$18.08
Good Start Gentle Powder Formula—12.7 oz. ....	\$18.08
Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$5.53
Good Start Soy PLUS RTF—Blue Formula— 32 oz. ....	\$7.47
Good Start Soy PLUS Powder—Blue Formula— 12.9 oz. ....	\$17.59
Good Start Soy Powder—Blue Formula—12.9 oz. ....	\$17.59
Good Start 2 Soy PLUS Powder Formula—Blue w/blue—24 oz. ....	\$22.68
Good Start 2 Soy Powder Formula—24 oz. ....	\$22.68
Good Start 2 Gentle PLUS Powder Formula— Blue w/orange—24 oz. ....	\$25.99
Good Start 2 Gentle Powder Formula—22 oz. ....	\$25.99
Good Start 2 Protect PLUS Powder Formula— Blue w/green—24 oz. ....	\$26.49
Good Start 2 Protect Powder Formula—22 oz. ...	\$26.49
Good Start Protect PLUS Powder Formula— Green—12 oz. ....	\$16.57
Good Start Protect Powder Formula—12.4oz. ....	\$16.57
Nutramigen LIPIL Concentrate Formula—13 oz. ....	\$8.63
Nutramigen LIPIL RTF Formula—32 oz. ....	\$10.94



<i>Description</i>	<i>Maximum Allowable Price</i>	<i>Description</i>	<i>Competitive Prices</i>
Nutramigen LIPIL w/Enflora Powder Formula—12.6 oz. ....	\$25.15	Canned Fish—Tuna .....	\$1.24
Pediasure RTF Formula—8 oz. ....	\$2.64	Cereal (per oz.) .....	\$0.34
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.63	Cheese, 16 oz. ....	\$5.83
Similac Advance Concentrate Formula—13 oz. ...	\$5.59	Eggs .....	\$1.80
Similac Advance RTF Formula—32 oz. ....	\$8.04	Gerber Infant Cereal—8 oz. ....	\$2.57
Similac Advance w/Iron Powder Formula—12.4 oz. ....	\$16.51	Infant Fruits, 100%—4 oz. ....	\$0.81
Similac Expert Care Alimentum RTF Formula—32 oz. ....	\$10.33	Infant Vegetables, 100%—4 oz. ....	\$0.81
Similac Expert Care Alimentum Powder Formula—16 oz. ....	\$30.11	Infant Meats, 100%—2.5 oz. ....	\$1.17
Similac Expert Care for Diarrhea RTF Formula—32 oz. ....	\$9.73	Juice—11.5/12 oz. ....	\$2.57
Similac Expert Care NeoSure RTF Formula—32 oz. ....	\$9.99	Juice—48 oz. ....	\$3.13
Similac Expert Care NeoSure Powder Formula—13.1 oz. ....	\$17.22	Juice—64 oz. ....	\$4.07
Store Brand Milk Based Concentrate Formula—13 oz. ....	\$3.48	Kosher Cheese—16 oz. ....	\$7.89
Store Brand Milk Based RTF Formula—32 oz. ..	\$4.82	Kosher Low Fat Milk—1/2 gallon .....	\$3.05
Store Brand Milk Based Powder Formula—25.75 oz. ....	\$18.25	Kosher Whole Milk—1/2 gallon .....	\$3.00
		Milk, Low Fat—1/2 gallon .....	\$2.56
		Milk, Whole—1/2 gallon .....	\$2.59
		Peanut Butter—18 oz. ....	\$2.94
		Whole Grain—Bread, 16 oz. ....	\$3.73
		Whole Grain—Brown Rice, 16 oz. ....	\$2.38
		Whole Grain—Oats, 16 oz. ....	\$2.69
		Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.48
		Good Start Gentle PLUS Concentrate—Orange Formula—13 oz. ....	\$5.74
		Good Start Gentle PLUS Powder—Orange Formula—12 oz. ....	\$18.08
		Good Start Gentle Powder Formula—12.7 oz. ....	\$18.08
		Good Start Soy PLUS Concentrate—Blue Formula—13 oz. ....	\$5.53
		Good Start Soy PLUS Powder—Blue Formula—12.9 oz. ....	\$17.59
		Good Start Soy Powder—Blue Formula—12.9 oz. ....	\$17.59

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*Competitive Prices*

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<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.42
Beans/Peas—Dry—16 oz. ....	\$1.78
Canned Fish—Pink Salmon .....	\$2.15
Canned Fish—Sardines .....	\$1.39

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289, or, for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-526. Filed for public inspection March 25, 2011, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Addition of Home Finding and Supported Employment to the Medical Assistance Program Fee Schedule for Select Services in the Consolidated and Person/Family Directed Support Waivers and Community Mental Retardation Base Program

The Department of Public Welfare is making an addition to the Fee Schedule Tables published at 40 Pa.B. 5413 (September 18, 2010). Specifically, home finding and supported employment services are being added to the Fee Schedule Tables. No other services or fees published at 40 Pa.B. 5413 are impacted by these additions.

Home finding service has been added to the Select Community-Based Services Fee Schedule Table. Supported employment service has been added to the Agency with Choice Financial Management Services, Excluding Benefits and the Agency with Choice Financial Management Services, Including Benefits Fee Schedule Tables.

**Geographic Areas:**

**Area 1:** Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia

**Area 2:** Adams, Allegheny, Beaver, Berks, Carbon, Cumberland, Dauphin, Erie, Franklin, Fulton, Greene, Lancaster, Lawrence, Lebanon, Monroe, Perry, Pike, Schuylkill, Washington, York

**Area 3:** Armstrong, Bradford, Butler, Cameron, Centre, Clarion, Clinton, Columbia, Crawford, Elk, Forest, Indiana, Huntingdon, Juniata, Lackawanna, Luzerne, Lycoming, McKean, Mercer, Mifflin, Montour, Northumberland, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, Westmoreland, Wyoming

**Area 4:** Bedford, Blair, Cambria, Clearfield, Fayette, Jefferson, Somerset

**Revised Fee Schedule Rates Tables:**

**Select Community-Based Services\***

\* Modifier ET must be used with applicable procedure codes when billing for temporary base-funded services.

(PA) Prior authorization by the Office of Developmental Programs (ODP) must be obtained for this service.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Nursing Services: LPN	T2025	TE	05	051	15 min.	\$11.02	\$10.31	\$9.78	\$8.89
		TE & ET							
		TE	16	161					
		TE & ET							
Nursing Services: RN	T2025	TD	05	051	15 min.	\$16.55	\$15.48	\$14.68	\$13.35
		TD & ET							
		TD	16	160					
		TD & ET							
Physical Therapy	T2025	GP	17	170	15 min.	\$20.20	\$18.90	\$17.92	\$16.29
		GP & ET							
Occupational Therapy	T2025	GO	17	171	15 min.	\$21.29	\$19.92	\$18.89	\$17.17
		GO & ET							
Speech and Language Therapy	T2025	GN	17	173	15 min.	\$21.72	\$20.32	\$19.27	\$17.52
		GN & ET							
Individual Behavioral Therapy	T2025	HE	19	208	15 min.	\$20.79	\$19.45	\$18.44	\$16.77
		HE & ET							
Group Behavioral Therapy	T2025	HE & HQ	19	208	15 min.	\$5.20	\$4.86	\$4.61	\$4.19
		HE, HQ & ET							
Visual/Mobility Therapy	W7246		51	517	15 min.	\$21.73	\$20.33	\$19.28	\$17.52
		ET							
Companion Services, Basic staff support	W1724		51	363	15 min.	\$ .78	\$ .73	\$ .69	\$ .63
		ET							
Companion Services, level 1	W1725		51	363	15 min.	\$ .98	\$ .92	\$ .87	\$ .79
		ET							
Companion Services, level 2	W1726		51	363	15 min.	\$2.07	\$1.94	\$1.84	\$1.67
		ET							
Companion Services, level 3	W1727		51	363	15 min.	\$4.65	\$4.35	\$4.13	\$3.75
		ET							
Supplemental Habilitation, 1:1 (PA)	W7070		52	456, 520, 521 or 522	15 min.	\$4.87	\$4.56	\$4.32	\$3.93
		ET							
Supplemental Habilitation, 2:1 (PA)	W7084		52	456, 520, 521 or 522	15 min.	\$9.75	\$9.12	\$8.65	\$7.86
		ET							
Additional Individualized Staffing, 1:1 (PA)	W7085		52	456, 520, 521 or 522	15 min.	\$4.87	\$4.56	\$4.32	\$3.93
Additional Individualized Staffing, 2:1 (PA)	W7086		52	456, 520, 521 or 522	15 min.	\$9.75	\$9.12	\$8.65	\$7.86

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Older Adult Day Habilitation	W7094		51	410	15 min.	\$2.88	\$2.69	\$2.55	\$2.32
		ET							
Behavioral Support	W7095		51	510	15 min.	\$21.52	\$20.13	\$19.09	\$17.35
		ET							
Supports Broker	W7096		51	510	15 min.	\$10.85	\$10.15	\$9.63	\$8.75
Home Finding	W7277		51 or 55	571	15 min.	\$9.94	\$9.30	\$8.82	\$8.02
Homemaker/Chore (permanent)	W7283		43	430	1 hour	\$22.87	\$21.39	\$20.29	\$18.44
			51	430 or 431					
			55	430 or 431					
Homemaker/Chore (temporary)	W7283	UA	43	430					
		UA & ET							
		UA	51	430 or 431					
		UA & ET							
		UA	45	430 or 431					
UA & ET									

**Unlicensed Out-of-Home Respite and Respite Camp Ineligible Services (Room and Board)**

<i>Service</i>	<i>Procedure Code</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Areas 1 through 4</i>		
Respite-unlicensed, out of home, ineligible	W6060	51	513	1 day	\$12.00/unit, max of 1 ineligible unit per day		
	W6061	51	513				
	W6062	51	513				
		54	540 or 541				
	W6063	51	513				
		54	540 or 541				
	W6064	51	513				
		54	540 or 541				
	W6065	51	513	15 minutes	\$4.00/unit, max of 3 ineligible units per day		
		54	540 or 541				
	W6066	51	513				
	W6067	51	513				
	W6068	51	513				
		54	540 or 541				
W6069	51	513					
	54	540 or 541					
W6070	51	513					
	54	540 or 541					
W6071	51	513					
	54	540 or 541					
Respite-camp, ineligible	W8400	55	555			15 minutes	\$4.00/unit, max of 3 ineligible units per day
		54	540 or 541				
	W8401	55	554	1 day	\$12.00/unit, max of 1 ineligible unit per day		
		54	540 or 541				

**Agency with Choice Financial Management Services, Excluding Benefits\*\***

\*\* Modifier U4 must be used with all procedures codes when billing for services excluding benefits.

<i>Service</i>	<i>Procedure code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Companion, level 3	W1727	U4	54	540	15 min.	\$3.06	\$2.87	\$2.72	\$2.47
Home & Community Habilitation—unlicensed, level 3	W7060	U4	54	540	15 min.	\$5.07	\$4.74	\$4.50	\$4.09
Home & Community Habilitation—unlicensed, level 3, enhanced	W7061	U4	54	540	15 min.	\$8.39	\$7.85	\$7.44	\$6.77
		TD & U4							
		TE & U4							
Home & Community Habilitation—unlicensed, level 4	W7068	U4	54	540	15 min.	\$10.13	\$9.48	\$8.99	\$8.17
Home & Community Habilitation—unlicensed, level 4, enhanced	W7069	U4	54	540	15 min.	\$16.77	\$15.69	\$14.88	\$13.52
		TD & U4							
		TE & U4							
Supports Broker	W7096	U4	54	540	15 min.	\$6.15	\$5.76	\$5.46	\$4.96
Supported Employment	W7235	U4	54	540	15 min.	\$6.12	\$5.73	\$5.43	\$4.94
Respite—unlicensed, in home, level 2	W7250	U4	54	540	1 day	\$223.14	\$208.74	\$197.94	\$179.95
	W7258	U4	54	540	15 min.	\$3.48	\$3.26	\$3.09	\$2.81
Respite—unlicensed, in home, level 2, enhanced	W7251	U4	54	540	1 day	\$478.66	\$447.77	\$424.61	\$386.01
		TD & U4							
		TE & U4							
	W7264	U4	54	540	15 min.	\$7.48	\$7.00	\$6.64	\$6.03
		TD & U4							
		TE & U4							
Respite—unlicensed in home, level 3	W7252	U4	54	540	1 day	\$446.27	\$417.48	\$395.89	\$359.90
	W7265	U4	54	540	15 min.	\$6.97	\$6.52	\$6.19	\$5.62
Respite—unlicensed, in home, level 3, enhanced	W7253	U4	54	540	1 day	\$957.31	\$895.55	\$849.23	\$772.02
		TD & U4							
		TE & U4							
	W7266	U4	54	540	15 min.	\$14.95	\$13.99	\$13.26	\$12.06
		TD & U4							
		TE & U4							
		TE & U4							
Respite—unlicensed, out of home, level 2	W8002	U4	54	540	1day	\$223.14	\$208.74	\$197.94	\$179.95
	W8012	U4	54	540	15 min.	\$3.48	\$3.26	\$3.09	\$2.81
Respite—unlicensed, out of home, level 2, enhanced	W8003	U4	54	540	1 day	\$478.66	\$447.77	\$424.61	\$386.01
		TD & U4							
		TE & U4							
	W8013	U4	54	540	15 min.	\$7.48	\$7.00	\$6.64	\$6.03
		TD & U4							
		TE & U4							
Respite—unlicensed, out of home, level 3	W8004	U4	54	540	1 day	\$446.27	\$417.48	\$395.89	\$359.90
	W8014	U4	54	540	15 min.	\$6.97	\$6.52	\$6.19	\$5.62



<i>Service</i>	<i>Procedure code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Respite—unlicensed, out of home, level 3, enhanced	W8005	U4	54	540	1 day	\$957.31	\$895.55	\$849.23	\$772.02
		TD & U4							
		TE & U4							
	W8015	U4	54	540	15 min.	\$14.95	\$13.99	\$13.26	\$12.06
		TD & U4							
		TE & U4							

**Agency with Choice Financial Management Services, Including Benefits\*\*\***

\*\*\*No modifier is needed to indicate the benefit allowance is included.

<i>Service</i>	<i>Procedure code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Companion, level 3	W1727		54	540	15 min.	\$3.88	\$3.63	\$3.44	\$3.13
Home & Community Habilitation—unlicensed, level 3	W7060		54	540	15 min.	\$6.42	\$6.01	\$5.70	\$5.18
Home & Community Habilitation—unlicensed, level 3, enhanced	W7061		54	540	15 min.	\$10.62	\$9.93	\$9.42	\$8.56
		TD							
		TE							
Home & Community Habilitation—unlicensed, level 4	W7068		54	540	15 min.	\$12.83	\$12.00	\$11.38	\$10.35
Home & Community Habilitation—unlicensed, level 4, enhanced	W7069		54	540	15 min.	\$21.23	\$19.86	\$18.83	\$17.12
		TD							
		TE							
Supports Broker	W7096		54	540	15 min.	\$7.79	\$7.29	\$6.91	\$6.28
Supported Employment	W7235		54	540	15 min.	\$7.75	\$7.25	\$6.88	\$6.25
Respite—unlicensed, in home, level 2	W7250		54	540	1 day	\$282.49	\$264.26	\$250.60	\$227.81
	W7258		54	540	15 min.	\$4.41	\$4.13	\$3.91	\$3.56
Respite—unlicensed, in home, level 2, enhanced	W7251		54	540	1 day	\$605.98	\$566.88	\$537.56	\$488.69
		TD							
		TE							
	W7264		54	540	15 min.	\$9.47	\$8.86	\$8.40	\$7.64
		TD							
		TE							
Respite—unlicensed, in home, level 3	W7252		54	540	1 day	\$564.98	\$528.53	\$501.19	\$455.63
	W7265		54	540	15 min.	\$8.83	\$8.26	\$7.83	\$7.12
Respite—unlicensed, in home, level 3, enhanced	W7253		54	540	1 day	\$1,211.96	\$1,133.76	\$1,075.12	\$977.38
		TD							
		TE							
	W7266		54	540	15 min.	\$18.93	\$17.71	\$16.79	\$15.27
		TD							
		TE							
Homemaker/ Chore	W7283		54	540	1 hour	\$16.99	\$15.89	\$15.07	\$13.70
		UA							
Respite—unlicensed, out of home, level 2	W8002		54	540	1 day	\$282.49	\$264.26	\$250.60	\$227.81
	W8012		54	540	15 min.	\$4.41	\$4.13	\$3.91	\$3.56

<i>Service</i>	<i>Procedure code</i>	<i>Modifier**</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	<i>Area 4</i>
Respite—unlicensed, out of home, level 2, enhanced	W8003		54	540	1 day	\$605.98	\$566.88	\$537.56	\$488.69
		TD							
		TE							
	W8013		54	540	15 min.	\$9.47	\$8.86	\$8.40	\$7.64
		TD							
		TE							
Respite—unlicensed, out of home, level 3	W8004		54	540	1 day	\$564.98	\$528.53	\$501.19	\$455.63
	W8014		54	540	15 min.	\$8.83	\$8.26	\$7.83	\$7.12
Respite—unlicensed, out of home, level 3, enhanced	W8005		54	540	1 day	\$1,211.96	\$1,133.76	\$1,075.12	\$977.38
		TD							
		TE							
	W8015		54	540	15 min.	\$18.93	\$17.71	\$16.79	\$15.27
		TD							
		TE							

#### *Fiscal Impact*

There is no anticipated net State fund cost associated with implementation of the addition of services.

#### *Public Comment*

Copies of this notice may be obtained at the local Mental Health/Mental Retardation (MH/MR) County Program, Administrative Entity (AE) or regional ODP in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/MR County Program or AE may be accessed through a link at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional ODP. Interested persons are invited to submit written comments regarding this notice to the Department at the following addresses:

#### *By e-mail:*

Use subject header "PN Fee Schedule" to ODP's rate-setting mailbox at [ra-ratesetting@state.pa.us](mailto:ra-ratesetting@state.pa.us).

