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PENNSYLVANIA BULLETIN

Volume 40

Number 14

Saturday, April 3, 2010 • Harrisburg, PA

Pages 1721—1882

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January—March 2010

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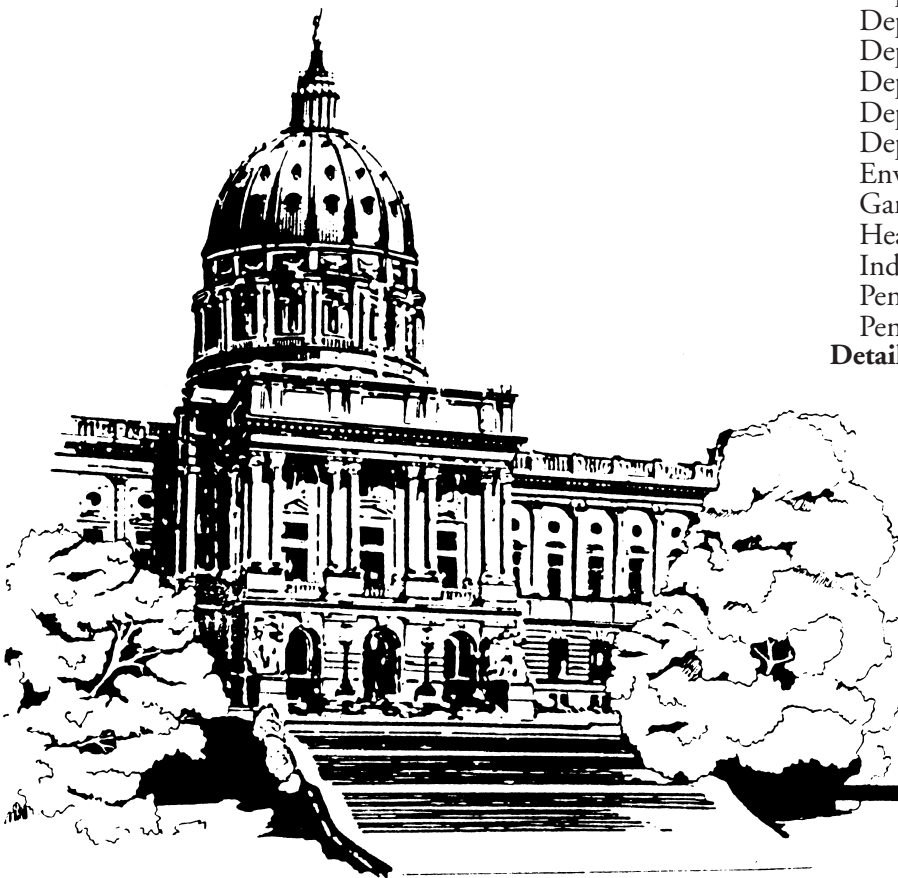
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**Latest Pennsylvania Code Reporters
(Master Transmittal Sheets):**

No. 425, April 2010

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

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

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THE GENERAL ASSEMBLY

Recent Actions during the 2010 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2010 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2010 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 009 through 015					
009	Mar 16	HB1533	PN1900	60 days	Military and Veterans Code (51 Pa.C.S.)—military family relief assistance
010	Mar 16	HB1783	PN2306	60 days	Pfc. Justin W. Drees Memorial Highway—designation
011	Mar 16	SB0605	PN0655	60 days	Crimes Code (18 Pa.C.S.)—financial institution robbery
012	Mar 22	HB0416	PN2247	60 days	Crimes Code (18 Pa.C.S.)—Impersonating the holder of a professional or occupational license
013	Mar 22	SB0206	PN0450	Immediately	Prohibiting limitations of wearing official military uniforms on school property
014	Mar 22	SB0237	PN1688	Immediately*	Insurance Company Law of 1921—omnibus amendments
015	Mar 22	SB0297	PN1632	60 days	Oil and Gas Act—well reporting requirements

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$25.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$25, payable to the "Commonwealth of Pennsylvania."

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

[Pa.B. Doc. No. 10-578. Filed for public inspection April 2, 2010, 9:00 a.m.]

THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

**In Re: Community Legal Services; President Judge
Administrative Order No. 2010-3**

Order

And Now, this 16th of March, 2010, *It Is Hereby Ordered and Decreed* that, effective April 1, 2010, expungement petitions filed by Community Legal Services shall be permitted to proceed in *forma pauperis* if a signed certification including the language below is incorporated in the Petition.

“Community Legal Services is a non-profit legal services organization that provides free legal assistance to low-income individuals. I, attorney for the petitioner, certify that petitioner meets the financial eligibility standards for representation by Community Legal Services and that I am providing free legal service to petitioner.”

Attorney

This Administrative Order shall be published in the *Pennsylvania Bulletin*. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Civil Procedural Rules Committee. Copies of the Administrative Order shall be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library of the First Judicial District, and shall be posted on the web site of the First Judicial District of Pennsylvania: <http://courts.phila.gov>.

By the Court

HONORABLE PAMELA PRYOR DEMBE,
President Judge
Court of Common Pleas

[Pa.B. Doc. No. 10-579. Filed for public inspection April 2, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ERIE COUNTY

**In Re: Rule of Juvenile Court Procedure Rule 1150;
Miscellaneous No. MD 134 of 2010**

Adopting Order

And Now, to wit, this 15th day of March, 2010, it is hereby *Ordered* that Erie County Rule of Juvenile Court Procedure 1150, Attorneys—Appearances and Withdrawals, is hereby adopted as a Rule of this Court, effective thirty (30) days after the date of its publication on the UJS Portal and in the *Pennsylvania Bulletin*.

ERNEST J. DiSANTIS, Jr.,
President Judge

Rule 1150. Attorneys—Appearances and Withdrawals.