#### *By postal mail:*

Department of Public Welfare  
Office of Developmental Programs  
Division of Provider Assistance and Rate Setting  
4th Floor, Health and Welfare Building  
Forster and Commonwealth Avenues  
Harrisburg, PA 17120

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-683. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 11-527. Filed for public inspection March 25, 2011, 9:00 a.m.]

#### **Establishment of an Additional Class of Disproportionate Share Payments**

The Department of Public Welfare (Department) is providing final notice of the establishment of an additional class of disproportionate share hospital (DSH) payments to certain qualifying hospitals that the Department determines provide a high volume of services to Medical Assistance (MA) eligible and low-income populations. The Department intends for these payments to promote the hospitals' continued participation in the MA Program.

The Department will consider a hospital eligible for this additional class of DSH payments if the hospital is an acute care hospital that meets all of the criteria listed as follows.

a) The hospital is located in a county that exceeds the 96th percentile of the unduplicated number of persons eligible for MA, by county (January 2010 MA unduplicated eligibility report).

b) The hospital provides more than 58,000 patient days of service as reported on its 2007-2008 State Fiscal Year (FY) MA cost report (MA-336).

c) The hospital's ratio of Pennsylvania MA days to total hospital days is more than 20% as reported on its 2007-2008 State FY MA cost report (MA-336).

d) The hospital's FY 2008 Uncompensated Care percentage of Net Patient Revenue is greater than 2.4%, as reported in the Health Care Cost Containment Council's Fiscal Year 2008 Financial Analysis, Volume One, General Acute Care Hospitals.

e) The hospital's FY 2008 operating margin is less than -3.4%, as reported in the Health Care Cost Containment Council's Fiscal Year 2008 Financial Analysis, Volume One, General Acute Care Hospitals.

Payments are divided proportionately between qualifying hospitals based on the percentage of each qualifying hospital's MA inpatient days to total MA inpatient days of all qualifying facilities. In making these payments, the Department ensures that no acute care hospital will receive any DSH payment that is in excess of its hospital-specific limit and the Commonwealth will not exceed its aggregate annual DSH allotment. Any funds available due to the application of the hospital-specific DSH upper payment limit will be redistributed to other hospitals qualifying under this class of disproportionate share payments on a proportionate basis.

The Department published notice of its intent to establish an additional class of DSH payments to certain qualifying hospitals that provide a high volume of services to MA eligible and low-income populations at 40 Pa.B. 3619 (June 26, 2010). The Department received no public comments during the 30-day comment period, and will implement the changes described in its notice of intent.

#### *Fiscal Impact*

The FY 2009-2010 fiscal impact as a result of this additional class of DSH payments is \$1.882 million (\$0.851 million in State General Funds).

GARY D. ALEXANDER,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-664. (1) General Fund; (2) Implementing Year 2009-10 is \$851,000; (3) 1st Succeeding Year 2010-11 is \$851,000; 2nd Succeeding Year 2011-12 is \$851,000; 3rd Succeeding Year 2012-13 is \$851,000; 4th Succeeding Year 2013-14 is \$851,000; 5th Succeeding Year 2014-15 is \$851,000; (4) 2009-10 Program—\$373,515,000; 2008-09 Program—\$426,822,000; 2007-08 Program—\$468,589,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 11-528. Filed for public inspection March 25, 2011, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Adams County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) is planning on replacing a structurally deficient two-span reinforced concrete T-beam bridge and its approaches carrying SR 0234 (Main Street/Arendtsville Road) over Conewago Creek in Arendtsville Borough and Butler Township, Adams County. The proposed project will require the use of 0.173 acre of a publicly owned recreation area with baseball fields for permanent right-of-way (ROW) to accommodate the new wider bridge. The permanent ROW to be acquired is a sliver of the northwest

corner of the recreation area property and does not include portions of the field used for recreation. The permanent ROW take will constitute a use of the Section 2002 resource.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level-1b Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use of Public Parks/Recreation Areas form to evaluate the potential environmental impacts caused by the subject project. The document also serves as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resource for the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Level-1b CEE and the Section 4(f) document.

BRIAN G. THOMPSON, P.E.,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 11-529. Filed for public inspection March 25, 2011, 9:00 a.m.]

### Finding Adams County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning the replacement of the SR 3008 (Cunningham Road), Section 001, Bridge over Marsh Creek in Cumberland and Freedom Townships, Adams County. The existing Cunningham Road Bridge over Marsh Creek is a three-span, steel truss bridge built in 1894 that is listed on the National Register of Historic Places.

The proposed project consists of demolishing the current bridge and constructing a new bridge on an alignment approximately 50 feet south of the existing alignment. The project is needed because the existing structure that carries Cunningham Road over Marsh Creek has been closed since June 2005, does not meet current design criteria and safety standards and is too narrow to pass modern farm equipment. Replacement of the Cunningham Road Bridge over the Marsh Creek will constitute a use of the Section 2002 resource.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a level-2 Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges form to evaluate the potential environmental impacts caused by the subject project. The document also serves as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of

The Administrative Code of 1929 have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the section 2002 resource for the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Level-2 CEE.

BRIAN G. THOMPSON, P.E.,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 11-530. Filed for public inspection March 25, 2011, 9:00 a.m.]

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**Finding**  
**Bucks County**

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation, makes the following written finding:

The Department of Transportation (Department) is planning a project to replace the bridge carrying SR 1024 (Salford Station Road) over Mill Race, a tributary to Perkiomen Creek, in Upper Salford Township and to replace the bridge carrying SR 1024 over Perkiomen Creek in Upper Salford and Lower Frederick Townships. The project is located in Bucks County. The project will require the use of Rahmer Park.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level 1b Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with a Determination of Section 4(f) De Minimis Use/Section 2002 No Adverse Use document to evaluate the potential environmental impacts caused by the subject project. The document also serves as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Level-1b CEE and the Determination of Section 4(f) De Minimis Use/Section 2002 No Adverse Use document.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P.E.,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 11-531. Filed for public inspection March 25, 2011, 9:00 a.m.]

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**Finding**  
**Chester County**

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of

Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) is planning a project to construct roadway improvements and implement streetscape amenities along the SR 0162 Strasburg Road Corridor through the 250-year-old village of Marshallton in West Bradford Township, Chester County. The project will require the use of the Marshallton Historic District. The Marshallton Historic District is a listed National Register Historic District.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level 1b Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with a Determination of Section 4(f) De Minimis Use/Section 2002 No Adverse Use document to evaluate the potential environmental impacts caused by the subject project. The document also serves as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Level-1b CEE and the Determination of Section 4(f) De Minimis Use/Section 2002 No Adverse Use document.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P.E.,  
*Director*  
*Bureau of Project Delivery*

[Pa.B. Doc. No. 11-532. Filed for public inspection March 25, 2011, 9:00 a.m.]

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**Medical Advisory Board Meeting**

The Medical Advisory Board (Board) will meet on Friday, May 13, 2011. The meeting will begin at 10 a.m. and is open to the public at the Riverfront Office Center, Transportation University, 1101 South Front Street, Harrisburg, PA. Chairperson Janet L. Dolan will preside.

Members of the public interested in addressing the Board with a concern relating to medical regulations must contact Chris Miller at (717) 783-4534 by Friday, May 6, 2011. These concerns will be discussed during "Items from the Floor" on the Agenda, which will open at 1:30 p.m.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact Chris Miller at (717) 783-4534 prior to the meeting so that disability needs may be accommodated.

BARRY J. SCHOCH, P. E.,  
*Acting Secretary*

[Pa.B. Doc. No. 11-533. Filed for public inspection March 25, 2011, 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. § 645.5b).

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 regulations must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
126-1	Philadelphia Parking Authority Philadelphia Taxicab and Limousine Regulations 41 Pa.B. 435 (January 15, 2011)	2/14/11	3/16/11

—————

**Philadelphia Parking Authority  
Regulation #126-1 (IRRC #2885)**

**Philadelphia Taxicab and Limousine Regulations  
March 16, 2011**

We submit for your consideration the following comments on the proposed rulemaking published in the January 15, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Philadelphia Parking Authority (PPA or Authority) to respond to all comments received from us or any other source.

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**GENERAL COMMENTS**

**1. Determining whether the regulation is in the public interest.**

Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) directs the Independent Regulatory Review Commission (IRRC) to determine whether a regulation is in the public interest. When making this determination, IRRC considers criteria such as statutory authority, economic or fiscal impact and reasonableness. To make that determination, IRRC must analyze the text of the Preamble and proposed regulation and the reasons for the new or amended language. IRRC also considers the information a promulgating agency is required to provide under Section 5 of the Regulatory Review Act (71 P.S. § 745.5(a)) in the Regulatory Analysis Form (RAF).

This regulatory package contains in excess of two hundred pages, with numerous subparts and chapters pertaining to three major issues: administrative rules of procedure, taxicabs, and limousines. However, the Preamble does not include an adequate description of the numerous sections of the rulemaking and the rationale behind the language. Without this information, IRRC is unable to determine if the regulation is in the public interest. The lack of information has made it necessary for us to submit lengthy comments to acquire the infor-

mation we need to determine whether the regulation is in the public interest. The lack of information could also be a reason for the misunderstandings between PPA and the regulated community as described below. In the Preamble submitted with the final-form rulemaking, PPA should provide more detailed information required under 71 P.S. § 745.5(a) of the Regulatory Review Act, including a description of the language proposed for each section of the regulation and why the language is required.

**2. Economic and fiscal impacts of the regulation.**

IRRC is required to consider economic or fiscal impacts of the regulation in our determination of whether the regulation is in the public interest. See 71 P.S. § 745.5b(b)(1). Questions 17 through 21 of the RAF are intended to provide a cost and impact analysis of the regulation. Specifically, Question 17 of the RAF asks PPA to:

Provide a specific estimate of the costs and/or savings to the *regulated community* associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived. (Emphasis in original.)

PPA responded to this question with the following explanation:

The Authority anticipates that the regulations will be revenue neutral for most regulated persons. These regulations will replace a substantially similar version of locally promulgated regulations in effect in Philadelphia for nearly six years. The Authority's taxicab and limousine operating budget, including fee schedules and assessments applicable to all regulated parties, must be submitted for review to the Appropriations Committees of the Pennsylvania House of Representatives and the Senate as provided in 53 Pa.C.S. § 5707(b).

Certain taxicab owners accustomed to using older high mileage vehicles to provide taxicab service will incur initial increased costs associated with replacing some of those vehicles over the course of the first year of these regulations. Because the proposed regulations do not require the use of new vehicles, the costs to obtain the used vehicles generally operated by taxicab owners is difficult to estimate. The regulations that require newer and lower mileage vehicles are waived for wheelchair accessible and hybrid

vehicles in an attempt to encourage the use of those vehicles. See response to question No. 15.

RAF Question 20 requests “an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.” PPA provides the response “N/A” for all estimates of any costs or savings associated with the regulation for the regulated community, local government and state government. PPA was requested to explain in its response to RAF Question 21 “how the benefits of the regulation outweigh any cost and adverse effects.” PPA’s response explains benefits including: a vision of world class service, better drivers, newer vehicles, more uniformity between medallion and partial rights taxicabs, broader payment options and a “myriad of other improvements.” While these goals may be laudable, the PPA response to RAF Question 21 omits any recognition of the costs imposed by the regulation. Regarding the economic and fiscal impact of the proposed regulation PPA provided with the proposed regulation, we believe PPA’s reliance on its invalidated regulation is misplaced and did not produce an accurate or clear evaluation of economic and fiscal impact.

In contrast to PPA’s evaluation of costs, public commentators provided many examples of costs associated with the regulation. Among the commentators, the Abitbol Family of Companies (Abitbol) provided comment on several aspects of the regulation’s economic impact including the cost of age limitations on vehicles, mileage limitations on vehicles, the amount of insurance coverage, equipment, paperwork, attending inspections, impoundments, and procedures. Abitbol concludes this rulemaking will impose approximately \$22 million on medallion owners and drivers. Abitbol requests that before “imposing random new standards that might actually reduce the quality of service while incurring cost,” PPA respond to its list of questions and discuss the questions with the taxicab industry. Other commentators offered to meet with PPA to discuss the regulation and some offered alternative regulatory language.

Upon review of the information provided by PPA in the proposed regulation submittal, we do not believe sufficient information was provided to evaluate the economic or fiscal impact of this regulation. Based on public comment and our analysis of the regulation, we are convinced there are many significant costs imposed by the regulation that were not included in PPA’s RAF responses. We observe that the costs imposed by the regulation are by and large not borne by PPA. We believe these costs are significant and will affect the entire spectrum of persons and businesses affected by the regulation including not only the regulated community, but also the customers who ultimately pay for the regulated transportation services. In the final-form regulation submittal, PPA must provide a detailed analysis of the economic and fiscal impacts of the regulation.

### 3. Minimum wage.—Consistency with statute.

Under 53 Pa.C.S.A. § 5720. Wages, Subsection (a), PPA is charged with the following:

**Minimum wage.**—Each medallion holder shall pay at least a prevailing minimum wage rate or, in the alternative, charge at most a prevailing maximum lease amount to the drivers of its taxicab, as determined by the authority upon investigation. The minimum wage rate and the maximum lease amount, as established by the authority, may include employee benefits.

Commentators have provided calculations showing that in some instances drivers are earning less than \$5 per hour after expenses. We recognize that there are many factors involved in the ultimate earnings for a cab shift including the quality of service, time of day, day of the week, time of the year, weather, area served and the number of activities in Philadelphia to name a few. Given that Act 94 of 2004 has been in place for more than six years, we request an explanation of how PPA has implemented 53 Pa.C.S.A. § 5720(a), along with Subsection (b) which requires PPA to determine a uniform rate charged to passengers, in relation to the drivers’ opportunity to earn a minimum wage.

### 4. Just and reasonable rates in conformity with regulations or orders of the Authority.—Adverse effects on prices, productivity or competition.

Under 53 Pa.C.S. § 5703. Rates, PPA is charged with several responsibilities, including Subsection (a) which states:

**Rates to be just and reasonable.**—Every rate made for authority-certified taxicab, limousine or medallion taxicab service shall be just and reasonable and in conformity with regulations or orders of the authority.

Among the Rates provisions, Subsection (g) states:

**Fair return.**—In fixing any rate of a taxicab or limousine service engaged exclusively as a common carrier by motor vehicle, the authority may fix the fair return by relating the fair and reasonable operating expenses, depreciation, taxes and other costs of furnishing service to operating revenues.

In our comments above, we have raised concerns with the lack of explanation of why provisions are required in the regulation, the economic and fiscal impact of the requirements and how PPA evaluates the statutory minimum wage provision. In the fair return formula described in 53 Pa.C.S. § 5703(g), all of these issues relate to the expense side of the evaluation (e.g., operating expenses, depreciation, taxes and other costs of furnishing service). Based on public comment, these expenses are expected to increase. We ask PPA for an evaluation of the effect of these expense increases on fares or rates paid by the riding public.

### 5. Partial rights taxicabs.—Statutory authority; Possible conflict with or duplication of statutes or existing regulations; Reasonableness.

Extensive comment was submitted concerning partial rights taxicabs. The concerns include the following:

- PPA does not have the statutory authority to regulate non-medallion taxicab carriers.
- Non-medallion taxicabs must unfairly comply with two sets of regulations administered and enforced by two separate agencies.
- PPA has no authority to cancel or revoke non-medallion taxicab certificates for violations.
- PPA has no authority to allocate expenses between medallion and non-medallion taxicab carriers.

PPA bases its authority to promulgate these regulations under 53 Pa.C.S. Chapters 55 and 57 (relating to Parking Authorities and Taxicabs and Limousines in First Class Cities) (Act). We recognize many of these points may be the subject of contested court proceedings. In regard to the final-form regulation, we ask PPA to respond to these points to explain its authority to regulate partial rights

taxicabs and the reasonableness of the regulation pertaining to partial rights taxicabs.

#### **6. Driver Owned Vehicles (DOV).—Clarity.**

Commentators stated the regulation should accommodate DOVs. They state that failure to account for DOVs could cause financial failure for companies and force medallion lenders into foreclosure. They further state that the DOV is good for service because the driver maintains the vehicle and takes direct responsibility for service including daily inspections. PPA should clarify the status of DOVs in the final-form regulation.

#### **7. Advanced Notice of Final Rulemaking.**

As mentioned above, this rulemaking is extremely large and complex. It also has been developed by a Commonwealth agency new to the regulatory review process. We acknowledge the amount of time and effort that PPA put into this package.

Despite these efforts, the majority of the regulated community believes that they were excluded from providing meaningful input on the proposed regulation. After meeting with both PPA and the regulated community, it is clear that there is a divergent view of the intent, scope and nature of this regulation.

Section 2 of the Regulatory Review Act, pertaining to legislative intent, provides the following direction: "To the greatest extent possible, this act is intended to encourage the resolution of objections to a regulation and the reaching of a consensus among the commission, the standing committees, interested parties and the agency." 71 P.S. § 745.2(a). In order to resolve many of the objections raised by commentators, we strongly encourage PPA to meet with the regulated community to discuss and possibly resolve the concerns raised with this rulemaking. In addition, we suggest that PPA issue an Advanced Notice of Final Rulemaking. This would allow interested parties and PPA the opportunity to resolve as many concerns as possible prior to the submittal of the final-form regulation.

#### **8. Legislative comments.**

We received comments on this proposed regulation from the General Assembly. Each of the following legislators submitted separate comments: Representative Dan Moul (91st Legislative District); Representative Mark B. Cohen, Democratic Chairman, House Human Services Committee; and Representative W. Curtis Thomas, Democratic Chairman, House Urban Affairs Committee.

Many of their comments identified concerns, issues and questions that relate directly to our review, criteria, and the Act's requirements for submitting regulations. We recommend that PPA carefully consider these comments from legislators. We will include PPA's responses to these legislative comments as part of our determination of whether the final-form regulation is in the public interest.

### **SUBPART A. GENERAL PROVISIONS.**

#### **CHAPTER 1001. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE**

##### **SUBCHAPTER A. GENERAL PROVISIONS**

#### **9. Chapter 1001. Rules of Administrative Practice and Procedure.—Clarity; Need; Implementation procedures.**

This chapter is dedicated to the rules of administrative practice and procedure before PPA and cross-references the General Rules of Administrative Practice and Procedure (GRAPP) found in 1 Pa. Code Part II, which are

generally applicable to Commonwealth agencies. There is some inconsistency between which GRAPP provisions are being supplemented and which provisions are being superseded by these regulations. *See*, for example, §§ 1001.2(a) and 1005.101(d). This should be clarified in the final-form regulation.

Additionally, §§ 1001.4(b), 1001.26(b), 1001.27(c), 1001.32(c), 1001.91(b), 1005.71(f), 1005.149(c), and 1005.187(b) provide that the cross-referenced subsections are identical to GRAPP provisions. They appear to be substantially similar to the language in GRAPP, but they are not identical. These sections should be corrected in the final-form regulation.

#### **10. Section 1001.1. Purpose.—Need; Clarity.**

What is the need for this section? In Subsection (b), what is meant by "rights" issued by PPA? While this term is defined later, in Section 1011.2, this term should have been defined for this and other sections. Similarly, in Subsection (c) regarding rights issued by waiver, it is unclear whether this would include items such as a waiver giving a party the right to miss a filing deadline. This should be explained in the Preamble and clarified in the final-form regulation.

#### **11. Section 1001.2. Scope of subpart and severability.—Need; Clarity.**

The second sentence of Subsection (b) contains 125 words and is difficult to read. This provision also appears to describe the impact of court decisions on PPA and these regulations. What is the need for this language? We recommend that this provision be deleted or explained in the Preamble and amended in the final-form regulation to make it easier to comprehend.

#### **12. Section 1001.3. Liberal construction.—Clarity; Reasonableness; Implementation procedures.**

Subsection (a) is unclear as it relates to disregarding an error or defect of procedure. Does this mean that requirements such as filing deadlines can be waived for purposes of efficiency?

#### **13. Section 1001.6. Filing generally.—Clarity.**

Subsection (d) includes the phrase "otherwise inappropriate comments." This phrase is vague and does not provide the regulated community with a clear explanation as to what is required. Additional vague phrases are found in §§ 1001.8 "certain offices," 1001.36 "should comply substantially with," and 1003.32(d) "prompt notice." Further explanation of these phrases should be provided in the final-form regulation.

#### **14. Section 1001.9. Sessions of the Authority.—Clarity; Consistency with other statutes; Implementation procedures.**

This section states that schedules for public meetings can be obtained from the General Counsel. Must the request be done in writing or is a telephone request acceptable? Will the schedule be posted on PPA's website? Is PPA required to comply with the notice provisions in the Pennsylvania Sunshine Act? The procedures for making the request should be clarified in the final-form regulation.

#### **15. Section 1001.10. Definitions.—Economic impact; Need; Clarity.**

*Subject to additional definitions contained in subparts*

Overall, we found the structure of the definitions in the regulation to be difficult to follow. Some definitions are found in this section and some definitions are found



elsewhere in the regulation. In some instances, the same term is defined and redefined. For example, the term “Broker” is defined in this section and redefined in Subsection 1029.1(c) and Section 1051.2. We recommend that the structure of the definitions in the regulation be reviewed for clarity. It may be clearer to begin each subpart with the definitions used in that entire subpart, even if definitions are repeated in more than one subpart. Also, we recommend that terms used in multiple subparts be defined consistently. In this manner, the reader can reliably find the defined term for the subpart and would not have to search the regulation for another definition section.

#### *Use of defined terms*

In our review, we did not find the terms listed below used in the text of the regulation. If they are not used, they should be deleted.

- Hearing officer
- Formal investigation
- Informal investigation
- Informal proceeding
- Notarial officer

#### *Applicant*

The second sentence of the definition for “Applicant” appears to be substantive, or regulatory, and should either be deleted or moved to another section. Also, what is meant by an “associated person?” If this sentence is retained in the regulation then that term should also be defined.

### **SUBCHAPTER C. REPRESENTATION BEFORE THE AUTHORITY**

#### **16. Section 1001.21. Appearance.—Clarity; Reasonableness; Implementation procedures.**

This section requires that individuals representing an entity in a proceeding before PPA must produce certain documentation for approval. Paragraph (c)(3) provides that PPA may refuse acceptance of the information. If the individual presents all of the information required in this section, can PPA still reject it? The final-form regulation should specify under what circumstances information may be rejected.

There is also a typographical error in this section. It reads “. . . and the deny. . .”

#### **17. Section 1001.28. Power of attorney.—Statutory authority; Clarity; Need; Reasonableness.**

Several commentators expressed concerns that the provisions outlining the role of the attorney-in-fact are unusual, restrictive and unduly burdensome for members of the regulated community. For example, Subsection (b) allows an attorney-in-fact the ability to “execute certain documents” on behalf of a certificate holder. Subsection (c) requires the attorney-in-fact to be fluent in English. Subsection (d) provides that PPA will maintain a list of appointments on its website at which a certificate holder may be represented by its attorney-in-fact. Subsection (g) requires that the attorney-in-fact submit a criminal history report for the Commonwealth and any state or country in which that person has lived during the last five years. Subsection (h) provides that PPA will not accept a power of attorney executed more than one year from the date of a requested action.

These provisions raise several questions. What is PPA’s statutory authority for placing restrictions on what may be lawfully executed power of attorney documents? Why are these requirements placed upon the attorneys-in-fact that represent certificate holders? If the power of attorney grants the attorney-in-fact the ability to execute all documents on behalf of a certificate holder, then how can PPA limit the permissible types of documents and how does the certificate holder know what those limitations are? How does PPA determine that an individual named in a power of attorney is fluent in English? Why won’t PPA accept a power of attorney executed more than one year from the date of a requested action if the document is still valid and legal? These questions should be clarified in the regulation and explained in the Preamble.

Additionally, there is a typographical error in subsection (f). “Illegible” should be replaced with “is ineligible.”

### **SUBCHAPTER D. DOCUMENTARY FILINGS**

#### **18. Section 1001.36. Verification and affidavit.—Clarity; Implementation procedures.**

Subsections (b) and (c) provide that when a verification or an affidavit is used, the submitting party “should comply substantially” with the forms set forth in these respective subsections. Subsection (d) describes additional language that must be included in the verification or affidavit. How will a party be certain that it has complied substantially with these provisions? Also, the word “should” is nonregulatory language. We recommend the term be replaced with “must” in Subsections (b) and (c). Finally, the phrase “comply substantially” should be clarified in the final-form rulemaking.

### **SUBCHAPTER E. FEES**

#### **19. Section 1001.43. Authority fee schedule.—Consistency with statute; Reasonableness; Implementation procedures.**

Subsection (a) provides that PPA will issue a new fee schedule “subject to the approval of the Legislature, under section 5707(b) of the act. . . .” This section of the statute actually provides that PPA will submit a proposed fee schedule to the House and Senate appropriations committees. Unless either the Senate or House acts to disapprove, the schedule will become effective. *See* 53 Pa.C.S.A. § 5707(b). This inconsistency should be corrected in the final-form regulation.

Subsection (b) states that PPA “will provide notice of the new fee schedule by email to each certificate holder as required under section 5707(b) of the act.” The current fee schedule may be obtained from PPA’s website. The Act requires that the “procedures” for notifying certificate holders must be specified in the regulations, but not that the notice be done by email. *See* 53 Pa.C.S. § 5707(b). Why is notice of the new schedule only being provided by email? The final-form regulation should be amended to explain when the notice will be provided.

### **SUBCHAPTER F. SERVICE OF DOCUMENTS**

#### **20. Section 1001.51. Service by the Authority.—Clarity; Reasonableness; Implementation procedures.**

In Subsection (d), a party must notify PPA within 48 hours of a change of address. How was the 48-hour notification period determined? What will happen if a party doesn’t provide notice within this time period?



In Subsection (e), if PPA is unable to serve a party by mail or email, it may make service “by publication in a newspaper of general circulation in the same area as the party’s last known address.” One commentator expressed concern that PPA was using the *Philadelphia Tribune* for notice and service by publication. The commentator believes the *Philadelphia Tribune* is arguably a newspaper of significantly more limited circulation than the *Philadelphia Inquirer* and the *Philadelphia Daily News*. What does PPA consider to be a newspaper of general circulation?

**21. Section 1001.52. Service by a party.—Clarity; Need; Reasonableness; Implementation procedures.**

This section outlines the methods for service of pleadings and other documents, “unless an alternative form of service is specifically provided by the act, this part or an order of the Authority.” Are there alternative forms of service provided by the statute or these regulations? If so, these alternatives should be included in this section or specifically referenced. Otherwise, we recommend that this phrase be deleted.

Subsection (c) provides that the presiding officer may limit the service of documents to parties who “participate” in the proceedings. What does it mean to “participate” in a proceeding? Why wouldn’t service be made upon all parties to a proceeding as a matter of course? This should be clarified in the final-form regulation or explained in the Preamble.

**SUBCHAPTER G. PENALTY**

**22. Section 1001.61. Penalties.—Clarity; Reasonableness; Implementation procedures.**

Subsection (b) outlines a possible range of penalties. While we recognize that every case is different, is there a general set of standards that PPA will use to determine penalties to ensure a measure of consistency? If so, what are those standards? Further, Paragraph (b)(5) provides that PPA may impose “other penalties deemed necessary to protect the public interest.” How can members of the regulated community know what additional penalties can be imposed against them? Clarity would be significantly improved if the penalty schedule were included in the regulation.

**SUBCHAPTER I. AMENDMENTS OR WITHDRAWALS OF SUBMITTALS**

**23. Section 1001.81. Amendments.—Clarity; Need; Implementation procedures.**

Subsection (a) provides for an amendment to a submittal or pleading “Except as specifically limited by another section of this part. . . .” Is there another part of the regulations that limit amendments? If so, it should be specifically referenced. If not, we recommend that this phrase be deleted.

Additionally, this section states that PPA “may waive time restrictions as to filing dates in the interest of justice.” Are all of the time restrictions or deadlines open to waiver? What would be considered an appropriate circumstance for a waiver? This should be clarified in the final-form regulation.

**24. Section 1001.82. Withdrawal or termination of uncontested matter or proceeding.—Consistency with statute; Clarity; Need; Implementation procedures.**

Subsection (b) provides for withdrawal and termination with prejudice of a petition within 15 days after filing

notice, “Unless otherwise provided by statute.” If there is a statutory provision that provides to the contrary, then it should be specifically referenced in order to provide members of the regulated community adequate notice of its rights. Why would a withdrawal or termination preclude a party from filing another petition that may be filed within the regulatory deadlines?

**SUBCHAPTER L. UNOFFICIAL STATEMENTS, OPINIONS AND NOTICE**

**25. Section 1001.111. Unofficial statements and opinions by Authority personnel.—Clarity; Reasonableness; Need; Implementation procedures.**

This section appears to limit the judiciary from considering documents, statements or other materials, including formal opinions and decisions generated by PPA and its employees and representatives. What is the rationale for this section? Why can’t a court determine the relevance of this information, whether or not it was necessary in resolving the case?

**CHAPTER 1003. SPECIAL PROVISIONS**

**SUBCHAPTER A. TEMPORARY EMERGENCY ORDERS**

**26. Section 1003.22. Hearing on petitions for interim emergency orders.—Reasonableness.**

A hearing must be held within 20 days of the filing of a petition for an interim emergency order. How did PPA arrive at 20 days? Is this a reasonable length of time to respond to an emergency?

**27. Section 1003.32. Out of service designation.—Reasonableness; Implementation procedures.**

Subsection (b) provides that a driver’s certificate may be placed out of service if the driver fails to appear at the headquarters of the Taxicab and Limousine Division of PPA as directed. One commentator expressed concern that this might place an unfair burden on a driver who may not be able to appear for a legitimate reason. We recommend PPA consider the commentator’s suggestion to include language that the certificate will be placed out of service for failure to appear “without just cause” and amend the final-form regulation accordingly.

**SUBCHAPTER C. APPLICATIONS AND PROTESTS**

**28. Section 1003.54. Protests.—Economic impact; Reasonableness.**

Subsection (c) provides that when a protest petition is filed, a fee shall be paid in accordance with PPA’s fee schedule, which is referenced in § 1001.43 and made available on PPA’s website. The fee to file a protest is \$2,500. One commentator is concerned that the amount of the fee is excessive and is a deterrent to anyone providing information that may be relevant to an application or desiring to protest an application. Another commentator questions why this protest fee is being imposed only upon the holders of limousine rights. Why is PPA charging a fee for protests? How did it determine that \$2,500 is an appropriate fee to charge? Why is the fee limited to holders of limousine rights?

**29. Section 1003.56. Registration of intrastate operating authority issued by the Interstate Commerce Authority.—Clarity; Possible conflict with statutes.**

This section references the Interstate Commerce Authority under 49 U.S.C.A. §§ 10922 and 10923. We were unable to find these sections in the U.S. Code. PPA

should review these citations and make necessary amendments in the final-form regulation.

**CHAPTER 1005. FORMAL PROCEEDINGS**  
**SUBCHAPTER A. PLEADINGS**

**30. Section 1005.11. Formal complaints generally.—Clarity.**

There is a typographical error in Subsection (a). There are two subsection (2)'s, as printed in the *Pennsylvania Bulletin*.

**31. Section 1005.13. Citation complaints by the Authority.—Clarity; Reasonableness; Implementation procedures.**

In Subsection (a), the citation filed with the Clerk must include specified information, unless circumstances “render the information impracticable to obtain at the time of filing.” Although a pleading is not required, as provided in Subsection (b), how does the respondent provide an answer to the allegations or provide a defense at a hearing if certain information is not included on the citation? Why does Subsection (b) prohibit the filing of preliminary motions, particularly if relevant information is excluded from the citation? We have similar concerns with § 1005.71(e) (Preliminary motions). The final-form regulation or the Preamble should be amended to address these issues.

**SUBCHAPTER B. HEARINGS**

**32. Section 1005.82. Scheduling of hearing.—Clarity; Reasonableness; Implementation procedure.**

Subsection (c) relates to the rules of evidence and examination. We have several questions. First, why is this provision under the section pertaining to scheduling hearings? Second, why does it supersede the GRAPP provision relating to a hearing calendar as referenced in Subsection (d)? Third, a party may be called and examined even if he does not testify on his own behalf. What happens if the party does not want to testify? This should be clarified in the final-form regulation or explained in the Preamble.

**33. Section 1005.121. Transcripts generally.—Clarity.**

In Subsection (a), why was the phrase “[i]f required by law” added to what GRAPP already requires? Under what circumstances would this reporting be legally required?

**SUBCHAPTER D. EVIDENCE AND WITNESSES**

**34. Section 1005.144. Additional evidence.—Reasonableness; Implementation procedures.**

Subsection (a) permits PPA to request additional evidence after the hearing. How does this work in practice? Does the other party have the opportunity to respond to the additional evidence? This should be clarified in the final-form regulation.

**SUBPART B. TAXICABS**

**CHAPTER 1011. GENERAL PROVISIONS**

**35. Section 1011.2. Definitions.—Consistency with statute; Reasonableness; Clarity.**

*Common carrier*

This definition states:

A common carrier by motor vehicle, as defined in 66 Pa.C.S. § 102 (relating to definitions), transporting passengers.

This definition is complicated and vague. Under 66 Pa.C.S. § 102, there are two entirely different and separate definitions for the terms “common carrier” and “common carrier by motor vehicle.” Therefore, it is not clear what the definition in the regulation describes and whether it encompasses carriers that are not under PPA’s jurisdiction.

We recognize the Act uses the term “common carrier by motor vehicle” in 53 Pa.C.S. § 5703(g). At the same time, it is not clear why the definitions in 53 Pa.C.S. § 5701 are not sufficient for the purposes of Subpart B. PPA should consider whether the term “common carrier” should be used in the regulation. If the term is retained, PPA should explain why it is the appropriate term and clarify its definition for the final-form regulation.

*Key employee*

The term “other entity identified by the Authority” is vague and the final-form regulation should provide examples of this term.

*Regulated person*

This definition states, “A certificate holder, broker, taxicab driver, or other person subject to the act, *this part, or an order of the Authority.*” (Emphasis added.) We recommend deleting the phrase “this part or an order of the Authority.” The authority for the regulation (Part II) and PPA orders are derived from the Act. Therefore, we suggest rephrasing this definition so that it is clear that PPA will not be establishing “regulated persons” by regulation or order beyond the bounds of the Act.

*Rights*

What does the phrase “other authorization” refer to? The final-form regulation should clarify this issue.

*Consistency of the definitions of “Taxicab,” “Taxicab certificate” and “Taxicab service”*

The definition of “taxicab” establishes that “the term includes partial-rights taxicabs, medallion taxicabs and wheelchair accessible taxicabs.” However, the parallel phrases in the definitions of “taxicab certificate” and “taxicab service” do not include “wheelchair accessible taxicabs.” PPA should review these definitions for consistency. In particular, we question why the definition of “taxicab service” does not include “wheelchair accessible taxicabs.”

**36. Section 1011.3. Annual rights renewal process.—Need; Economic impact; Reasonableness; Implementation procedures.**

*Expiration of driver’s certificates*

A commentator suggests that a notice be sent to drivers 90 days before their certificate expires. PPA should consider adding this notice.

Also, Paragraph (a)(1) states that “A certificate will expire on June 30 of each year.” We question how it is reasonable to apply that date to every certificate awarded. If a certificate is awarded in June, how can it still require a June 30th renewal? In the Preamble to the final-form regulation, PPA needs to explain the significance of the June 30th expiration date.

*Additional documents*

In Paragraph (c)(2), under what circumstances would renewal forms require the submission of additional documents or information to conform to an “order of the Authority”? The final-form regulation should provide examples of such instances.