The appearance of William F. Scarpitti, Jr., (PA Attorney ID 19941), Scarpitti & Mead, 150 East Eighth Street, Erie, PA 16502, (814) 459-1726 is automatically entered as the guardian *ad litem* in every dependency case filed within this Court's jurisdiction.

[Pa.B. Doc. No. 10-580. Filed for public inspection April 2, 2010, 9:00 a.m.]

ERIE COUNTY

**In Re: Rule of Juvenile Court Procedure Rule
1210; Miscellaneous No. MD 98 of 2010**

Adopting Order

And Now, to wit, this 15th day of March, 2010, it is hereby *Ordered* that Erie County Rule of Juvenile Court Procedure 1210, Order for Protective Custody, is hereby adopted as a Rule of this Court, effective thirty (30) days after the date of its publication on the UJS Portal and in the *Pennsylvania Bulletin*.

ERNEST J. DiSANTIS, Jr.,
President Judge

Rule 1210. Orders for Protective Custody.

It appearing that under the Juvenile Act, 42 Pa.C.S.A. Section 6301 et seq (1987 Supp.) there are instances where children need to be detained by the Erie County Office of Children and Youth (OCY) and be placed in a safe environment under the aforesaid Act, and

It further appearing that on many occasions the Court is not in session and/or said detention is necessary outside the normal work hours for the Court, and

It further appearing that the County of Erie OCY is required to furnish services on a twenty-four (24) hour basis, and

It further appearing that: Solicitors, Amy Jones, Esq., Eric Hackwelder, Esq., Alicia Barney-Duck, Esq., Anthony Vendetti, Esq.; Court Coordinators, Barbara Monteith, Tiffany Niedzielski and Brianne Baran; are the authorized representatives for the Erie County OCY to contact the Court for the obtaining of emergency orders for said agency, and

It further appearing there are times and situations in which it is physically impossible to obtain a written order signed where immediate action is absolutely essential for the safety of the child or children involved, and

It further appearing that the several Judges of the Court of Common Pleas have made themselves available via phone so that verbal orders may be obtained by the above noted authorized representatives of the County of Erie OCY.

Now Therefore, it is hereby *Ordered and Decreed* as follows:

1) Whenever the situation arises where a child needs to be detained by OCY on an emergency basis, said authorized representatives of OCY may contact one of several judges of the Court of Common Pleas of Erie County, Pennsylvania, to obtain a verbal order under said Juvenile Act which shall be a valid and binding order.

2) On the morning of the next business day of the Court, OCY will obtain a confirmatory written order from the Judge issuing the verbal order authorizing said detention.

3) All law enforcement agencies of Erie County, Pennsylvania are to honor these verbal orders. In the event that the services of a law enforcement agency are required in the detention of said child or children, that law enforcement agency shall be provided a copy of the confirmatory written court order obtained on the next business day of the court.

[Pa.B. Doc. No. 10-581. Filed for public inspection April 2, 2010, 9:00 a.m.]

ERIE COUNTY

In Re: Rule of Juvenile Court Procedure Rule 1604; Miscellaneous No. MD 135 of 2010

Adopting Order

And Now, to wit, this 15th day of March, 2010, it is hereby *Ordered* that Erie County Rule of Juvenile Court Procedure 1604, Submission of Reports, is hereby adopted as a Rule of this Court, effective thirty (30) days after the date of its publication on the UJS Portal and in the *Pennsylvania Bulletin*.

ERNEST J. DiSANTIS, Jr.,
President Judge

Rule 1604. Submission of Reports.

A. The Erie County District Court Administrator shall be the Court's designee to receive and process reports submitted to the Court by a foster parent, preadoptive parent, or relative providing care for a child pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 6336.1.

B. All reports shall be submitted to:

Court Administration—FP Report
Erie County Courthouse
140 West Sixth Street, Room 205
Erie, PA 16501

[Pa.B. Doc. No. 10-582. Filed for public inspection April 2, 2010, 9:00 a.m.]

FAYETTE COUNTY

In Re: Administrative Order; No. 1 ADM 2010

Administrative Order

And Now, this 16th day of March, 2010, it is hereby *Ordered* that a Mortgage Foreclosure Program is adopted as follows.

The Prothonotary is directed as follows:

(1) Seven certified copies of the order and program shall be filed with the Administrative Office of Pennsylvania Courts

(2) Two certified copies and diskette of the order and program shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of this order shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The adoption of the Mortgage Foreclosure Program shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

GERALD R. SOLOMON,
President Judge

MORTGAGE FORECLOSURE PROGRAM

The Fayette County Court of Common Pleas having recognized the current mortgage foreclosure crisis, hereby establishes the Mortgage Foreclosure Diversion Program:

(a) When a plaintiff files a complaint in a mortgage foreclosure action, the Prothonotary's Office shall provide a copy of the Mortgage Foreclosure Diversion Program Notice to the plaintiff.

(b) The plaintiff shall serve a copy of the Mortgage Foreclosure Diversion Program Notice along with the complaint on the defendant in accordance with the Pennsylvania Rules of Civil Procedure.

(c) Pursuant to the procedures of this program, a defendant who commences Foreclosure Mitigation Counseling (FMC) may seek a 90-day stay in the mortgage foreclosure proceedings for the purpose of reaching a mutually acceptable agreement with the plaintiff to resolve the case.

(d) The defendant must commence FMC with Southwestern Pennsylvania Legal Services, Inc., within twenty (20) days of being served with a Complaint in Mortgage Foreclosure.

(e) If the defendant commences FMC and desires the imposition of a 90-day stay in their mortgage foreclosure proceedings, the representative of Southwestern Pennsylvania Legal Services, Inc., or other legal representative, shall present a request for such a stay in writing to the judge to whom the case has been assigned.

(f) The defendant must commence FMC in order to qualify for the 90-day stay.

(g) Only mortgage foreclosure cases with owner-occupied residences are subject to this program.

(h) If a defendant fails to commence FMC, or the defendant fails to request a 90-day stay, or the parties fail to reach an agreement within the 90-day stay period, all further proceedings in the case will be handled by the judge to whom the case is assigned in accordance with normal assignment procedures.

MORTGAGE FORECLOSURE DIVERSION PROGRAM NOTICE

You have been sued in court to foreclose upon the mortgage associated with your home.

You are notified that you may seek a 90-day stay in this mortgage foreclosure proceeding if you commence Foreclosure Mitigation Counseling with Southwestern Pennsylvania Legal Services, Inc., within 20 days of being served with the complaint in this action and this notice, and make application for this stay. The purpose of this stay is to permit you an opportunity to work with the lender/plaintiff to reach an agreement to settle this proceeding.

If you fail to commence this free Foreclosure Mitigation Counseling, you will not receive a 90-day stay of these

proceedings and if you do not respond to the complaint, a default judgment may be entered.

YOU SHOULD STRONGLY CONSIDER FORECLOSURE MITIGATION COUNSELING. THIS COUNSELING WILL BE CONDUCTED BY A REPRESENTATIVE OF SOUTHWESTERN PENNSYLVANIA LEGAL SERVICES. YOU MAY BE ABLE TO SEEK ASSISTANCE FROM A LEGAL PROFESSIONAL AT THE FORECLOSURE MITIGATION COUNSELING.

IF YOU HAVE QUESTIONS ABOUT THIS MATTER, OR WISH TO COMMENCE FORECLOSURE MITIGATION COUNSELING, CONTACT:

SOUTHWESTERN PA LEGAL SERVICES
45 EAST MAIN STREET
UNIONTOWN, PA 15401
724-439-3591
800-846-0871 (toll free)

[Pa.B. Doc. No. 10-583. Filed for public inspection April 2, 2010, 9:00 a.m.]

SNYDER COUNTY

**In Re: Adoption of Local Rules; No. MC-15-2010
Full Court; CP-55-AD-3-2010**

Order

And Now, this 25th day of February, 2010, it is hereby *Ordered*:

1. That existing Local Rule 17LR001 is rescinded.
2. That the Court hereby adopts the following Local Rule. The said rule shall be effect thirty (30) days after publication in the *Pennsylvania Bulletin*.

17CV1018.1.

As provided by Pa.R.C.P. No. 1018.1(c) the following offices are designated as the offices to be named in the Notice to Defend where legal help may be obtained:

For cases filed in Snyder County:

Office of the Court Administrator
Snyder County Courthouse
P. O. Box 217
Middleburg, PA 17842
(570) 837-4238

For cases filed in Union County:

Office of the Court Administrator
Union County Courthouse
103 South Second Street
Lewisburg, PA 17837
(570) 524-8641

3. That the Court Administrator of the 17th Judicial District is ordered and directed to do the following:

3.1. File seven (7) certified copies of this Order and of the pertinent Local Rule with the Administrative Office of Pennsylvania Courts.

3.2. Distribute two (2) certified copies of this Order and the pertinent Local Rule and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.

3.3. File one (1) certified copy of this Order and the pertinent Local Rule with the Civil Procedural Rules Committee.

3.4. Provide one (1) copy of this Order and the pertinent Local Rule to each member of the Union-Snyder County Bar Association that maintains an active practice in Snyder and Union Counties.

3.5. Keep continuously available for public inspection copies of this Order and the pertinent Local Rule.

By the Court

HAROLD F. WOELFEL, Jr.,
President Judge

[Pa.B. Doc. No. 10-584. Filed for public inspection April 2, 2010, 9:00 a.m.]

SOMERSET COUNTY

**In Re: Consolidated Rules of Court; Miscellaneous
2010**

Adopting Order

Now, this 17th day of March, 2010, it is hereby *Ordered*:

1. The following designated Somerset County Rule of Criminal Procedure 130 (Som.R.Crim.P. 130) Transfer of Proceedings in Questions of Defendant's Competency, a copy of which is attached hereto, is hereby adopted as a Rule of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

2. The Somerset County Court Administrator is directed to:

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

B. Distribute two (2) certified copies of this Order and the attached Rule, along with a diskette or CD-ROM, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File proof of compliance with this Order in the docket for this Rule, which shall include a copy of each transmittal letter.

By the Court

JOHN M. CASCIO,
President Judge

Som.R.Crim.P. 130.

Rule 130. Transfer of Proceedings in Questions of Defendant's Competency.

A. In any criminal proceeding in which the issue of the defendant's competency to stand trial is reasonably believed to be or to become an issue, the attorney for the Commonwealth, the attorney for the defendant, or the Magisterial District Judge, *sua sponte*, may make application to the Court of Common Pleas for transfer of the case to the concurrent jurisdiction of Common Pleas.

B. Application shall be made to the Administrative Judge of the Criminal Division of the Court of Common Pleas in writing and shall include a certification by the applicant that the applicant reasonably believes that the competency of the defendant to stand trial is or may be an issue to be determined preliminary to any further proceedings.

C. Upon acceptance of original jurisdiction of such case, the Court of Common Pleas shall order the transfer of the case from the issuing authority who shall promptly transfer the case to the Court of Common Pleas in the same manner as provided for transfer of cases between or among magisterial districts in Pa.R.Crim.P. 130.

D. Following transfer of the case, the Court of Common Pleas shall retain jurisdiction over the case unless otherwise transferred by order of the court.

Note: Concurrent jurisdiction of the court of common pleas over "actions and proceedings" within the original jurisdiction of magisterial district courts is given by 42 Pa.C.S. § 931(b). The Superior Court has confirmed that this jurisdiction to act as "issuing authorities" is the same as that of magisterial district judges. *Commonwealth of Pennsylvania vs. Allem*, 532 A.2d 845 (1987).