*60 days before expiration*

Paragraph (c)(3)(iv) requires that forms for renewal of driver's certificates "shall be filed 60 days before the expiration date." As written, this provision requires renewal forms at exactly 60 days before expiration. We recommend amending this provision so that drivers are given a specific time period to file, such as between 90 and 60 days before expiration of the driver's certificate.

*Waivers*

Paragraph (a)(4) states that all other rights including waivers will expire one year from the date of issuance. Commentators are concerned that their waivers could expire under this provision, some of which have been in effect for several years. Other commentators believe the waivers that have been granted should apply to all. PPA should explain why this provision is needed and reasonable. In addition, if PPA intends to renew waivers, it should include or cross-reference the process it will use to re-establish waivers.

*Suspended rights*

Subsection (e) provides for suspension of rights. A commentator suggests that a hardship provision should be added in case of medical emergencies. PPA should explain how it handles hardship cases and consider adding a hardship provision to the final-form regulation.

**37. Section 1011.4. Annual assessments and renewal fees.—Fiscal impact; Need; Reasonableness.***Assessment and renewal fees*

Subsection (a) states that annual assessments or renewal fees are established each year in accordance with the Act. Commentators have questioned why there is a difference in the fees imposed by PPA and the Pennsylvania Public Utility Commission (PUC) with PPA's fees being higher. Does PPA discuss its proposed fees with the regulated community before they become effective? The final-form regulation should explain why there appears to be an increased fiscal impact between PPA and PUC regulations for annual assessments and renewal fees.

*Assessment payment by appointment*

The purpose of Subsection (d) Assessment payment by appointment is not clear. Subsection (d) establishes that the Director may schedule "in person appointments to pay annual assessments" and associated provisions including a rescheduling fee. We have three concerns:

- Why is an appointment with the Director necessary to pay an assessment? Can it be mailed? Can it be paid online? Can a credit card be used?
- What criteria must the Director follow in determining a meeting is needed and in scheduling the meeting? Would the provisions of Subsection (h) relating to late payments have to be used before a meeting is required by the Director? Why would one person who pays an assessment be required to pay by appointment when another is not?
- How much does this procedure cost PPA and the regulated community on an annual basis and how much time must the person paying the assessment devote to this meeting?

As stated at the beginning of these comments, PPA did not provide a detailed Preamble describing the basis for the provisions in the regulation. PPA should either delete this provision or provide a detailed explanation of the need for this provision along with amended language in

the regulation to clarify under what circumstances the Director may require a meeting to pay an assessment.

**38. Section 1011.5. Ineligibility due to conviction or arrest.—Statutory authority; Protection of the public welfare; Reasonableness.**

Subsection (d) states that in the event a criminal prosecution is initiated against a regulated party, PPA's Enforcement Department or Trial Counsel may initiate a formal complaint and seek immediate suspension of rights pending the conclusion of the criminal proceedings. We recognize there is a balance between protecting the public who ride in taxicabs and the rights of a driver charged with a crime who has not yet been found innocent or guilty of the crime. We also recognize that an immediate suspension of rights pending the conclusion of the criminal proceeding could take many months. We request an explanation of how PPA can enforce this provision without violating the rights of a driver accused but not convicted of a crime.

**39. Section 1011.7. Payment of outstanding fines, fees, penalties and taxes.—Statutory authority; Economic impact.**

Subsection (a) specifically mentions payment of assessments, fees, penalties and other payments due under the Act. However, Subsections (b), (c) and (d) address parking violations, moving violations, Commonwealth taxes, city taxes and a Business Privilege License. PPA should delete Subsections (b), (c) and (d), or explain its authority to require information and enforce them. PPA should also explain how much of its resources are devoted to these provisions, whether the costs are subsidized by other enforcement agencies and why it is appropriate for PPA and the entities under the Act, and ultimately fare paying customers, to bear the burden of these costs. Finally, PPA should provide an estimate of the cost to the regulated person to provide documentation to the satisfaction of PPA that they have complied with Subsections (b), (c) and (d).

**40. Section 1011.8. Facility inspections.—Clarity.**

This section requires inspections of "operating locations" and a "facility inspection." These terms are vague, and the final-form regulation should explain the difference between these two types of locations.

**41. Section 1011.11. Record retention.—Economic impact; Need; Reasonableness; Clarity.***Subsection (a)*

We have two concerns. First, rather than stating "all records required under the act," the regulation should cite the specific sections of the Act for which records must be kept.

Second, this subsection requires records to be retained that are "otherwise kept in the ordinary course of business." PPA should either clarify this phrase or delete it.

*Subsection (c)*

This subsection requires records to be stored in dry areas "protected by a fire suppression system." We have three concerns. First, it is not clear why these records need to be protected by a fire suppression system. What specifically is in these records that requires this level of protection? Also, if the information is that sensitive, why doesn't the regulation require a copy to be filed with PPA?

Second, it is not clear what will meet the requirements for a "fire suppression system." For example, it would appear that fire-proof file cabinets could be sufficient. However, the regulation requires a "fire suppression



system.” (Emphasis added.) A system may require a sprinkler system at significant cost. We recommend that the regulation clearly establish what meets the requirement for a “fire suppression system.”

Finally, PPA should provide an estimate of the cost to implement the fire suppression system required by the regulation.

*Subsection (d)*

This subsection requires electronic records to be “stored at a location that is separate by at least 1 mile from the office where the record originated.” The requirement for storage of these records a distance of at least one mile from the office means that a business would have to maintain a separate location or pay for this service. PPA should explain the need for storage one mile away from the office, the costs imposed by this requirement and why the costs are justified.

*Subsection (e)*

Will PPA’s request for records under this subsection be in writing?

**42. Section 1011.13. Interruptions of service.—Statutory authority; Reasonableness; Need; Clarity.**

*Common carrier*

This section uses the term “common carrier.” As we commented on Section 1011.2, the definition of this term is complicated and vague. Consistent with our comment on Section 1011.2, we recommend that PPA reconsider the use of “common carrier” in this section of the regulation.

*Reporting a service interruption by a common carrier of more than 48 hours*

Subsection (a) requires a written statement to the Director when a vehicle is out of service for more than 48 hours. A commentator questions the need to report inactivity that may be the result of an illness. PPA should explain the need for this provision and what PPA will do with the information.

*Reporting a service interruption by dispatcher of more than 30 minutes*

Subsection (b) requires a dispatcher to report to the director in writing within two hours of the beginning of a service interruption for more than 30 minutes. Is this timeframe practical, particularly for a written report? Also, why should a written report be the priority when a dispatcher is trying to address the outage during a service interruption? Would a phone call, email or text message to PPA suffice? PPA should explain what is required by this provision and why it is necessary and practical for a written report to be produced within two hours from first experiencing problems.

*“Interruption of service” and “suspension of service”*

This section uses the terms “interruption of service” and “suspension of service.” However, the regulation is not clear regarding what specifically constitutes an interruption of service or suspension of service. The regulation should define these terms so that the regulated community knows what needs to be reported.

**43. Section 1011.14. Voluntary suspension of certificate.—Statutory authority; Reasonableness; Clarity.**

*Voluntary suspension*

This section discusses the process for a certificate holder to achieve PPA approval for voluntary suspension

of their certificate in order to avoid penalties for violations relating to interruptions of service. We raise three issues.

First, the Act grants PPA the power to rescind certificates, revoke certificates and to grant temporary certificates, but not to suspend them. See 53 Pa.C.S. § 5711. Therefore, what is PPA’s statutory authority for permitting this suspension process?

Second, Subsection (a) allows the suspension to occur subject to prior approval by the Director, who may, “in his sole or peculiar discretion...attach conditions as found to be necessary or proper.” What does PPA consider “peculiar discretion”? Also, what kinds of conditions would the Director consider “necessary or proper”? The final-form regulation should clarify these issues.

Finally, Subsection (b) states that voluntary suspension of a certificate may occur “after a report is issued as provided in Section 1011.13.” However, this section does not mention an actual report. Is this subsection referring to 1011.13 where a certificate holder is required to “report” an interruption of service? PPA needs to clarify how the term “report” is applied in these two sections, and include a cross-reference to Section 1011.13.

*Five percent or more*

Subsection (e) states PPA will not grant a voluntary suspension if it “will result in a reduction of five percent or more of the aggregate number of authorized medallion taxicabs in Philadelphia.” A commentator is concerned that this provision might be applied unreasonably if the voluntary suspension was for lack of business or if insurance was not available. PPA should explain how it determined that five percent is the appropriate percentage. PPA should also consider amendments to this provision to exclude certain circumstances when it may be appropriate to suspend certificates.

**44. Section 1011.15. Death or incapacitation of a certificate holder or certain persons with controlling interest.—Economic impact; Reasonableness.**

A commentator requests that this section be clear that medallions are assignable by a will or other succession of personal property. PPA should consider adding this provision.

**CHAPTER 1015. PARTIAL RIGHTS TAXICABS**

**45. Section 1015.3. New or additional rights restricted.—Consistency with statute; Reasonableness.**

One commentator supports the provision that sets a limit on the number of partial rights taxicabs. However, other commentators affected by the limit oppose it. Consistent with our general comment on partial rights taxicabs, PPA should explain how this specific provision is consistent with the statute and is reasonable.

**CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS**

**SUBCHAPTER A. GENERAL PROVISIONS**

**46. Section 1017.1. Purpose.—Economic impact; Reasonableness; Clarity.**

Subsection (b) includes definitions, which normally are not included in the “Purpose” section of a regulation. To improve clarity, we recommend that Subsection (b) be included in its own separate section titled “Definitions.”

*Antique vehicle*

What does the PPA consider to be “substantially in conformance” with manufacturer specifications? The final-form regulation should clarify this issue.



*Hybrid vehicle*

In Subsection (b), this definition states:

A motor vehicle that allows power to be delivered to the drive wheels by a nongasoline energy source, but which also incorporates the use of a gasoline combustion engine and which meets the applicable Federal motor vehicle safety standards. The primary source of power for the motor must be the nongasoline energy source.

This definition provides the framework for provisions in Subsection 1017.3(c) relating to hybrid vehicles. A commentator questioned what vehicles would comply, how ethanol based fuels will be evaluated and also questioned why electric and compressed natural gas vehicles would not fall under the same regulatory scheme. Although the definition is accurate in its description of hybrid vehicles, we also question why other vehicles, such as electric vehicles or even highly efficient vehicles that only use gasoline, would not qualify for the same advantages under Subsection 1017.3(c).

Additionally, we note a typographical error in this definition. It states "...by a nongasoline energy sources..."

**47. Section 1017.3. Taxicab age parameters.—Statutory authority; Economic impact; Need; Implementation procedure; Reasonableness.**

*Statutory authority for the age limitations of a taxicab in the regulation*

Under its general rulemaking authority, PPA may prescribe regulations under 53 Pa.C.S.A. Chapter 57 Taxicabs and Limousines in First Class Cities. See 53 Pa.C.S.A. § 5722. Regarding a limitation on the age of vehicles, Chapter 57 of the statute states that "...No vehicle which is more than eight years old shall continue in operation as a taxicab..." 53 Pa.C.S.A. § 5714(a).

In contrast to the statute, Paragraphs (b)(1) and (c)(2) of the regulation provide three age limits that are inconsistent with 53 Pa.C.S.A. § 5714(a):

- Subparagraph (b)(1)(i) states "A taxicab that is 5 years old or older is not eligible for inspection ... and shall be removed from taxicab service..."
- Subparagraph (b)(1)(ii) states "A vehicle may not be introduced for service as a taxicab ... if the age of the vehicle is 1 year old or older."
- Subparagraph (c)(2) states "A taxicab that is wheelchair accessible or a hybrid vehicle, or both, may not be introduced for service as a taxicab, or reenter service after having been removed from taxicab service by the certificate holder, if it is 3 years old or older."

We believe that the statute is clear in only establishing a maximum vehicle age of eight years old. Furthermore, the statute does not establish either a minimum age or an age limitation to reenter service. Commentators believe these provisions are not consistent with the statute. Some are willing to discuss legislative changes, provided the limitations are cost effective and necessary to improve service. PPA should either delete these provisions from the regulation or explain its existing statutory authority to enforce them. Alternatively, PPA should seek statutory amendments before including them in regulation.

*Economic impact, need and reasonableness of the age limitations of a taxicab in the regulation*

If PPA can convincingly establish its authority for these three provisions, we further request that PPA provide

support for how these provisions meet the criteria of economic impact, need and reasonableness. We recognize that newer vehicles may be safer, more comfortable and aesthetically pleasing. On the other hand, PPA is required by statute to inspect the taxicabs twice a year and also spot checks vehicles that are providing service. We are concerned that the regulation will impose significant costs to the taxicab industry and ultimately to customers because the regulation:

- Requires the purchase of essentially new vehicles to enter service to meet the requirement of Subparagraph (b)(1)(ii) that the vehicle be less than one year old to enter service. The depreciation of vehicles is very high in the first few years of a vehicle's service life. The regulation would require the purchase of a vehicle at the highest cost and prohibit the savings that could be realized by purchasing vehicles that are older.
- Requires vehicles to be retired at 5 years old under Subparagraph (b)(1)(i) when the vehicle would otherwise have three remaining years of service under the statute. This precludes three years of use of vehicles that otherwise meet the statute and pass PPA's inspections.
- Prohibits the introduction or reentry to service of wheelchair accessible and hybrid vehicles that are more than three years old. This precludes the use of vehicles that otherwise meet the statute and pass inspections. It is our understanding that there are not any wheelchair accessible vehicles currently operating in PPA's jurisdiction. It would appear this limitation may further discourage them. Also, it is not clear why PPA treats hybrid vehicles differently than any other type of vehicle.

Commentators stated that one-year old cars with less than 15,000 miles are not readily available. They provided a comparison that the difference in cost between a used vehicle and new vehicle is approximately \$23,000, which in turn will require:

- Financing in most situations at a cost of approximately \$750 per year,
- Higher insurance costs estimated at an additional \$2,000 per year,
- More expensive leases, and
- Higher rates to the riding public.

Commentators question the effectiveness of the age limits and state PPA has not demonstrated a link between the age of vehicles, service complaints and violations. Commentators also question why taxicab standards are more stringent than limousines standards.

PPA should explain why limitations on the age of vehicles are needed and reasonable. PPA should provide a comparison of taxicab vehicle costs under the statute that only limits the age of the vehicle to eight years versus the age limitations in the final regulation. PPA should establish beyond anecdotal presumption that newer vehicles will improve safety and service beyond what is accomplished by biannual inspections of vehicles. PPA should also provide how the difference in cost will affect the ultimate fares paid by taxicab customers.

*Implementation procedures*

In addition to the concerns above, it is not clear how the age limitations in the regulation will be implemented. For example, the regulation does not contain a grandfather clause and if implemented as written, may impose

immediate retirement of vehicles and significant costs in replacing those vehicles. PPA should provide a study of the ages of vehicles currently in service. PPA should then explain the status of those vehicles under the final-form regulation, and the economic impact of the transition to those age limitations.

*Subsection (c) Wheelchair accessible taxicabs and hybrid vehicles*

A commentator believes this provision does not provide enough incentive to implement wheelchair accessible taxicabs or to encourage the use of hybrid vehicles. It is our understanding that there are currently no wheelchair accessible taxicabs currently in service. PPA should explain how the provisions in Subsection (c) will adequately address the need for wheelchair accessible vehicles and encourage vehicles that use either alternative fuels or more efficient use of gasoline.

**48. Section 1017.4. Taxicab mileage parameters.— Statutory authority; Economic impact; Need; Reasonableness.**

*Statutory authority for taxicab mileage parameters*

Again, under its general rulemaking authority, PPA may prescribe regulations under 53 Pa.C.S.A. Chapter 57 Taxicabs and Limousines in First Class Cities. See 53 Pa.C.S.A. § 5722. Regarding a limitation on the age of vehicles, Chapter 57 of the statute states that “. . . No vehicle which is more than eight years old shall continue in operation as a taxicab. . . .” See 53 Pa.C.S.A. § 5714(a). However, we have not found a parameter relating to taxicab mileage in Chapter 57 of the statute. Therefore, we question the authority to invoke the minimum and maximum mileage limitations in Subsections (a) and (b) of the regulation. PPA should either delete Section 1017.4 from the regulation or explain its existing statutory authority to enforce it. Alternatively, PPA should seek statutory amendments before including these provisions in regulation.

*Economic impact, need and reasonableness of the mileage limitations of a taxicab in the regulation*

If PPA can convincingly establish its authority for Section 1017.4, we further request that PPA provide support for how these provisions meet the criteria of economic impact, need and reasonableness. We recognize that newer vehicles may be safer, more comfortable and aesthetically pleasing. On the other hand, PPA inspects the taxicab vehicles twice a year and spot checks vehicles that are providing service. We are concerned that the regulation will impose significant costs to the taxicab industry and ultimately to customers because the regulation:

- Requires a new vehicle to have less than 15,000 miles on the odometer to meet Paragraph (a)(1).
- Requires a wheelchair accessible or hybrid vehicle to have less than 35,000 miles on the odometer to meet Paragraph (a)(2).
- Requires removal of taxicab vehicles that have more than 200,000 miles under Paragraph (b)(1) and removal of wheelchair accessible and hybrid vehicles that have more than 300,000 miles under Paragraph (b)(2).

Commentators’ concerns with mileage are similar and directly relate to their concerns with the age limitations in Section 1017.3. Commentators stated that one-year old cars with less than 15,000 miles are not readily available. They provided a comparison that the difference in cost

between a used vehicle and new vehicle is approximately \$23,000, which in turn will require:

- Financing in most situations at a cost of approximately \$750 per year,
- Higher insurance costs estimated to cost an additional \$2,000 per year,
- More expensive leases, and
- Higher rates to the riding public.

Commentators question the effectiveness of the mileage limits and state PPA has not demonstrated a link between the mileage of vehicles, service complaints and violations. Commentators also question why taxicab standards are more stringent than for limousines.