[Pa.B. Doc. No. 10-585. Filed for public inspection April 2, 2010, 9:00 a.m.]

UNION COUNTY

In Re: Adoption of Local Rules; No. 100147; CP-60-AD-2-2010

Order

And Now, this 25th day of February, 2010, it is hereby Ordered:

1. That existing Local Rule 17LR001 is rescinded.
2. That the Court hereby adopts the following Local Rule. The said rule shall be effect thirty (30) days after publication in the *Pennsylvania Bulletin*.

17CV1018.1.

As provided by Pa.R.C.P. No. 1018.1(c) the following offices are designated as the offices to be named in the Notice to Defend where legal help may be obtained:

For cases filed in Snyder County:

Office of the Court Administrator
Snyder County Courthouse
P. O. Box 217
Middleburg, PA 17842
(570) 837-4238

For cases filed in Union County:

Office of the Court Administrator
Union County Courthouse
103 South Second Street
Lewisburg, PA 17837
(570) 524-8641

3. That the Court Administrator of the 17th Judicial District is ordered and directed to do the following:

3.1. File seven (7) certified copies of this Order and of the pertinent Local Rule with the Administrative Office of Pennsylvania Courts.

3.2. Distribute two (2) certified copies of this Order and the pertinent Local Rule and a computer diskette to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* for publication.

3.3. File one (1) certified copy of this Order and the pertinent Local Rule with the Civil Procedural Rules Committee.

3.4. Provide one (1) copy of this Order and the pertinent Local Rule to each member of the Union-Snyder County Bar Association that maintains an active practice in Snyder and Union Counties.

3.5. Keep continuously available for public inspection copies of this Order and the pertinent Local Rule.

By the Court

HAROLD F. WOELFEL, Jr.,
President Judge

[Pa.B. Doc. No. 10-586. Filed for public inspection April 2, 2010, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

Blue Eye Run, et al. (Water Quality Network (WQN) Package); Stream Redesignations

Order

The Environmental Quality Board (Board) amends 25 Pa. Code §§ 93.9b, 93.9d, 93.9f, 93.9g, 93.9i, 93.9l, 93.9p and 93.9q to read as set forth at 39 Pa.B. 3043 (June 20, 2009).

This proposal was adopted by the Board at its meeting of December 15, 2009.

A. *Effective Date*

These amendments are effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

B. *Contact Persons*

For further information, contact Richard H. Shertzer, Chief, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, 400 Market Street, Harrisburg, PA 17105-8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD-users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) web site (<http://www.depweb.state.pa.us>).

C. *Statutory and Regulatory Authority*

This final-form rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement the provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001), and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C. § 1313) sets forth requirements for water quality standards and the Federal regulation in 40 CFR 131.32 (relating to Pennsylvania) sets forth certain requirements for portions of the Commonwealth's antidegradation program.

D. *Background of the Proposed Amendments*

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements, effluent limits and best management practices) on individual sources of pollution.

The Department may identify candidates for redesignation during routine waterbody investigations. Requests for consideration may also be initiated by other agencies.

Organizations, businesses or individuals may submit a rulemaking petition to the Board.

The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters and all other designations in its ongoing review of water quality standards. In general, HQ and EV waters must be maintained at their existing quality and permitted activities shall ensure the protection of designated and existing uses.

Existing use protection is provided when the Department determines, based on its evaluation of the best available scientific information, that a surface water attains water uses identified in §§ 93.3 and 93.4 (relating to protected water uses; and Statewide water uses). Examples of water uses protected include the following: Cold Water Fishes (CWF), Warm Water Fishes (WWF), HQ and EV. A final existing use determination is made on a surface water at the time the Department takes a permit or approval action on a request to conduct an activity that may impact surface water quality or uses. If the determination demonstrates that the existing use is different than the designated use, the water body will immediately receive the best protection identified by either the attained uses or the designated uses. A stream will then be "redesignated" through the rulemaking process to match the existing uses with the designated uses. For example, if the designated use of a stream is listed as protecting WWF but the redesignation evaluation demonstrates that the water attains the use of CWF, the stream would immediately be protected for CWF, prior to a rulemaking. Once the Department determines the water uses attained by a surface water, the Department will recommend to the Board that the existing uses be made "designated" uses, through rulemaking, and be added to the list of uses identified in the regulation in § 93.9 (relating to designated water uses and water quality criteria).

The Department operates the Surface Water Quality Network (WQN), which is a long-term, fixed station network of monitoring stations on rivers and streams throughout this Commonwealth. This network was initially designed to monitor water quality conditions on a broad scale. Most stations are located on major streams with large drainage areas. However, recent water quality monitoring trends emphasize the importance of identifying and defining biological reference conditions characteristic of no or minimal disturbance. As part of the process to establish biological reference conditions, smaller watersheds with minimal land disturbance were added to the water quality network to collect data representative of reference water quality conditions and to support biological metric protocol development. WQN streams are selected from various areas across the State and monitored for 5 years. Following the close of the 5-year inventory period, the studied sites are replaced with a new set of stations.

After reviewing the WQN monitoring data, several of the stations displayed existing use stream conditions indicative of EV waters. Physical, chemical and biological characteristics along with other information on these waterbodies were considered to determine the appropriateness of the current and recommended designations using applicable regulatory criteria and definitions. In reviewing whether waterbodies qualify as HQ or EV waters, the Department considers the criteria in § 93.4b (relating to qualifying as High Quality or Exceptional

Value Waters). According to the Department's regulatory criteria, a Biological Condition Score (BCS) greater than or equal to 92% of the reference station score supports an EV designation. See § 93.4(b)(1)(v).

All reference streams were selected because they were representative of excellent EV conditions based on the macroinvertebrate community and were of similar stream types, comparable geologic settings and reasonable proximity with respect to their compared candidate stream. Both the candidate stream and the reference streams were sampled within a similar time frame to minimize the effects of seasonal variation.