PPA should explain why limitations on the mileage of vehicles are needed and reasonable. PPA should provide a comparison of taxicab vehicle costs under the statute that only limits the age of the vehicle to eight years versus the mileage limitations in the final-form regulation. PPA should also provide how the difference in cost affects the ultimate fares paid by taxicab customers.

*Implementation procedures*

In addition to the concerns above, it is not clear how the mileage limitations in the regulation will be implemented. For example, the regulation does not contain a grandfather clause and if implemented as written, may impose immediate retirement of vehicles and significant costs in replacing those vehicles. PPA should provide a study of the mileages of vehicles currently in service. PPA should then explain the status of those vehicles under the final-form regulation, and the economic impact of the transition to those mileage limitations.

**49. Section 1017.5. Basic vehicle standards.— Reasonableness; Economic impact; Need; Implementation procedures.**

*Subsection (a)*

This subsection requires vehicles to comply with state standards imposed by the Department of Transportation, “except where those standards are exceeded or otherwise altered by this subpart.” However, it is unclear when such circumstances would occur. The final-form regulation needs to explain these exceptions and how they will be implemented.

*Subsection (b)*

Paragraph (b)(3) requires a taxicab to have “an operable two-way radio and a mobile data terminal connected to a dispatch radio system . . .” A commentator believes that cell phones can be used effectively and safely and are a superior solution to the 1950s two-way radio technology. PPA should review public comments on newer technology and amend the regulation accordingly or explain why the regulation is limited to two-way radios.

Paragraph (b)(22) requires a taxicab to contain a map for use by the driver. A commentator observes that every taxicab is required to have a GPS system. PPA should explain the need for a map in addition to a GPS system.

*Subsection (c)*

This subsection refers to a federal requirement for interstate drivers that “No requirement of this subpart . . . may be interpreted to disrupt or interfere with. . . .” (Emphasis added.) We have two concerns. First, Section 1017.5 is a section, not a subpart. Second, since this section relates to vehicle standards not drivers, we question the need for Subsection (c) in this section.

*Subsection (e)*

This subsection bans advertising on the exterior or interior of a taxicab with the exception of roof-top advertising panels. A commentator believes this is an unreasonable restriction and believes taxicabs should be allowed to supplement income with advertising. The commentator believes external advertising should only be restricted if it interferes with the taxicab markings and that internal advertising should be allowed. PPA should explain the need to restrict advertising in Subsection (e) and why less restrictive regulation of advertising is not allowed.

*Subsection (f)*

This subsection requires a daily inspection of a taxicab by a certificate holder. By definitions in Section 1001.10, a certificate holder is the holder of the certificate of public convenience. Commentators made the point that when a taxicab is leased, the certificate holder would not see the taxicab on a daily basis. PPA should amend this provision so that a driver who leases a medallion could also perform the daily inspection.

**SUBCHAPTER B. COLORS AND MARKINGS****50. Section 1017.12. Required markings and information.—Need.**

Paragraph (a)(2) requires the name of the certificate holder to appear on the front fenders of a taxicab in five-inch print. A commentator points out that over 700 corporations own medallions in Philadelphia and therefore questions the benefit of putting the names on the taxicabs. PPA should explain the need for this provision.

**SUBCHAPTER C. METERS****51. Section 1017.23. Approved meters.—Economic impact; Reasonableness.**

This section implies there is a list of approved meters on PPA's website. We have two concerns. First, it is our understanding that there is only one approved meter at this time. PPA should explain whether other meters are acceptable and how to submit an alternative meter for PPA approval. Second, we were unable to locate this list on the website. We request that PPA provide the list and the link to its specific location on the website in the final-form regulation.

**52. Section 1017.24. Meter activation and display.—Economic impact; Reasonableness.**

Paragraph (d)(4) sets a limit on fees associated with the credit card and debit card transactions of five percent of the total fare amount. Is the maximum of five percent above the market cost for typical credit card and debit card transactions for other businesses? Is the processing of credit and debit card services provided by either a competitive process for the service or multiple service providers who must compete for services? PPA should explain why the limit of five percent is reasonable and whether there were any other regulatory options it considered in developing the regulation.

**SUBCHAPTER D. TAXICAB INSPECTIONS****53. Section 1017.33. Failure to appear for scheduled inspection.—Fiscal impact; Reasonableness; Need.**

This section states that if a taxicab fails to appear for a scheduled inspection, the certificate holder will not only be charged a rescheduling fee, but will also be subject to penalties. Does this fee apply to all cancelled inspections due to any circumstance? What if it was the first time the driver failed to appear or it was an emergency? In those

circumstances would a rescheduling fee be required and penalties imposed? PPA should explain the need for these fees in the Preamble to the final-form regulation. Additionally, the final-form regulation should set forth under what circumstances penalties would be imposed.

**54. Section 1017.37. Inspection subsequent to vehicular accident or damage.—Need; Economic impact; Reasonableness; Clarity.***Subsection (a)*

Paragraphs (1) to (5) set forth incidents that require removal of a taxicab from service. A commentator believes these provisions are too stringent. Another commentator is concerned that the economic impact of this provision falls on the driver who loses wages, while the medallion holder's lease must still be paid. We have the following concerns with the drafting of this provision:

- Paragraph (2) requires a vehicle to be removed from service for "An incident involving contact with a vehicle owned or operated by any government entity." We have three concerns with this provision. First, it is not clear why the government ownership of the vehicle "involving contact" is determinative in removing a taxicab from service. Second, as written, this would require the taxicab to be removed from service even if, for example, a parked taxicab is dented by a government vehicle. Third, this requirement would impose a financial penalty on the taxicab through loss of service time when there is minor contact and no damage to either vehicle. We recommend that Paragraph (2) either be deleted or rewritten so that it provides reasonable parameters for removing a taxicab from service.
- Paragraph (3) requires a vehicle to be removed from service for "An incident resulting in damage to the taxicab which requires more than \$500 to repair." We have three concerns with this provision. First, it is not clear how a driver could immediately determine the dollar amount of a repair to a vehicle and therefore determine whether the vehicle must be removed from service or not. Second, the dollar amount of damage does not necessarily equate to a safety concern. For example, a minor scratch or dent to a vehicle may cost \$500 to repair, but may not affect the safe operation of the vehicle. Third, how did PPA determine that \$500 is the appropriate amount? We recommend that PPA review this provision and either delete it or amend it so that it provides a reasonable parameter for removing a taxicab from service.
- The incident in Paragraph (5) includes "a motor vehicle accident resulting in injury or death to any person." However, this incident is already included in Paragraph (1) which requires a taxicab to be removed from service if an incident must be reported to the police under 75 Pa.C.S. § 3746. Paragraph 3746(a)(1) of that statute specifically includes "injury to or death of any person." Therefore, we recommend deleting Paragraph (5) since it duplicates Paragraph (1).

*Subsection (b)*

This subsection requires the certificate holder and driver to contact the Manager of the Enforcement Department "immediately upon the occurrence of any incident set forth in subsection (a) . . ." We note that Paragraph (a)(1) requires notice to the police under 75 Pa.C.S.



§ 3746 (relating to immediate notice of accident to police department). Notice to the police department can provide many other needed services including notifying emergency responders and traffic control. Therefore, the requirement in Subsection (b) to immediately contact PPA could be in conflict with the statutory requirements of 75 Pa.C.S. § 3746 in some circumstances. We note that Section 1021.15 also provides actions required by the driver after an accident. We recommend that PPA review Subsection (b) and rewrite the requirement so that it is clear that the police must be contacted first when there is an accident that requires immediate notice to a police department. PPA should also explain why Subsection (b) is needed in addition to Section 1021.15.

*Subsection (c)*

There appears to be a typographical error in this subsection. The reference to Subsection (b) should be changed to Subsection (a).

**55. Section 1017.41. Attendance at scheduled inspection.—Need; Economic impact; Reasonableness.**

53 Pa.C.S. § 5714(a) states PPA shall require “that each medallion holder submit to a periodic vehicle inspection of its taxicab by authority personnel.” This section of the regulation goes further than the statute by requiring a certificate holder or attorney-in-fact to attend the inspection. What need obviates attendance by a certificate holder or a hired attorney that justifies the cost to the certificate holder. Typically, a car owner can drop off a car for a state inspection at a garage and pick it up after the work is done. Why must a person attend a taxicab inspection? What service or expertise can the person provide while the taxicab is inspected by PPA personnel? Again, PPA should delete this entire section or explain how the costs imposed on the regulated community are justifiable.

**56. Section 1017.43. Approved models and conditions.—Reasonableness; Implementation procedures; Clarity.**

This provision states “The Authority will publish a list of approved makes and models of vehicles permitted for use as taxicabs. . . .” Based on discussion with PPA, it is clear this list is not intended to be exclusive but rather is intended to give guidance to a person purchasing a vehicle on what vehicles have been approved in the past. We recommend that this provision be rewritten so that it is clear how other vehicles can be approved and added to this list and that the list is not exclusive.

**SUBCHAPTER F. TAXICAB LEASES**

**57. Section 1017.62. Taxicab leases.—Reasonableness.**

A commentator believes this section and specifically Paragraph (c)(9) do not reflect the varied relationships between drivers and medallion owners. There are DOVs, multiple drivers and different types of leases. PPA should review this section and explain how it appropriately accommodates taxicab leases.

**58. Section 1017.63. Wages, maximum lease amounts and uniform rates.—Consistency with statute; Need.**

*Applicability*

Subsections (a), (b) and (c) essentially restate statutory provisions in regulation. 53 Pa.C.S. § 5720(a) states “each medallion owner shall pay at least a prevailing minimum wage rate or, in the alternative, charge at most a

prevailing maximum lease amount to the drivers of its taxicab, as determined by the authority upon investigation.” Also, 53 Pa.C.S. § 5720(b) states that “all taxicabs . . . shall charge a uniform rate to passengers, as determined by the authority upon investigation.” Why are Subsections (a), (b) and (c) needed in regulation?

*Employee benefits*

Employee benefits are addressed in 53 Pa.C.S. § 5720(a) which states, in part, “. . . the minimum wage rate and the maximum lease amount, as established by the authority, may include employee benefits.” (Emphasis added.) Subsection (c) of the regulation states “Upon investigation, the Authority may establish, by order, prevailing employee benefits for taxicab drivers, in addition to a minimum wage.” (Emphasis added.) The phrase “in addition to a minimum wage” implies the minimum wage and the employee benefits are separate. PPA should explain how the regulation is consistent with 53 Pa.C.S. § 5720(a).

**CHAPTER 1019. DISPATCHERS**

**59. Section 1019.2. Ineligible persons for dispatcher service.—Reasonableness; Implementation procedures; Clarity.**

*Paragraph (2)*

This paragraph states an applicant is ineligible to be a dispatcher if:

The applicant is incapable of providing dispatching services through persons or communication devices that speak, read and write the English language sufficiently to clearly communicate with the public and respond to Authority investigations and comply with reporting requirements of the Authority’s regulations.

It is not clear what standard this provision sets. How is it determined, by whom and when, that the applicant can or cannot “speak, read and write the English language sufficiently to clearly communicate with the public”? This provision should either be deleted or rewritten to provide a clear standard of compliance for both PPA and persons applying to be dispatchers.

**60. Section 1019.8. Dispatcher requirements.—Economic impact; Reasonableness; Need.**

Paragraph (6) requires dispatchers to have at least one display advertisement in a telephone book and a website which displays information necessary to order a taxicab. A commentator believes that dispatchers should not be required to do both. Can taxicab service be effectively provided using just a website? What is the need for requiring these types of advertisements in both the telephone book and on the web?

**CHAPTER 1021. TAXICAB DRIVERS**

**61. Section 1021.3. Maximum number of taxicab driver’s certificates.—Statutory authority; Economic impact; Reasonableness; Need.**

*Maximum of 3,000 taxicab driver’s certificates*

Subsection (a) establishes a maximum of 3,000 taxicab driver’s certificates, and Paragraph (b)(2) states that PPA will accept new applications only when the number of taxicab drivers is below 3,000. Under 53 Pa.C.S. §§ 5711(c)(2) and 5713(b), PPA can issue a maximum of 1,600 certificates of public convenience for taxicab service (and five certificates for limited service).



Based on public comment, the limitation to 3,000 taxicab driver's certificates is among the most controversial provisions in the regulation. One commentator supports the 3,000 driver cap, stating it will end exploitation of drivers. Many other commentators question the statutory basis for a limit and how the number of 3,000 was determined. They point out that this provision could stop unemployed people and underemployed people from working in the taxicab industry. They are concerned that inactive drivers who hold certificates would preclude new drivers from getting certificates. A commentator requests that PPA develop an analysis of drivers to contribute towards understanding how many drivers the region needs, but ultimately wants the marketplace to determine the number of drivers.

We believe the commentators have raised legitimate questions with the maximum of 3,000 taxicab driver's certificates. PPA should either delete this provision or establish its authority and enforcement powers to set a maximum number of drivers. If PPA establishes that authority, it should explain why a maximum is needed and in the public interest. PPA should explain why a maximum of 3,000 taxicab drivers is the optimum number of drivers to serve the interests of drivers, medallion owners and the public. In addition, PPA should provide any studies it has done in determining that the number of 3,000 drivers is in the best interest of all who provide and use taxicab service.

**62. Section 1021.4. Ineligible persons for taxicab driver certificate.—Reasonableness; Need.**

Paragraph (6) requires a driver to have "... a driving history in the United States of at least 1 continuous year..." A commentator believes it is unnecessary to prohibit persons who were drivers in other countries, such as Canada, and have lived in the United States for less than one year. Why does the regulation require a driving history in the United States of at least one continuous year?

**63. Section 1021.5. Standards for obtaining a taxicab driver's certificate.—Fiscal impact; Reasonableness; Need; Clarity.**

*Criminal history report and record*

Paragraph (b)(6) references both a criminal history report and a criminal history record. "Criminal history report" is defined in Section 1001.10, whereas a "criminal history record" is defined in the Criminal History Information Act, 18 Pa.C.S.A §§ 9101, et seq. Did PPA intend for there to be a distinction between the two phrases? If not, then only one should be used in the final-form regulation.

*Reports from each jurisdiction*

Paragraphs (b)(6) and (8) require criminal history and driver history reports from each jurisdiction, other than Pennsylvania, in which the applicant resided in the five preceding years. A commentator believes these provisions may be unnecessarily burdensome for immigrants who would have to get this information from foreign governments. We recognize the safety aspect for the riding public of the criminal history and driver histories of applicants. Nonetheless, if a person immigrated legally into the United States, would a sufficient criminal history check have already occurred by the United States government? We request an explanation of what specific documentation PPA will accept from foreign governments, how this documentation can be obtained, and possible costs imposed on the applicant for requesting this information.

We also request an explanation of the need for criminal checks for persons who have immigrated legally.

*Other rights in which the applicant has a controlling interest*

Subsection (b) provides a list of all the information that must be included with an application for a taxicab driver's certificate. Paragraph (b)(10) requires a list of all PPA or PUC certificates or "other rights in which the applicant has any controlling interest." Subsection (b) does not explain whether this includes rights pertaining to interests unrelated to taxicabs. This provision is vague and the final-form regulation needs to define what comprises "other rights."

*Current on all reports*

Paragraph (b)(11) requires the applicant to include a written statement verifying certain things. Subparagraph (b)(11)(iii) requires verification that the applicant is current on all "reports" due to PPA. It is unclear what "reports" PPA is referring to. To improve clarity, we recommend that the final-form regulation include cross-references to the appropriate sections of the regulation relating to reports.

**64. Section 1021.9. Taxicab driver test.—Reasonableness; Implementation procedures; Clarity.**

This section explains the development by PPA of a test for taxicab drivers. However, it is unclear in Paragraph (c)(5) how it would be determined that a person has appropriately "demonstrated" that they can read and write English. The final-form regulation should clarify this issue.

**65. Section 1021.10. Expiration and renewal of certificate.—Implementation procedures; Clarity.**

*Redundant provision*

This section discusses the process for expiration and renewal of a driver's certificate. Subsection (a) establishes that certificates expire one year from the date of issuance and are annually renewed, all of which is already contained in Section 1011.3. Therefore, Subsection (a) is redundant and should be removed from the final-form regulation. We also recommend that to improve clarity, Subsections (b)—(d) be moved to Section 1011.3.

*In good standing*

In Subsection (b), who determines and how is it established that a taxicab driver is "in good standing"? The final-form regulation should clarify these issues.

**66. Section 1021.12. Additional requirements.—Need; Economic impact; Reasonableness; Protection of the public safety.**

*Subsection (b)*

This subsection states:

Each taxicab driver shall provide a weekly average of at least 24 hours of taxicab service for each year the taxicab driver's certificate is issued and a minimum aggregate number of 1,248 hours of taxicab service each year.

We question what this requirement accomplishes. Why is there a need to exclude drivers who may be able to work just one day a week while holding down another job? Why exclude a driver who could fill in for a regular driver who is sick? PPA should explain why this provision is needed and reasonable. PPA should also explain the economic impact of the recordkeeping by the driver and the cost of enforcement of this provision by PPA.

In addition, it is our understanding from public comment that PPA has used a maximum number of hours in the past for safety reasons and quality of service reasons. Why wasn't a maximum number of hours included in the regulation?

**67. Section 1021.15. Taxicab driver reports after accident.—Reasonableness; Need; Implementation procedures; Clarity.**

This section describes the necessary steps taken by a taxicab driver after an accident. Paragraph (2) requires a driver to take "necessary precautions to prevent further accidents" and Paragraph (3) requires a driver to "render reasonable assistance to injured persons." Because terms in these two paragraphs are vague, implementation may result in drivers acting outside the scope of their licensed duties. For example, a driver should not be expected to stop a fire or render assistance to injured persons without a medical license or proper training. Therefore, the final-form regulation should specifically explain the types of "precautions" and "assistance" a driver is expected to administer.

**68. Section 1021.17. Partial-rights taxicab driver log.—Clarity; Reasonableness; Need.**

*Subsection (b)*

Paragraph (b)(11) requires a service log to include "other information as may be required by this subpart." This provision is vague. Subpart B is lengthy and it would be difficult to determine what other information may be required. Paragraph (b)(11) should either be deleted or replaced with specific information that is required to be placed on the log.