All of the recommended redesignations in this final-form rulemaking for the WQN stations are candidates for EV, based upon data and appropriate regulatory criteria. All of the waterbodies in this regulatory package which are being recommended for EV qualify based on their BCS being greater than or equal to 92% of the reference station score. Copies of the Department's stream evaluation report for these waterbodies is available on the Department's web site or from the contacts whose addresses and telephone numbers are listed in Section B. Based upon the data and information collected on these waterbodies, the Board has made the designations as set forth in 39 Pa.B. 3043 (June 20, 2009).

A basin-wide migratory fishes (MF) designation was added to the Atlantic slope basin (drainage lists A—O and Z) as part of the Triennial Review of Water Quality Standards which was effective upon publication as a final rulemaking at 39 Pa.B. 2523 (May 16, 2009). The MF designation applies to all waters within the respective basins unless there were specific exceptions previously noted for certain waterbodies or stream segments within one of these drainage lists. Drainage Lists A—G are located within the Delaware River Basin. Drainage lists H—O are located within the Susquehanna River Basin. Drainage List Z is located within the Potomac River Basin. The MF designated use has been added to those waters to be consistent with the action in the Triennial Review final rulemaking at 39 Pa.B. 2523.

E. Summary of Comments and Responses on the Proposed Rulemaking

The Board approved the proposed rulemaking for the Blue Eye Run, et al. (WQN) package at its April 21, 2009 meeting. The proposed rulemaking was published at 39 Pa.B. 3043 with provision for a 45-day public comment period that closed on August 4, 2009. The only commentator was the United States Environmental Protection Agency (EPA) Region 3 who commended the Department on its continuing effort to upgrade streams into its highest level of the Special Protection Waters Program, but otherwise had no comments.

On June 5, 2009, the Department submitted a copy of the proposed rulemaking published at 39 Pa.B. 3043 to the Independent Regulatory Review Commission (IRRC) and to the Senate and House Environmental Resources and Energy Committees (Committees) for review and comment in accordance with section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)). Neither IRRC nor the Committees raised any comments, recommendations or objections to any portion of the proposed rulemaking, and no changes were made from the proposed rulemaking to this final-form regulation; therefore under section 5(g) of Regulatory Review Act, the final rulemaking was deemed approved by IRRC.

F. Summary of Changes to the Proposed Rulemaking

No changes were made to the proposed rulemaking.

G. Benefits, Costs and Compliance

1. *Benefits*—Overall, the Commonwealth, its citizens and natural resources will benefit from these changes because they provide the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality provides economic value to present and future generations in the form of clean water for drinking, recreational opportunities and aquatic life protection. It is important to realize these benefits to ensure opportunity and development continue in a manner that is environmentally, socially and economically sound. Maintenance of water quality ensures its future availability for all uses.

2. *Compliance Costs*—The amendments to Chapter 93 may impose additional compliance costs on the regulated community. These regulatory changes are necessary to improve total pollution control. The expenditures necessary to meet new compliance requirements may exceed that which is required under existing regulations.

Persons conducting or proposing activities or projects must comply with the regulatory requirements relating to designated and existing uses. Persons expanding a discharge or adding a new discharge point to a stream could be adversely affected if they need to provide a higher level of treatment or best management practices to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating cost for point source discharges. Treatment costs and best management practices are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are redesignated. The initial costs resulting from the installation of technologically advanced wastewater treatment processes and best management practices may be offset by potential savings from and increased value of improved water quality through more cost-effective and efficient treatment over time.

3. *Compliance Assistance Plan*—The regulatory revisions have been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations. The revisions extend additional protection to selected waterbodies that exhibit exceptional water quality and are consistent with antidegradation requirements established by the Federal Clean Water Act and Pennsylvania Clean Streams Law. All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The redesignations will be implemented through the Department's permit and approval actions. For example, the National Pollutant Discharge Elimination System (NPDES) permitting program bases effluent limitations on the use designation of the stream. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New and expanded dischargers with water quality based effluent limitations are required to provide effluent

treatment according to the water quality criteria associated with existing uses and revised designated water uses.

4. *Paperwork Requirements*—The regulatory revisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions, or the private sector. These regulatory revisions are based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to HQ or EV. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus an individual permit, and its associated paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification (SEJ) may be required for new or expanded discharges to certain HQ Waters, and consideration of nondischarge alternatives is required for all new or expanded discharges to EV and HQ Waters.

H. *Pollution Prevention*

The water quality standards and antidegradation program are major pollution prevention tools because the objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanded wastewater discharges, nondischarge alternatives are encouraged, and required when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and may reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

I. *Sunset Review*

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

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act, on June 5, 2009, the Department submitted a copy of the proposed rulemaking published at 39 Pa.B. 3043, to IRRC and to the Senate and House Environmental Resources and Energy Committees (Committees) for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department provided IRRC and the Committees with copies of the comments received, as well as other documentation. The Department has considered all public comments in preparing this final-form regulation. No comments were received on the proposed rulemaking from IRRC or the Committees.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on February 24, 2010, this final-form regulation was deemed approved by the Committees. Under section 5(g) of the Regulatory Review Act, this final-form rulemaking was deemed approved by IRRC, effective February 24, 2010.

K. *Findings*

The Board finds that:

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

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

(3) These final-form regulations do not enlarge the purpose of the proposal published at 39 Pa.B. 3043.

(4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

(5) These final-form regulations do not contain standards or requirements that exceed requirements of the companion Federal regulations.

L. *Order*

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending §§ 93.9b, 93.9d, 93.9f, 93.9g, 93.9i, 93.9l, 93.9p and 93.9q to read as set forth at 39 Pa.B. 3043.

(b) The Chairperson of the Board shall submit this order and 39 Pa.B. 3043 to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form, as required by law.

(c) The Chairperson shall submit this order and 39 Pa.B. 3043 to IRRC and the Committees, as required under the Regulatory Review Act.

(d) The Chairperson shall certify this order and 39 Pa.B. 3043 and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

JOHN HANGER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 1471 (March 13, 2010).)

Fiscal Note: Fiscal Note 7-436 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 10-587. Filed for public inspection April 2, 2010, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 137]

Wildlife

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) adopted the following rulemaking at its January 26, 2010, meeting:

Amend § 137.1 (relating to importation, possession, sale and release of certain wildlife) to exempt menagerie permit holders who possess a USDA Class C Exhibitor permit and who operate their menagerie facilities as their primary means of gaining a livelihood from possession and importation prohibitions of this section.

The final rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 39 Pa.B. 6661 (November 21, 2009).

1. *Purpose and Authority*

Section 137.1 formerly prohibited the importation of certain species of exotic and native wildlife determined to be dangerous or injurious to the public, native wildlife or native wildlife habitat, such as nutria, bears and primates. This prohibition applied to all persons including those currently possessing exotic wildlife dealer, exotic wildlife possession and menagerie permits. The Commission was recently approached by a number of menagerie permit holders who have alleged that these importation restrictions unnecessarily restrict their ability to import and possess certain "popular" wildlife and thus limit their ability to gain a livelihood. These menagerie permit holders formally requested relief from these importation and possession restrictions. To this end, the Commission amended § 137.1 to exempt menagerie permit holders who possess a USDA Class C Exhibitor permit and who operate their menagerie facilities as their primary means of gaining a livelihood from possession and importation prohibitions of this section.

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." 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." The amendment to § 137.1 was adopted under this authority.

2. *Regulatory Requirements*

The final rulemaking amended § 137.1 to exempt menagerie permit holders who possess a USDA Class C Exhibitor permit and who operate their menagerie facilities as their primary means of gaining a livelihood from possession and importation prohibitions of this section.

3. *Persons Affected*

Persons wishing to import or possess otherwise prohibited wildlife into this Commonwealth may be affected by the final rulemaking.

4. *Comment and Response Summary*

There was one official comment received in support of the final rulemaking. This comment was provided by counsel purporting to represent the interests of various menageries aggrieved by the general restrictions excepted by the final rulemaking.

5. *Cost and Paperwork Requirements*

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

6. *Effective Date*

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

7. *Contact Person*

For further information regarding the final 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 regulation 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 this 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 137, are amended by amending § 137.1 to read as set forth at 39 Pa.B. 6661.

(b) The Executive Director of the Commission shall certify this order and 39 Pa.B. 6661 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 48-294 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 10-588. Filed for public inspection April 2, 2010, 9:00 a.m.]

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

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) adopted the following rulemaking at its January 26, 2010, meeting:

Amend § 141.22 (relating to small game) to restructure the regulatory provisions relating to small game hunting to promote consistency and clarity in the regulations and also permit the full inclusion of crossbows during the various small game seasons to expand opportunity and increase participation in small game hunting within this Commonwealth.

The final rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 39 Pa.B. 6659 (November 21, 2009).

1. *Purpose and Authority*

In recent years, the Commission has been moving towards a comprehensive restructuring of the regulations attending the code. The goals of this restructuring effort are primarily focused on simplifying and making the language more understandable to its users. In January 2009, the Commission completed its efforts to rewrite the regulatory structures relating to the big game seasons. The Commission intends to carry the theme in these changes to other chapters of the regulations to establish

clear correlations between related seasonal information. To this end, the Commission amended § 141.22 to restructure the regulatory provisions relating to small game hunting to promote consistency and clarity in the regulations and also permit the full inclusion of crossbows during the various small game seasons to expand opportunity and increase participation in small game hunting within this Commonwealth.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” Section 2102(a) of the code provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendment to § 141.22 was adopted under this authority.

2. Regulatory Requirements

The final rulemaking amended § 141.22 to restructure the regulatory provisions relating to small game hunting to promote consistency and clarity in the regulations and also permit the full inclusion of crossbows during the various small game seasons to expand opportunity and increase participation in small game hunting within this Commonwealth.

3. Persons Affected

Persons wishing to hunt small game within this Commonwealth may be affected by the final rulemaking.

4. Comment and Response Summary

There were no official comments received regarding the final rulemaking.

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

For further information regarding the final 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 regulation 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 this 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 § 141.22 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order and Annex A 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 48-295 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter B. SMALL GAME

§ 141.22. Small game.

(a) *Permitted devices.* It is lawful to hunt small game, except woodchucks with the following devices:

(1) A manually operated rifle or handgun. The firearm must be .23 caliber or less, that projects single-projectile ammunition.

(2) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that projects multiple-projectile shotgun ammunition not larger than #4 lead, #2 steel, or #4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to nontoxic shot).

(3) A muzzleloading rifle or handgun. The firearm must be .40 caliber or less, that projects single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A raptor. The raptor must be lawfully possessed under a falconry permit pursuant to section 2925 of the act (relating to falconry permits).

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

(1) Use or possess single-projectile ammunition larger than .23 caliber or multiple-projectile shotgun ammunition larger than #4 lead, #2 steel, or #4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to nontoxic shot), except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.

(3) Discharge a firearm within 150 yards of a Commission vehicle releasing pheasants.

(4) Use or possess a device not provided for in the act or in this section.

(5) Hunt in a party of more than six persons. This does not apply to waterfowl or dove hunters when hunting from a blind or other stationary position.

(c) *Woodchucks (Groundhogs)*.

(1) *Permitted devices*. It is lawful to hunt woodchucks with the following devices:

(i) A manually operated rifle or handgun.

(ii) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less that propels multiple-projectile shotgun ammunition not larger than #4 lead, #2 steel, or #4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to nontoxic shot).