*Subsection (f)*

This subsection states that PPA may require use of a specific trip sheet form and will provide it on the website. Why is Subsection (f) necessary given that Subsection (b) provides specific information that must be included in the service log? Under what circumstances would PPA require the specific trip sheet form in Subsection (f) in addition to the requirements in Subsection (b)?

**CHAPTER 1025. INSURANCE REQUIRED**

**69. Section 1025.2. Insurance forms and procedures.—Clarity; Reasonableness.**

Paragraph (c)(2) states that PPA may prescribe additional information and content necessary for endorsements and notices required by this section. This provision is vague and would allow changes to be made to requirements outside the rulemaking process. We recommend deleting Paragraph (c)(2).

**70. Section 1025.3. Insurance required.—Economic impact; Feasibility; Implementation procedures; Reasonableness.**

*Subsection (b) sets forth the following insurance requirements:*

The liability insurance maintained by a taxicab certificate holder shall be in an amount of at least \$50,000 to cover liability for bodily injury, death or property damage incurred in an accident arising from authorized service. The \$50,000 minimum coverage is split coverage in the amounts of \$20,000 bodily injury per person, \$40,000 bodily injury per accident and \$10,000 property damage per accident. This coverage must include first party medical benefits in the amount of \$25,000 and first party wage loss benefits

in the amount of \$25,000 for passengers and pedestrians. Except as to the required amount of coverage, these benefits must conform to 75 Pa.C.S. §§ 1701—1799.7 (relating to Motor Vehicle Financial Responsibility Law). First party coverage of the taxicab driver of taxicabs must meet the requirements of 75 Pa.C.S. § 1711 (relating to required benefits).

Commentators stated that insurance currently costs approximately \$4,000 per taxicab and that implementation of this provision could increase rates as much as 200 to 300% mostly attributable to the increase in first party benefits, commonly referred to as "PIP." Insurers commented that the increased limits are so significant that it could affect the number of insurers willing to write these policies.

PPA should provide an analysis of the insurance limits in the final-form regulation regarding the feasibility of multiple insurers providing the insurance required by the regulation and the affordability of the insurance for the regulated community.

**71. Section 1025.5. Standards for adjustment and payment of claims.—Clarity.**

The opening paragraph of this section requires common carriers to "comply with fair claims settlement and compromise practices." The regulation should provide a direct citation to these practices so that the regulated community knows how to comply.

**CHAPTER 1027. SALE OF RIGHTS**

**72. Section 1027.2. Definitions.—Need; Clarity.**

*Medallion taxicab certificate*

Chapter 1027 is not the first time this term is used in the regulation. Therefore, to improve clarity, we recommend that this definition be moved, consistent with our comment on Section 1001.10.

*Sale*

What does PPA consider "securities" and "other ownership interests"? Do these include securities and interests unrelated to taxicabs? The final-form regulation should clarify these issues.

**73. Section 1027.3. Authority approval of sale of rights.—Reasonableness; Need; Clarity.**

This section defines the sale of transferable rights. Subsection (b) states that: "The sale of *any number* of securities or *other ownership interest* . . . will be considered a sale . . ." (Emphasis added.) According to subsequent sections, like Sections 1027.6 and 1027.7, a "sale" requires PPA approval of an application and various documents. In regard to similar provisions for limousines, Philadelphia Regional Limousine Association (PRLA) contends that by requiring an application for "any" number of securities, this could result in an unreasonable burden on the ability of a corporate entity to freely transfer stock. We recommend that the final-form regulation specify the number of securities that would constitute a sale. In addition, the final-form regulation should explain what "ownership interests" are subject to a sale.

**74. Section 1027.6. Application for sale of transferable rights.—Reasonableness; Implementation procedures.**

Subsection (d) pertains to the sale of multiple rights. It states that the amount of transfer fee imposed will be determined "based on the higher of the aggregate value of

the sale or the transfer fee for each right. . . .” PPA should explain how it determined this was a reasonable method of calculation.

**75. Section 1027.9. Financial fitness generally.—Implementation procedures; Clarity.**

This section explains what documents PPA will review to determine the financial fitness of a proposed buyer for a sale. We have two concerns.

First, Paragraph (a)(1) states that PPA will review bank statements of accounts holding “not less than the greater of \$5,000 or 2% of the *sale price in unencumbered and available funds*. . . .” (Emphasis added.) PPA should explain how it determined these were appropriate account holdings for consideration, and why the funds must have been in the account for six months.

Second, in Paragraph (a)(4), why must a buyer demonstrate the absence of any civil judgments against the parties required to submit a criminal history report?

**76. Section 1027.10. Regulatory compliance review.—Clarity.**

In Subsection (a), what is a “regulatory compliance record”? The final-form regulation should explain this term.

**CHAPTER 1029. BROKERS**

**77. Section 1029.4. Ineligible persons for broker certification.—Statutory authority.**

Consistent with our comment on Section 1011.5, we question how PPA will enforce Paragraph (1) if a person is arrested but has not been found guilty of a crime. Under what authority can PPA classify a person as ineligible who has been arrested and is awaiting trial?

**78. Section 1029.6. Broker training.—Consistency with statute; Protection of the public welfare; Reasonableness.**

*Subsection (a)*

This subsection states that PPA will schedule and conduct training. PPA should explain how this is consistent with the Act.

*Subsection (b)*

This subsection states broker training will consist of a minimum of two hours of instruction. How is two hours of training sufficient to perform the duties of a broker? Also, does PPA accept any national licensure for brokers? PPA should explain how the requirements for broker training are adequate.

**SUBPART C. LIMOUSINES.**

**CHAPTER 1051. GENERAL PROVISIONS.**

**79. Section 1051.2. Definitions.—Consistency with the statute; Reasonableness; Clarity.**

*Common carrier*

This definition states:

A common carrier by motor vehicle, as defined in 66 Pa.C.S. § 102 (relating to definitions), transporting passengers. . . .

This definition is complicated and vague. Under 66 Pa.C.S. § 102, there are two entirely different and separate definitions for the terms “common carrier” and “common carrier by motor vehicle.” Therefore, it is not clear what the definition in the regulation describes and whether it encompasses carriers that are not under PPA’s jurisdiction.

We recognize the Act uses the term “common carrier by motor vehicle” in 53 Pa.C.S. § 5703(g). PPA should consider whether the term “common carrier” should be used in the regulation. If the term is retained, PPA should explain why it is the appropriate term and clarify its definition for the final-form regulation.

*Key employee*

The term “other entity identified by the Authority” is vague and the final-form regulation should provide examples of this term.

*Limousine*

The proposed regulation defines this term as “A vehicle meeting the definition provided in section 5701 of the act (relating to definitions).” However, as the PA Bus Association (PA Bus) correctly points out, this section of the Act does not include a definition for “limousine.” The final-form regulation should define “limousine” without cross-referencing the Act.

*Limousine service*

The proposed regulation defines this term as: “The transportation of passengers or offering to transport passengers in a limousine through a certificate or registration issued by the Authority.” However, this definition is inconsistent with the statutory definition. Section 5701 of the Act defines “limousine service” as:

(1) Except as provided in paragraph (2), a motor vehicle providing any of the following services:

(i) Local, nonscheduled common carrier service for passengers on an exclusive basis for compensation.

(ii) Common carrier service for passengers for compensation:

(A) From any airport, railroad station or hotel located in whole or in part in a city of the first class; or

(B) To any airport, railroad station or hotel located in whole or in part in a city of the first class from a point within the city of the first class.

(2) The term does not include any of the following:

(i) Taxicab service.

(ii) Service that was otherwise exempt from the jurisdiction of the commission prior to the effective date of this subparagraph.

(iii) Other paratransit service.

(iv) Employee commuter van pooling.

We recommend that the final-form regulation reference the statutory definition.

A commentator states that certain “chauffeured services” are not properly classified as “limousine services.” According to the commentator, there are circumstances where passengers are transported in the same manner as a limousine service, but the bill is submitted to a third party (for example, an insurance company). The final-form regulation needs to clarify whether these types of services would be required to comply with the regulation.

*Moving violations*

The definition should read: “Any debt owed to the Commonwealth or one of. . . .” The word “of” should be added to the final-form regulation.

*Regulated person*

This definition states, “A certificate holder, broker, limousine driver, or other person subject to the act, *this part, or an order of the Authority*.” (Emphasis added.) We



recommend deleting the phrase “this part or an order of the Authority.” The authority for the regulation (Part II) and PPA orders are derived from the Act. Therefore, we suggest rephrasing this definition so that it is clear that PPA will not be establishing “regulated persons” by regulation or order beyond the bounds of the Act.

#### *Rights*

What does the phrase “other authorization” refer to? The final-form regulation should clarify this issue.

#### *Stretched vehicle*

This definition states that a “stretched” vehicle is one that accommodates 16 passengers or more, including the driver. However, a commentator suggests that if a vehicle has more than 16 passengers it is regulated by federal law. We request that PPA explain how the definition is consistent with federal law, and if necessary, amend the definition.

#### **80. Section 1051.3. Annual rights renewal process.—Reasonableness; Need; Implementation procedures; Clarity.**

This section describes the process for annual rights renewal for limousine drivers’ certificates. We raise seven issues.

First, Paragraph (a)(1) states that “A certificate will expire on July 1 of each year.” We question how it is reasonable to apply that date to every certificate awarded. If a certificate is awarded in June, how can it still require a July 1st renewal? In the Preamble to the final-form regulation, PPA needs to explain the significance of the July 1st expiration date.

Second, Paragraph (a)(2) states that a limousine driver’s certificate will expire one year from the date of its issuance or renewal. However, it is unclear why PPA chose a one-year expiration since most licenses are issued for a longer time period (for example, PA drivers’ licenses are issued for a period in excess of one year). PPA should explain how it determined that the one-year expiration was appropriate.

Third, Paragraph (b)(2) states that driver certificates that have been expired for 60 days or more will be deemed cancelled. How did PPA determine that 60 days was an appropriate timeframe? This subsection also does not state whether the driver will be provided with notice that the certificate was deemed cancelled. The final-form regulation should clarify these issues.

Fourth, in Paragraph (c)(2), under what circumstances would renewal forms require the submission of additional documents or information to conform to an “order of the Authority”? The final-form regulation should provide examples of such instances.

Fifth, Subparagraph (c)(3)(i) requires certain renewal forms for limousine certificates to be filed on or before May 15th of each year. Since the proposed regulation requires limousine certificates to expire on July 1, has PPA considered whether six weeks is enough time to review and renew certificates?

Sixth, Subparagraph (c)(3)(ii) requires forms for renewal of driver’s certificates to be filed 60 days before expiration. Like Subparagraph (c)(3)(i), we question whether 60 days allows the driver enough time to submit these forms. PPA should explain how it determined this is an appropriate timeframe.

Finally, Section 1011.3, relating to the annual rights renewal process for taxicabs, includes provisions relating to waivers and suspension of rights. Why does Section 1051.3 not contain similar provisions for limousines?

#### **81. Section 1051.4. Annual assessments and renewal fees.—Fiscal impact; Need; Implementation procedures.**

Subsection (a) states that annual assessments or renewal fees are established each year in accordance with the Act. A commentator notes that there is a large difference in the fees imposed by the PUC and the same fees imposed by the PPA (with PPA’s being higher). Does PPA discuss its proposed fees with the regulated community before they become effective? The final-form regulation should explain why there appears to be an increased fiscal impact between PPA and PUC regulations for annual assessments and renewal fees.

Paragraph (d)(1) states that any assessments or renewal fees not paid before 3 p.m. on the due date will be considered late. Since offices normally don’t close until closer to 5 p.m., what is the need for this deadline?

#### **82. Section 1051.5. Ineligibility due to conviction or arrest.—Implementation procedures; Clarity.**

Subsection (d) states that if criminal prosecution is initiated against a regulated party, the Enforcement Department may seek immediate suspension of rights pending the conclusion of the criminal proceedings. However, PRLA notes this provision could have consequences for entities not involved in the alleged criminal activity. For example, PRLA states that in the event that a driver is accused of a crime, this subsection would allow PPA to suspend the rights of not only the driver, but also the limousine company, regardless of its non-involvement or whether the offense occurred independent of the driver’s employment with the limousine company. The final-form regulation should clearly specify whose “rights” would be suspended during a criminal proceeding. In addition, we request an explanation of how PPA can enforce this provision without violating the rights of a limousine driver accused but not convicted of a crime.

#### **83. Section 1051.6. Payment of outstanding fines, fees, penalties and taxes.—Statutory authority; Economic impact.**

Subsection (a) specifically mentions payment of assessments, fees, penalties and other payments due under the Act. However, Subsections (b), (c) and (d) address parking violations, moving violations, Commonwealth taxes, city taxes and a Business Privilege License. PPA should delete Subsections (b), (c) and (d) or explain its authority to require information and enforce the provisions in Subsections (b), (c) and (d). PPA should also explain how much of its resources are devoted to these provisions, whether the costs are subsidized by other enforcement agencies and why it is appropriate for PPA and the entities under the Act, and ultimately fare paying customers, to bear the burden of these costs. Finally, PPA should provide an estimate of the cost to the regulated person to provide documentation to the satisfaction of PPA that they have complied with Subsections (b), (c) and (d).

#### **84. Section 1051.7. Facility inspections.—Clarity.**

This section requires inspections of “operating locations” and a “facility inspection.” However, these terms are vague and the final-form regulation should define them.



**85. Section 1051.8. Limousine service limitations.—Statutory authority; Need; Reasonableness.**

This section discusses limousine service limitations. Subsection (c) states:

This section does not apply to an individual hired by a funeral home to drive an Authority-certified limousine for funeral related services. The funeral service drivers may not be in violation of § 1051.5 (relating to ineligibility due to conviction or arrest), shall submit to a criminal background check by the TLD and evidence possession of a valid State-issued driver's license.

This is the first time "Authority-certified" limousines for funeral services are mentioned in the regulation. These types of limousines are also not mentioned in the Act. What is PPA's statutory authority to regulate limousines for funeral-related services? Why are these vehicles and drivers not included in Subsection (a)? If they are not properly included under Subsection (a), what is PPA's authority to require compliance with Section 1051.5, and require a criminal background check and possession of a valid driver's license?

**86. Section 1051.10. Record retention.—Economic impact; Need; Reasonableness; Clarity.**

*Subsection (a)*

We have two concerns. First, rather than stating "all records required under the act," the regulation should cite the specific sections of the Act for which records must be kept. Second, this subsection requires records to be retained that are "otherwise kept in the ordinary course of business." PPA should either clarify this phrase or delete it.

*Subsection (c)*

This subsection requires records to be stored in dry areas "protected by a fire suppression system." We have three concerns. First, it is not clear why these records need to be protected by a fire suppression system. What specifically is in these records that requires this level of protection? Also, if the information is that sensitive, why doesn't the regulation require a copy to be filed with PPA?

Second, it is not clear what will meet the requirements for a "fire suppression system." For example, it would appear that fire-proof file cabinets could be sufficient. However, the regulation requires a "fire suppression system." (Emphasis added.) A system may require a sprinkler system at significant cost. We recommend that the regulation clearly establish what meets the requirement for a "fire suppression system."

Finally, PPA should provide an estimate of the cost to implement the fire suppression system required by the regulation.

*Subsection (d)*

This subsection requires electronic records to be "stored at a location that is separate by at least 1 mile from the office where the record originated." The requirement for storage of these records a distance of at least 1 mile from the office means that a business would have to maintain a separate location or pay for this service. PPA should explain the need for storage 1 mile away from the office, the costs imposed by this requirement and why the costs are justified.

*Subsection (e)*

Will PPA's request for records under this subsection be in writing?

**87. Section 1051.12. Interruptions of service.—Reasonableness; Need; Clarity.**

Subsection (a) requires a written statement to the Director when a vehicle is out of service for more than 48 hours. A commentator questions what types of interruptions in service that would include. PPA should explain the need for this provision and what PPA will do with the information.

This section uses the terms "interruption of service" and "suspension of service." However, the regulation is not clear regarding what specifically constitutes an interruption of service or suspension of service. The regulation should define these terms so that the regulated community knows what needs to be reported.

**88. Section 1051.13. Voluntary suspension of certificate.—Statutory authority; Implementation procedures; Clarity.**

This section discusses the process for a certificate holder to achieve PPA approval for voluntary suspension of their certificate in order to avoid penalties for violations relating to interruptions of service. We raise three issues.

First, the Act only grants PPA the power to rescind or revoke limousine certificates, not suspend them. See 53 Pa.C.S. § 5741.1(c)(1). Therefore, what is PPA's statutory authority for permitting this suspension process?

Second, Subsection (a) allows the suspension to occur subject to prior approval by the Director, who may, "in his sole or peculiar discretion...attach conditions as may be found necessary or proper." What does PPA consider "peculiar discretion"? Also, what kinds of conditions would the Director consider "necessary or proper"? The final-form regulation should clarify these issues.

Finally, Subsection (b) states that voluntary suspension of a certificate may occur "after a report is issued as provided in § 1051.12." However, this section does not mention an actual report. Is this subsection referring to 1051.12(a) where a certificate holder is required to "report" an interruption of service? PPA needs to clarify how the term "report" is applied in these two sections, and include a cross-reference to Subsection 1051.12(a).

**89. Section 1051.18. Method of operation.—Consistency with the statute.**

This section defines the method of operation for limousine service within PPA's jurisdiction. The PUC comments that this section is inconsistent with Sections 5701(1)(ii) and 5741 (a.2) of the Act because it does not discuss the various types of service contained in these sections. We agree and recommend that the final-form regulation be revised to include all statutory methods of operation for limousine service.

**CHAPTER 1053. STANDARD CLASSIFICATIONS OF LIMOUSINE SERVICE.**

**SUBCHAPTER A. CLASSIFICATIONS**

**90. Section 1053.1. Standard classifications of limousine service.—Consistency with the statute; Statutory authority; Reasonableness; Need; Clarity.**

This section defines the different classifications of limousine service, including luxury limousine service, airport transfer service, and remote carriers. We raise five issues.