(iii) A muzzleloading rifle or handgun.

(iv) A bow and arrow.

(v) A crossbow and bolt.

(vi) A raptor. The raptor must be lawfully possessed under a falconry permit pursuant to section 2925 of the act (relating to falconry permits).

(2) *Prohibitions*. While hunting woodchucks, it is unlawful to use or possess a device or ammunition not provided for in this section.

[Pa.B. Doc. No. 10-589. Filed for public inspection April 2, 2010, 9:00 a.m.]

GAME COMMISSION
[58 PA. CODE CH. 147]
Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) adopted the following rulemaking at its January 26, 2010, meeting:

Amend §§ 147.902 and 147.904 (relating to definitions; and permit) to specifically authorize properly permitted individuals to engage in commercial coyote guiding activities on State game lands (SGLs).

The final rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

Notice of proposed rulemaking was published at 39 Pa.B. 6660 (November 21, 2009).

1. Purpose and Authority

In July 2009, the Commission added Subchapter Y to Chapter 147 to relocate, consolidate and more clearly define the permitting process for persons interested in guiding other hunters or trappers for certain designated species. The Commission was recently approached by a number of houndsmen who have formally requested the expansion of this newly created subchapter to authorize commercial coyote guiding activities on SGLs. To this end, the Commission amended §§ 147.902 and 147.904 to specifically authorize properly permitted individuals to engage in commercial coyote guiding activities on SGLs.

Section 721(a) of the code (relating to control of property) provides that “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 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.” Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to §§ 147.902 and 147.904 were adopted under this authority.

2. Regulatory Requirements

The final rulemaking amended §§ 147.902 and 147.904 to specifically authorize properly permitted individuals to engage in commercial coyote guiding activities on SGLs.

3. Persons Affected

Persons wishing to engage in commercial coyote guiding activities on SGLs will be affected by the final rulemaking.

4. Comment and Response Summary

There were no official comments received regarding the final rulemaking.

5. Cost and Paperwork Requirements

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

6. Effective Date

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

7. Contact Person

For further information regarding the final 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 regulations 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 these amendments 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 §§ 147.902 and 147.904 to read as set forth at 39 Pa.B. 6660.

(b) The Executive Director of the Commission shall certify this order and 39 Pa.B. 6660 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 48-296 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 10-590. Filed for public inspection April 2, 2010, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 521, 528 and 539]

Temporary General Provisions; Gaming Related Gaming Service Providers; and Table Game Rules for Sic Bo

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (Act 1) and the specific authority in 4 Pa.C.S. §§ 1302A(1)—(4) and 1317.2(a) (relating to regulatory authority; and gaming service provider), adopts temporary regulations in Chapters 521, 528 and 539 (relating to general provisions; gaming related gaming service providers; and Sic Bo) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of the Temporary Rulemaking

This temporary rulemaking contains general provisions, certification requirements for gaming related gaming service providers and the table game rules for Sic Bo.

Explanation of Chapters 521, 528 and 539

Section 521.4 (relating to request to offer a new table game or new feature for an existing table game) has been amended to provide certificate holders a more detailed list of the information the Board will require to be included in a request to offer a new game or feature for an existing game. New §§ 521.6—521.9 (relating to electronic, electrical and mechanical devices prohibited; minimum and maximum wagers; additional wagering requirements; rules of the games; notice; and patron access to the rules of the games; gaming guides) have been added. Section 521.6 prohibits the use of equipment that could be used for cheating. Section 521.7 sets forth the requirements for setting maximum and minimum wagers at gaming tables while § 521.8 sets forth the rules governing signage at the gaming tables. Finally, § 521.9 requires certificate holders to make the rules of each table game offered available to the public and to develop a gaming guide which summarizes the rules.

Chapter 528 sets forth the certification process for gaming related gaming service providers. These individuals or entities provide new games or wagers, game variations or similar innovations for which they have received or applied for a patent. Since they do not meet

the definition of a manufacturer or supplier, the Board is creating a category of gaming service providers for these individuals and entities.

Included in this Chapter are provisions relating to: who will be considered to be a gaming related gaming service provider; the application and renewal process; the qualification process for key individuals who own or are employed by the gaming related gaming service provider; gaming related gaming service provider responsibilities; the gaming related gaming service provider list; permission to conduct business prior to certification; requirements related to using a gaming related gaming service provider; and certificate holders' duty to investigate.

Chapter 539 contains the rules governing the play of Sic Bo, a game that uses three dice and an electronic layout which contains various combinations of the results that can occur when the dice are rolled. The provisions in this chapter address: physical characteristics of Sic Bo tables, dice and other related equipment; the permissible wagers; the opening of Sic Bo tables and procedures for completion of each round of play; payment and collection of wagers; and how irregularities in play are to be handled.

Affected Parties

Slot machine licensees who elect to become certificate holders will be required to post minimum and maximum wagering limits at each gaming table, make the rules of each table game offered available to the public and develop a gaming guide which summarizes the rules. They will also have to hire and train dealers for the table games they wish to offer and purchase the equipment necessary to conduct the table games.

Individuals who want to become gaming related gaming services providers will have to complete a certification application and pay the applicable fees.

The Board does not anticipate that it will receive many gaming related gaming service provider applications and any applications it does receive will be reviewed by existing Bureau of Licensing staff. The Board will experience increased regulatory demands resulting from the implementation of table games. The most significant increases will be the hiring of additional casino compliance agents to oversee the operation of the table games at the licensed facilities and increased number of license and occupation permit applications that will have to be processed by the Bureau of Licensing.

Fiscal Impact

Commonwealth

The Board expects that it will experience increased costs related to adding additional staff at the licensed facilities and at its offices to handle the increased licensing and oversight requirements that will result from the introduction of table games. Because the Board is just starting to receive petitions from slot machine licensees seeking permission to conduct table games, the extent of these additional costs are not known. However, the Board does not expect these increased costs to exceed the additional funding provided to the Board under Act 1.