First, Subsection (b) states:

The following standard classification of types of limousine service is adopted, and the following is hereby recognized as a standard class of limousine service. *A certificated service which does not completely correspond to a standard class may be governed, where practicable, by the regulations for the standard class to which it most nearly corresponds.* (Emphasis added.)

The second sentence implies that there are services that do not comport with the definitions contained in the regulation, but PPA may unilaterally decide, at its discretion, that these services must comply without including them in the regulation. However, Section 5741(a) of the statute states that “the authority may by regulation define categories of limousine service.” (Emphasis added.) The final-form regulation should explain how PPA will determine that these types of services should be classified.

Second, Paragraph (b)(1) defines “luxury limousine service” and references “luxury-type vehicles,” but this subsection does not explain what this term means. It appears that Section 1053.23(b) defines this term. We recommend that the provisions contained in Section 1053.23(b) be moved, consistent with our comment on Section 1001.10.

Third, Paragraph (b)(2) defines airport transfer service. While this subsection refers to service which originates or terminates at an “airport, railroad station or bus station,” Section 5741 (a.2) of the Act does not include bus stations, and only permits service from any “airport, railroad station, or hotel.” (Emphasis added.) Therefore, we agree with the PUC that this definition is inconsistent with the Act and should be modified in the final-form regulation.

Fourth, Paragraph (b)(3) defines remote carriers as:

A limousine operated by the holder of a certificate of public convenience from the PUC that engages in limousine service from any airport, railroad station and hotel located in whole or in part in Philadelphia to a location outside Philadelphia and which is without rights issued by the Authority as provided in section 5741(a)(3) of the act (relating to certificate of public convenience required). For example, a limousine certified by the PUC to provide limousine service in areas outside of Philadelphia *may provide that service from the Philadelphia International Airport without a certificate issued by the Authority, provided the to the requirements of this chapter are followed.* (Emphasis added.)

However, section 5741 (a.3)(2) of the Act states that these types of carriers can transport: “from any point in a city of the first class to any point in this Commonwealth beyond the city of the first class upon advance reservation in accordance with the service authorized under its certificate of public convenience, *excluding service from any airport, railroad station and hotel located in whole or in part in a city of the first class.*” (Emphasis added.) PPA should explain the difference between the language in the regulation and the Act.

Finally, there are two typographical errors in Paragraph (b)(3). First, the phrase “section 5741(a)(3) of the act” should be replaced with “section 5741(a.3) of the Act.” Second, the last phrase of Paragraph (b)(3) which states, in part, “the to the requirements of this chapter are followed.” The phrase “to the” should be removed in the final-form regulation.

## SUBCHAPTER B. LUXURY LIMOUSINE SERVICE.

### 91. Section 1053.22. Method of operation.—Implementation procedures; Clarity.

Subsection (a) states that a common carrier operating a luxury limousine service shall be subject to certain conditions “Unless otherwise specifically provided in this subpart or the certificate of public convenience.” (Emphasis added.) These conditions relate to transporting on an exclusive basis and charging for service. This section does not demonstrate the circumstances under which a certificate of public convenience would deviate from these conditions. The final-form regulation should provide specific examples. In addition, in this subsection, the word “following” should be inserted in the final-form regulation before the word “rights.”

Subsection (a)(2) is unclear. An individual commented that the language seems to suggest that payment for service cannot be made by passengers, but only through a “single person or organization.” The final-form regulation should clarify the appropriate means of payment.

## SUBCHAPTER C. AIRPORT TRANSFER SERVICE

### 92. Section 1053.32. Method of operation.—Consistency with the statute; Implementation procedures; Clarity.

#### *Opening paragraph*

This paragraph states that a common carrier operating a luxury limousine service shall be subject to certain conditions “Unless otherwise specifically provided in this subpart or the certificate of public convenience.” (Emphasis added.) These conditions relate to transporting on an exclusive basis and charging for service. This section does not demonstrate the circumstances under which a certificate of public convenience would deviate from these conditions. The final-form regulation should provide specific examples.

#### *Paragraph (2)*

This section discusses various types of airport transfer service. While Paragraph (2) permits service to be offered on both a scheduled or requested basis, Section 5741(a.2) of the Act only permits scheduled airport limousine service without advanced reservation. We agree with the comments of the PUC and recommend that the final-form regulation be modified to be consistent with the Act.

## SUBCHAPTER D. LARGE VEHICLES AND REMOTE CARRIERS

### 93. Section 1053.41. Large vehicles.—Statutory authority; Reasonableness; Need; Clarity.

#### *Large vehicles*

This section defines large vehicles. PA Bus states that the entire Subchapter D, as it pertains to buses (or luxury motorcoaches), is preempted by federal law. Based on the provisions contained in this section, it is unclear to what types of vehicles this regulation applies. For example, Subsection (a) states that a limousine with a capacity of 16 or more must hold a valid PUC certificate to hold Authority limousine rights. However, Subsection (b) states that limousines with a capacity of 16 or more are exempt from this chapter. The final-form regulation needs to clearly explain what constitutes a large vehicle, what vehicles are exempt, and how the regulation complies with federal law.

*Licensure requirements*

This section is also unclear regarding licensure requirements. Subsection (a) only states that a large vehicle must “hold” PPA limousine rights. Does that mean that these vehicles must obtain a valid PPA certificate or that vehicles licensed by the PUC automatically achieve reciprocity with PPA? Does PPA have the statutory authority to permit these vehicles to conduct business in Philadelphia as large vehicles without a certificate? According to a commentator, a consequence of this provision would also be that buses would now be regulated by the PUC, PPA, and the US Department of Transportation. What is the need for having buses regulated by three different agencies? The final-form regulation should clarify these issues, and specifically explain how these vehicles properly obtain licenses from PPA.

**94. Section 1053.42. Remote carriers.—Consistency with the statute; Clarity.**

Subsection (a) explains the requirements for remote carriers. A commentator argues that this section is directly in conflict with the federal RIDE ACT which allows companies to pick up and drop off passengers at an airport without additional licensing or fees. See 49 U.S.C. § 14501(d). The Preamble to the final-form regulation should explain how the regulation is consistent with this federal law.

One of the two “relating to” phrases should be removed from the parenthesis at the end of Subsection (a) as it is a typographical error.

**95. Section 1053.43. Certain limousine requirements.—Statutory authority; Need; Implementation procedures; Clarity.***Subsection (a)*

This subsection states that the purpose of this section is to “address limousine service in Philadelphia that is within the jurisdiction of the Authority as provided by the Act, but is not commonly considered either Philadelphia service or limousine service by the public or other regulating agencies.” However, this subsection does not identify what types of vehicles would not be commonly considered to conduct limousine service, but would still be permitted to provide such services under the Act. The final-form regulation should identify examples of the vehicles included in this section.

*Subsection (b)*

With respect to “certain limousines covered,” Subsection (b) states that this section applies to remote carriers. However, Subsection 1053.41(b), which does not reference remote carriers, includes a cross-reference to Subsections 1053.43(c)—(f). Therefore, it is unclear whether this section applies to other types of limousines in addition to remote carriers. The final-form regulation should clarify the applicability of this section

*Subsection (c)(4)*

This subsection requires a registration for a limousine subject to this section to expire on June 30 of each year. However, the regulation states that a certificate holder seeking “continued registration” must fill out and file the appropriate forms contained in Paragraph (c)(1). Is “continued registration” the same as renewal? The final-form regulation should clarify this issue. Why must the forms be completed in February when registrations expire in June? The final-form regulation should explain how it determined whether these timeframes were appropriate.

*Subsection (d)*

Paragraph (d)(2) refers to “Authority staff.” PA Bus questions who these staff members are. The final-form regulation should define this term.

Paragraph (d)(3) is unclear. It states that:

Except as provided in this chapter, limousines subject to this section must adhere to the regulations and orders of the PUC and are not required to adhere to regulations of the Authority while providing limousine service in Philadelphia. The Authority may pursue enforcement of PUC regulations before the PUC, as appropriate.

If these vehicles are required to adhere to the PUC regulations and orders and not those of PPA, how does PPA have jurisdiction over them? Furthermore, why would they be required to fill out registration forms with PPA as contained in Subsection (c), and display a PPA sticker on their vehicle as required by Subsection (f)? Why wouldn’t these vehicles simply be required to use the necessary documents and forms from the PUC? The Preamble to the final-form regulation should explain the need for and the implementation of this subsection.

**CHAPTER 1055. VEHICLES AND EQUIPMENT REQUIREMENTS.****SUBCHAPTER A. GENERAL PROVISIONS****96. Section 1055.1 Purpose.—Reasonableness; Clarity.**

Subsection (b) includes definitions, which normally are not included in the “Purpose” section of a regulation. To improve clarity, we recommend that Subsection (b) be included in its own separate section titled “Definitions.”

*Antique vehicle*

What does the PPA consider to be “substantially in conformance” with manufacturer specifications? The final-form regulation should clarify this issue.

*Compliance inspection*

Based on the provisions contained in this definition, the final-form regulation should explain why emissions testing will not occur for limousines.

**97. Section 1055.3. Limousine age and mileage parameters.—Statutory authority; Fiscal impact; Reasonableness; Need; Clarity.***Subsection (b) Age*

This subsection prohibits a vehicle from providing limousine service if it is more than eight years old. Since the Act only places age limits on taxicabs, what is PPA’s statutory authority for this prohibition? In addition, what is the need for removing them from service within this timeframe?

*Subsection (c) Mileage*

This subsection establishes mileage requirements for vehicles first introduced for service and for vehicles removed from service. Since the Act does not include such provisions, what is PPA’s statutory authority for mileage requirements on limousines?

*Subsection (d) Imputed mileage*

According to this subsection, when the odometer reading differs from the amount of miles actually traveled, PPA will impute mileage equal to “3,333 miles per month from the last reliable odometer recording through the date of inspection.” How did PPA determine this was an appropriate calculation?



*Fiscal impact*

It is clear that the need for new vehicles after a certain time period and imposing mileage requirements will impose added costs on limousine owners. However, PPA has not included an analysis of these costs in the regulatory package. In the final-form regulation, PPA should provide a complete fiscal analysis of these costs and explain how the new vehicles and mileage requirements are in the public interest.

**98. Section 1055.4. Basic vehicle standards.—Fiscal impact; Reasonableness; Need; Implementation procedures; Clarity.**

This section establishes the basic vehicle standards which limousines must comply with. We raise six issues.

First, Subsection (a) requires vehicles to comply with state standards imposed by the Department of Transportation, “except where those standards are exceeded or otherwise altered by this subpart.” However, it is unclear when such circumstances would occur. The final-form regulation needs to explain these exceptions and how they will be implemented.

Second, in the first phrase in Paragraph (b)(15), the word “posting” should be replaced with “postings.”

Third, in Paragraph (b)(16), a commentator questions whether it would be reasonable to expect companies to install a separate heating and air system if they cannot meet the temperature requirements included in Subsection (b)(12). What will be the fiscal impact of this requirement for limousine owners?

Fourth, Subsection (c) refers to a federal requirement for interstate drivers that “No requirement of this subpart” . . . may be interpreted to disrupt or interfere with. . . (Emphasis added.) We have three concerns. First, Section 1055.4 is a section not a subpart. Second, since this subsection relates to vehicle standards not drivers, we question the need for its inclusion in this section. Finally, the same language is contained in Section 1057.13, which pertains not to vehicles, but actually to limousine drivers. We recommend that this language be deleted from Section 1055.4 and remain in Section 1057.12.

Fifth, PPA needs to explain why Subsection (e) prohibits advertising on vehicles.

Finally, in Subsection (f), considering our comments relating to taxicabs in Section 1017.5, is it practical to expect limousine certificate holders to inspect limousines on a daily basis?

**SUBCHAPTER B. LIMOUSINE INSPECTIONS****99. Sections 1055.11. Scheduled compliance inspections and 1055.12. Offsite inspections.—Fiscal impact; Reasonableness; Need; Clarity.**

These two sections require 25% of a limousine certificate holder’s fleet to be presented for inspection by PPA. First, how did PPA determine 25% was an appropriate amount?

Second, PRLA indicates that it is unclear whether these sections apply to remote carriers. If remote carriers are included, PRLA contends that this would require these types of vehicles to submit to inspections from two different agencies, PPA and the PUC, which is not only unnecessary, but costly. PRLA also states that Section 1055.12 would cause further hardship on certain remote carriers because onsite inspections can only occur for fleets in excess of 50 vehicles, located within 30 miles of

PPA headquarters. The final-form regulation should specifically state whether these sections apply to remote carriers.

**100. Section 1055.13. Failure to appear for scheduled inspection.—Fiscal impact; Reasonableness; Need.**

This section states that if a limousine driver fails to appear for a scheduled inspection, the driver will not only be charged a rescheduling fee, but will also be subject to penalties. Does this fee apply to all cancelled inspections due to any circumstance? What if it was the first time the driver failed to appear or it was an emergency? In those circumstances would a rescheduling fee be required and penalties entered? PPA should explain the need for these fees in the Preamble to the final-form regulation. Additionally, the final-form regulation should set forth under what circumstances penalties would be imposed.

**101. Section 1055.18. Attendance at scheduled inspection.—Reasonableness; Need; Economic impact.**

This section of the regulation requires a certificate holder or attorney-in-fact to attend the inspection. While there is clear authority for the inspection of the vehicle, PPA should either delete this entire section or explain its authority to require attendance of the certificate holder or an attorney-in-fact at a vehicle inspection.

If PPA can establish authority, we further question what need obviates attendance by a certificate holder or a hired attorney that justifies the cost to the certificate holder. Typically, a car owner can drop off a car for a state inspection at a garage and pick it up after the work is done. Why must a person attend a limousine inspection? What service or expertise can the person provide while the limousine is inspected by PPA personnel? PPA should delete this entire section or explain how the costs imposed on the regulated community are justifiable.

**102. Section 1055.20. Approved models and conditions.—Reasonableness; Implementation procedures; Clarity.**

This provision states “The authority will publish a list of approved makes and models of vehicles by classification permitted for use as limousines....” Based on discussion with PPA, it is clear this list is not intended to be exclusive but rather is intended to give guidance to a person purchasing a vehicle on what vehicles have been approved in the past. We recommend that this provision be rewritten so that it is clear how other vehicles can be approved and added to this list and that the list is not exclusive.

**SUBCHAPTER C. IMPOUNDMENT OF VEHICLES AND EQUIPMENT****103. Section 1055.31. Impoundment of vehicles and equipment.—Consistency with the statute; Legislative intent.**

This section states that the sections of the regulation relating to impoundment of taxicabs are the appropriate sections for impoundment of limousines. According to Section 1017.52, impoundment of taxicabs is included in Section 5714(g) of the Act. However, impoundment of limousines is contained in its own separate section of the Act. See § 5741(f). Therefore, it appears that the legislature did not intend for impoundment requirements for taxicabs to apply to limousines. In order to be consistent with the statute, in the final-form regulation this section should be revised to reflect the process for impoundment of limousines only.



## CHAPTER 1057. LIMOUSINE DRIVERS

### 104. Section 1057.5. Standards for obtaining a limousine driver's certificate.—Fiscal impact; Reasonableness; Need; Clarity.

#### *Criminal history report and record*

Paragraph (b)(6) references both a criminal history report and a criminal history record. "Criminal history report" is defined in Section 1001.10, whereas a "criminal history record" is defined in the Criminal History Information Act, 18 Pa.C.S.A §§ 9101, et seq. Did PPA intend for there to be a distinction between the two phrases? If not, then only one should be used in the final-form regulation.

#### *Reports from each jurisdiction*

Paragraphs (b)(6) and (8) require criminal history and driver history reports from each jurisdiction, other than Pennsylvania, in which the applicant resided in the five preceding years. We recognize the safety aspect for the riding public of the criminal history and driver histories of applicants. Nonetheless, if a person immigrated legally into the United States, would a sufficient criminal history check have already occurred by the United States government? We request an explanation of what specific documentation PPA will accept from foreign governments, how this documentation can be obtained, and possible costs imposed on the applicant requesting this information. We also request an explanation of the need for criminal checks for persons who have immigrated legally.

#### *Other rights in which the applicant has a controlling interest*

Subsection (b) provides a list of all the information that must be included with an application for a limousine driver's certificate. Subsection (b)(10) requires a list of all PPA or PUC certificates or "other rights in which the applicant has a controlling interest." Subsection (b) does not explain whether this includes rights pertaining to interests unrelated to limousines. This provision is vague and the final-form regulation needs to define what comprises "other rights."

#### *Current on all reports*

Paragraph (b)(11) requires the applicant to include a written statement verifying certain things. Subparagraph (b)(11)(iii) requires verification that the applicant is current on all "reports" due to PPA. It is unclear what "reports" PPA is referring to. To improve clarity, we recommend that the final-form regulation include cross-references to the appropriate sections of the regulation relating to reports.

### 105. Section 1057.9. Limousine driver test.—Reasonableness; Implementation procedures; Clarity.

This section explains the development by PPA of a test for limousine drivers. However, it is unclear in Paragraph (c)(5) how it would be determined that a person has appropriately "demonstrated" that they can read and write English. The final-form regulation should clarify this issue.

### 106. Section 1057.10. Expiration and renewal of certificate.—Implementation procedures; Clarity.

This section discusses the process for expiration and renewal of a driver's certificate. Subsection (a) establishes that certificates expire one year from the date of issuance and are annually renewed, all of which is already contained in Section 1051.3. Therefore, Subsection (a) is redundant and should be removed from the final-form

regulation. We also recommend that to improve clarity, Subsections (b)—(d) be moved to Section 1051.3.

In Subsection (b), who determines and how is it established that a limousine driver is "in good standing"? The final-form regulation should clarify these issues.

### 107. Section 1057.16. Limousine driver reports after accident.—Reasonableness; Need; Implementation procedures; Clarity.

This section describes the necessary steps taken by a limousine driver after an accident. Paragraph (2) requires a driver to take "necessary precautions to prevent further accidents" and Paragraph (3) requires a driver to "render reasonable assistance to injured persons." Because the terms in these two paragraphs are vague, implementation may result in drivers acting outside the scope of their licensed duties. For example, a driver should not be expected to stop a fire or render assistance to injured persons without a medical license or proper training. Therefore, the final-form regulation should specifically explain the types of "precautions" and "assistance" a driver is expected to administer.

## CHAPTER 1059. APPLICATION AND SALE OF RIGHTS

### 108. Section 1059.2. Definitions.—Need; Clarity.

#### *Limousine certificate*

Chapter 1059 is not the first time this term is used in the regulation. Therefore, to improve clarity, we recommend that this term be moved, consistent with our comment on Section 1001.10.

#### *Sale*

What does PPA consider "securities" and "other ownership interests"? Do these include securities and interests unrelated to limousines? The final-form regulation should clarify these issues.

#### *Transfer fee*

This section defines this term as: "The nonrefundable fee charged by the Authority to review an application to sell transferable rights." A different definition for this term is included in Section 1051.2, which states that it is a "fee paid to the Authority for its review of a sale application as provided in Chapter 1059. . . ." Why is the fee non-refundable in Section 1059.2 but not in Section 1051.2? PPA needs to clarify whether the fee is "non-refundable." Additionally, we recommend that the definition be moved, consistent with our comment on Section 1001.10.

### 109. Section 1059.4. Authority approval of sale of rights.—Reasonableness; Need; Clarity.

This section defines the sale of transferable rights. Subsection (b) states: "The sale of *any number* of securities or *other ownership interest* . . . will be considered a sale. . . ." (Emphasis added.) According to subsequent sections, like Sections 1059.6 and 1059.7, a "sale" requires PPA approval of an application and various documents. PRLA contends that by requiring an application for "any" number of securities, this could result in an unreasonable burden on the ability of a corporate entity to freely transfer stock. We recommend that the final-form regulation specify the number of securities that would constitute a sale. In addition, the final-form regulation should explain what "ownership interests" are subject to a sale.

**110. Section 1059.5. Agreement of sale.—Statutory authority; Reasonableness; Need.**

Subsection (b) states that an agreement of sale is void “if not executed by all parties in the presence of the Director or a designee.” PRLA states that even if an owner wishes to transfer shares to a family member, according to this subsection, the requirements for “the filing of a transfer application, a review of the application by PPA, a determination of whether that individual met unspecified PPA criteria as to their suitability to be a stockholder in the company, and that all [the owner and the family member] appear at the Director’s office” would still apply. PRLA, therefore, contends that these requirements are “simply unworkable and unreasonable.” PPA should explain the need for requiring execution of an agreement of sale to occur in this manner. Similar concerns apply to Sections 1059.6 (a)(2), 1059.6(b)(1), and 1059.8 (b)(1).

**111. Section 1059.6. Application for sale of transferable rights.—Reasonableness; Implementation procedures.**

Subsection (d) pertains to the sale of multiple rights. It states that the amount of transfer fee imposed will be determined “based on the higher of the aggregate value of the sale or the transfer fee per right. . . .” PPA should explain how it determined this was a reasonable method of calculation.

**112. Section 1059.9. Financial fitness generally.—Implementation procedures; Clarity.**

This section explains what documents PPA will review to determine the financial fitness of a proposed buyer for a sale. We have three concerns.

First, Paragraph (1) states that PPA will review bank statements of accounts holding “not less than the greater of \$25,000 or 2% of the *medallion sale price*. . . .” (Emphasis added.) Since limousines don’t operate under medallions, we recommend that the word “medallion” be removed. PPA also should explain how it determined these were appropriate account holdings for consideration, and why the funds must have been in the account for three months.

Second, in Paragraph (4), why should a buyer demonstrate the absence of any *civil* judgments against the parties required to submit a *criminal* history report? (Emphasis added.)

Finally, the numbering in this section is incorrect and should be revised in the final-form regulation.

**113. Section 1059.10. Regulatory compliance review.—Clarity.**

In Subsection (a), what is a “regulatory compliance record”? The final-form regulation should define this term.

**114. Section 1059.12. Approval process and closing on sale.—Statutory authority; Reasonableness; Need.**

Subsections (b) and (c) relate to the process for a closing on a sale. Subsection (b) states that the Director will determine the time and location of the closing. Subsection (c) states that execution of the sale must be witnessed by a PPA staff member. PRLA states that while the sale of a taxicab medallion must occur at PPA offices,

the Act only requires approval by PPA for the transfer of a limousine certificate. See § 5718 and 5741.1. Therefore, what is PPA’s statutory authority for not only requiring the Director to determine the closing location, but also that it be witnessed by PPA staff? In addition, PRLA suggests that these requirements impose an undue hardship on buyers and sellers who must travel to Philadelphia in order to effectuate a transfer. The Preamble to the final-form regulation should also explain the need for these closing requirements.

Subsection (c) also cites to Sections 5711(c)(5) and 5718 of the Act. Since these sections pertain solely to the regulation of taxicabs, they are inapplicable to this section and, unless PPA can demonstrate otherwise, should be removed.

**CHAPTER 1061. BROKERS**

**115. Section 1061.1. Broker registration.—Statutory authority; Implementation procedures.**

This section explains that to register as a limousine broker, an individual must apply to the Director of PPA, in the same manner as provided for taxicabs. Similar to our comments in Sections 1029.4 and 1029.6, we question under what authority can PPA classify a person as ineligible to register as a limousine broker who has been arrested and is awaiting trial. PPA should also explain how the requirements for broker training for limousines are consistent with the statute and how they are adequate.

**CHAPTER 1065. INSURANCE REQUIRED.**

**116. Section 1065.1. Limousine insurance.—Economic impact; Feasibility; Implementation procedures; Reasonableness.**

Paragraph (b)(2) sets forth the insurance requirements for limousines:

The liability insurance maintained by a limousine certificate holder shall be in an amount at least \$1,500,000 to cover liability for bodily injury, death or property damage incurred in an accident arising from authorized service. The \$1,500,000 minimum coverage is split coverage in the amounts of \$500,000 bodily injury per person, \$900,000 bodily injury per accident and \$100,000 property damage per accident. This coverage must include first party medical benefits in the amount of \$100,000 and first party wage loss benefits in the amount of \$100,000 for passengers and pedestrians. Except as to the required amount of coverage, these benefits must conform to 75 Pa.C.S. §§ 1701—1799.7 (relating to Motor Vehicle Financial Responsibility Law). First party coverage of the limousine driver of limousines must meet the requirements of 75 Pa.C.S. § 1711 (relating to required benefits).

Similar to our comments in Section 1025.3, relating to insurance requirements for taxicabs, we recommend that PPA provide an analysis for limousines of the insurance limits in the final-form regulation regarding the feasibility of multiple insurers providing the insurance required by the regulation and the affordability of the insurance for limousine service providers.

SILVAN B. LUTKEWITTE, III,  
Chairperson

[Pa.B. Doc. No. 11-534. Filed for public inspection March 25, 2011, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA, at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

#### Final-Form

Reg. No.	Agency/Title	Received	Public Meeting
57-267	Pennsylvania Public Utility Commission Streamlining the Rate Increase Procedures for Small Motor Carriers	3/15/11	4/28/11

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-535. Filed for public inspection March 25, 2011, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Liberty Mutual Fire Insurance Company; The First Liberty Insurance Corporation; Private Passenger Automobile; Rate Revisions

On March 9, 2011, the Insurance Department (Department) received from Liberty Mutual Fire Insurance Company (LMFIC) and The First Liberty Insurance Corporation (TFLIC) a filing for rate level changes for private passenger automobile insurance.

LMFIC and TFLIC request overall increases of 0.80%, amounting to annual increases of \$666,000 and \$1,330,000, respectively, to be effective July 1, 2011. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to May 8, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [xlu@state.pa.us](mailto:xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 11-536. Filed for public inspection March 25, 2011, 9:00 a.m.]

### Unum Life Insurance Company; Requested Rate Increase Filing for Several Long-Term Care Policies

Unum Life Insurance Company is requesting an average increase of 23% on the following forms: LTC5192, LTC5392, LTC5592, LTC94, LTC94Q, LTC94FQ, LTC99 and LTC99Q.

This increase will impact 7,268 policyholders in this Commonwealth.

Unless formal administrative action is taken prior to June 9, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 11-537. Filed for public inspection March 25, 2011, 9:00 a.m.]

## PENNSYLVANIA COUNCIL ON AGING

### Change of Meeting Date

The Pennsylvania Council on Aging has a change to the meeting schedule published at 41 Pa.B. 797 (February 5, 2011). The April 20, 2011, meeting date has been changed to April 27, 2011.

WILLIAM WHITE,  
*Acting Executive Director*

[Pa.B. Doc. No. 11-538. Filed for public inspection March 25, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Natural Gas

**A-2011-2230314. Pentex Pipeline Company.** Application of Pentex Pipeline Company for approval to begin to offer, render, furnish or supply natural gas gathering or



conveying services by pipeline to its existing customer and to the public in the Townships of Wyalusing, Herrick, Terry, Tuscarora, Stevens and Wilmot in Bradford 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 April 11, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pentex Pipeline Company

*Through and By Counsel:* Pamela C. Polacek, Esquire, Carl J. Zwick, Esquire, McNees, Wallace and Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-539. Filed for public inspection March 25, 2011, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the 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 April 11, 2011. 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-2011-2225263. Skye King** (141 Center Street, East Stroudsburg, Monroe County, PA 18301)—persons, in airport transfer service, limited to owners, crew, passengers and maintenance personnel of private aircraft, from the following airports: Queen City and Lehigh Valley, located in the City of Allentown, Lehigh County; Slatington, located in the Borough of Slatington, Lehigh County; Wyoming Valley and Wilkes-Barre/Scranton, located in the City of Wilkes-Barre, Lackawanna County; Danville Municipal, located in the Borough of Danville, Montour County; Beltzville and Jake Arner Memorial, located in the Borough of Lehigh, Carbon County; Hazleton Municipal, located in the City of Hazleton, Luzerne County; Flying Dollar, located in the Borough of Canadensis, Monroe County; Stroudsburg-Pocono, located in the Borough of East Stroudsburg, Monroe County; Pocono Mtns. Municipal, located in the Borough of Mount Pocono, Monroe County; William T. Piper, located in the City of Lock Haven, Clinton County; Braden Airpark,

located in the City of Easton, Northampton County; Seamans Field, located in the Borough of Factoryville, Wyoming County; Cherry Ridge, located in the Borough of Honesdale, Wayne County; Kutztown Municipal, located in the Borough of Kutztown, Berks County; Carl A. Spaatz Field, located in the City of Reading, Berks County; Doylestown Municipal, located in the Borough of Doylestown, Bucks County; Penn Ridge, located in the Borough of Perkasio, Bucks County; and Quakertown Municipal, located in the Borough of Quakertown, Bucks County, to points in Pennsylvania.

#### **Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2011-2230099. Pittsburgh Transportation Group Charter Services, Inc.** (1825 Liverpool Street, Pittsburgh, Allegheny County, PA 15233), a corporation of the Commonwealth of Pennsylvania—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. (*Attorney:* Paul S. Guarnieri, Malone Middleman, PC, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.)

#### **Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2011-2229681. P.T. Cruisers, LLC** (299 Route 130 South, Cinnaminson, NJ 08077)—for the discontinuance of service and cancellation of its certificate as a common carrier, by motor vehicle, persons, in limousine service, between points in Pennsylvania, excluding service between points in Allegheny County and services under the jurisdiction of the Philadelphia Parking Authority.

**A-2011-2229693. Matrix Limousine, Inc.** (6 Half Hill Road, Birchrunville, PA 19421)—for the discontinuance of service and cancellation of its certificate as a common carrier, persons in limousine service, between points in the Counties of Chester, Montgomery, Berks, Lancaster, Delaware, Bucks and Philadelphia; subject to the following conditions: (1) That service is limited to the use of Rolls Royce, Bentley, BMW, Excalibur, Mercedes, Jaguar, Destiny, Franklin or Cadillac motor cars; (2) That the service is limited to transportation provided in connection with a dining engagement.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Eagle Limousine and Motorcoach, Inc.; Doc. No. C-2011-2127371, A-00110753*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings, which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Eagle Limousine and Motorcoach, Inc., Respondent, maintains a principal place of business at 10 Malin Road, Malvern, PA 19355-1734.



2. That Respondent was issued a Certificate of Public Convenience by this Commission on August 12, 1993, at A-00110753.

3. That Respondent was advised by letter dated March 23, 2009 that its current tariff on file with this Commission does not comply with 52 Pa. Code § 29.334 in that Respondent's Limousine rates are not based solely on time. Additionally, the initial time period and each subsequent increment must be at least 30 minutes. Respondent was provided 30 days to file an acceptable revised tariff. To date, Respondent has not filed an acceptable tariff.

4. That Respondent, by failing to file a tariff with its Limousine rates based solely on time with a minimum of 30 minute time periods and increments, violated 52 Pa. Code § 29.334. The penalty is \$250.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Eagle Limousine and Motorcoach, Inc. the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman, Director  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this complaint by filing an acceptable tariff and by paying the fine proposed in this Complaint by certified check or money order. The tariff must be filed with the:

Compliance Office, Bureau of Transportation and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

The fine payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of an acceptable tariff and payment of the proposed fine, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format to this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Domack, Inc.;*  
*Doc. No. C-2010-2206511*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Domack, Inc., Respondent, maintains a principal place of business at 1507 Lardner Street, Philadelphia, PA 19149.

2. That Respondent was issued a certificate of public convenience by this Commission on December 21, 2001, at Docket No. A-00118354, for call or demand authority.

3. That, between December 1 and December 31 of 2006, 2007, 2008 and 2009, Respondent did not provide this Commission with a current list of all of its vehicles utilized under its call or demand authority. The list must contain the year, make, vehicle identification number and registration number for each vehicle. It shall be mailed to: Director, Bureau of Transportation and Safety, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105.

4. That, Respondent, by failing to provide this Commission with a current vehicle list, violated 52 Pa. Code § 29.314(c). The Bureau of Transportation and Safety Motor Carrier Services and Enforcement's Prosecutory Staff's proposed civil penalty for this violation is \$250.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Domack, Inc. the sum of two hundred and fifty dollars (\$250) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman, Director  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days. Your certified check or money order should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-540. Filed for public inspection March 25, 2011, 9:00 a.m.]

#### **Transmission Lines**

**A-2010-2230053. PPL Electric Utilities Corporation.** Application of PPL Electric Utilities Corporation for the siting and reconstruction of the Brunner Island-West Shore 230 kV transmission line in Cumberland and York Counties.

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 May 2, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* John H. Isom, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,  
*Secretary*

#### **Application of PPL Electric Utilities Corporation**

**A-2010-2230053.** For approval of the siting and reconstruction of the Brunner Island-West Shore 230 kV transmission line in Cumberland and York Counties.

#### **Notice**

This is to inform you that an Initial Prehearing Conference on the previously-captioned case will be held as follows:

*Date:* Friday, May 9, 2011

*Time:* 10 a.m.

*Location:* Hearing Room 2  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judge Susan D. Colwell  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 787-1399 (Note new number as  
of February 24, 2011)  
Fax: (717) 787-0481

Person with a disability who wish to attend the prehearing, the Commission may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 2 business days prior to the conference.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 11-541. Filed for public inspection March 25, 2011, 9:00 a.m.]

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### Wastewater Service

**A-2011-2230902. Asbury Pointe Water and Sewer Company, LLC. aka, Stahlman and Stahlman, Inc.** Application of Asbury Pointe Water and Sewer Company, LLC, also known as Stahlman and Stahlman, Inc., for approval to begin to offer, render, furnish or supply wastewater service to the public in additional territory in East Manchester Township, York 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 April 11, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Asbury Pointe Water and Sewer Company, LLC, aka Stahlman and Stahlman, Inc.

*Through and By Counsel:* Mark Roberts, Esquire, 149 East Market Street, York, PA 17401

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-542. Filed for public inspection March 25, 2011, 9:00 a.m.]

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### Water Service

**A-2011-2230309. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval of the right to offer, render, furnish or supply water service to the public in an additional portion of Knox Township and a portion of Highland Township, Clarion 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 April 11, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on

the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](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 Hershey Park Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-543. Filed for public inspection March 25, 2011, 9:00 a.m.]

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## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Sun Min Lee, t/d/b/a Pinki Nail; File No. 08-45-06312

On January 20, 2010, Sun Min Lee, t/d/b/a Pinki Nail, license no. CY193275, of Philadelphia, Philadelphia County, was assessed a civil penalty of \$2,000 for employing unlicensed employees on two separate occasions. Respondent shall not be permitted to obtain a new license until the civil penalties are paid in full.

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSANNE M. PHILO,  
*Chairperson*

[Pa.B. Doc. No. 11-544. Filed for public inspection March 25, 2011, 9:00 a.m.]

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### In the Matter of the Citation Issued to Lana Tesa; File No. 2010-45-07633

On August 31, 2010, Lana Tesa, license no. CO271843, of Philadelphia, Philadelphia County, was suspended for nonpayment of a previously assessed civil penalty.

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a

copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSANNE M. PHILO,  
*Chairperson*

[Pa.B. Doc. No. 11-545. Filed for public inspection March 25, 2011, 9:00 a.m.]

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## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

**Bureau of Professional and Occupational Affairs v.  
Charles Edward Lauver; Doc. No. 0832-60-2010**

Charles Edward Lauver, of Columbia, Lancaster County, was revoked and assessed a civil penalty of

\$4,000 based upon criminal convictions for felony crimes of moral turpitude and attempting to conceal these convictions.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Vehicle Manufacturers, Dealers and Salesperson's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

KENNETH GLOTFELTY,  
*Chairperson*

[Pa.B. Doc. No. 11-546. Filed for public inspection March 25, 2011, 9:00 a.m.]

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