Political Subdivisions

This rulemaking will have no direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host Municipalities and Counties will benefit from the local share funding that is mandated by Act 1.

Private Sector

This rulemaking will result in additional costs for slot machine licensees who elect to become certificate holders. More specifically, certificate holders will experience minor costs associated with the signage requirements for gaming tables and the production costs associated with the gaming guides. However the Board does not expect these costs to be significant. Certificate holders will also be required to pay a table games licensing fee, purchase equipment to conduct the table games they elect to offer and to hire and train employees to operate table games. While these costs will be significant, they will be offset by the revenues generated from the table games.

General Public

This rulemaking will have no direct fiscal impact on the general public.

Paperwork Requirements

This rulemaking will require certificate holders to: post signs at gaming tables; have complete sets of rules for all the games they offer available for public inspection; produce a gaming guide summarizing the rules of the games they offer; and file Rules Submissions for each table game they elect to offer. The Rules Submissions may take the form of standardized checklists for each game and should be relatively simple to fill out.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Public Comments

While this rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary regulation might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Richard Sandusky, Director of Regulatory Review, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-114.

Contact Person

The contact person for questions about this rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of: sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240), referred to as the Commonwealth Documents Law (CDL); the Regulatory Review Act (71 P. S. §§ 745.1—745.12); and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations shall expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the CDL and sections 204(b) and 301(10) of the Commonwealth Attorney Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code Chapters 521, 528 and 539, are amended by amending § 521.4 and adding §§ 521.6—521.9, 528.1—528.9 and 539.1—539.7 to read as set forth in Annex A.

(2) The temporary regulations are effective April 3, 2010.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the Board.

(5) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-114. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 521. GENERAL PROVISIONS

§ 521.4. Request to offer a new table game or new feature for an existing table game.

A certificate holder that desires to offer a new table game that is not in this subpart or offer a new wager or feature as part of a table game included in this subpart, shall file a written request with the Board's Executive Director. The request, at a minimum, must contain:

(1) A detailed description of the table game or feature including the rules of play and wagering that would be used for the new table game or feature. In addition, for table games, the certificate holder shall:

(i) Indicate whether the game is a variation of an authorized game, a composite of authorized games, or a new game.

(ii) Provide the true odds, the payout odds, and the house advantage for each wager.

(iii) Provide a sketch or picture of the game layout, if any.

(iv) Provide sketches or pictures of the equipment used to play the game.

(2) The reason why the new table game or feature is being proposed.

(3) A list of other gaming jurisdictions where the new table game or feature is currently being offered.

(4) Whether the game, its name, or any of the equipment used to play the game is covered by any copyrights, trademarks or patents, either issued or pending.

§ 521.6. Electronic, electrical and mechanical devices prohibited.

Except as specifically permitted by the Board, a person may not possess with the intent to use, or actually use, at

any table game, either by himself or in concert with others, any calculator, computer, or other electronic, electrical or mechanical device to assist in projecting an outcome at any table game or in keeping track of or analyzing the cards having been dealt, the changing probabilities of any table game, or the playing strategies to be utilized.

§ 521.7. Minimum and maximum wagers; additional wagering requirements.

(a) Certificate holders shall establish minimum and maximum wagers for any authorized table game in a licensed facility.

(b) A certificate holder shall provide notice of the minimum and maximum wagers in effect at each gaming table, and any changes thereto, in accordance with § 521.8 (relating to rules of the games; notice).

(c) Any wager accepted by a dealer that exceeds the current table maximum or is lower than the current table minimum shall be paid or lost in its entirety in accordance with the rules of the game.

(d) Nothing in this section precludes a certificate holder from establishing additional wagering requirements that are consistent with the rules of the game, such as a requirement that wagers be made in specified increments, provided that the wagering requirements are specified in the rules of the game or in the certificate holder's Rule Submission under § 521.2 (relating to table games Rules Submissions).

§ 521.8. Rules of the games; notice.

(a) Whenever a certificate holder is required by regulation to provide notice of the rules under which a particular table game will be operated, the certificate holder shall post a sign at the gaming table advising patrons of the rules in effect at that table.

(b) Except as provided in subsection (c), a certificate holder may not change the rules under which a particular table game is being operated unless the certificate holder files and receives approval of an amendment to its Rules Submission under § 521.2 (relating to table games Rules Submissions).

(c) A certificate holder may change the permissible minimum or maximum wager at a table game:

(1) At any time, if no patrons are playing at the table.

(2) Where patrons are playing the game, if the certificate holder:

(i) Provides at least a 30 minute advance notice of the change.

(ii) Posts a sign at the gaming table advising patrons of the change and the time that it will go into effect.

(iii) Announces the change to patrons who are at the table.

(d) The location, size and language of each sign required by this section shall be submitted to and approved by the Bureau of Gaming Operations prior to its use.

§ 521.9. Patron access to the rules of the games; gaming guides.

(a) Each certificate holder shall maintain, at its security podium or other location approved by the Bureau of Gaming Operations, a printed copy of the complete text of the rules of all authorized games. This information shall be made available to the public for inspection upon request.

(b) Each certificate holder shall make available to patrons upon request a gaming guide which contains an abridged version of the information required to be made available under subsection (a) in a printed format.

(c) The gaming guide required by subsection (b) may not be issued, displayed or distributed by a certificate holder until a sample of the gaming guide has been submitted to and approved by the Bureau of Gaming Operations.

(d) Prior to issuing, distributing or displaying a gaming guide that is materially different from the approved gaming guide, a certificate holder shall submit and obtain approval from the Bureau of Gaming Operations of a sample of the revised gaming guide which contains the material changes.

(e) A certificate holder may display an approved gaming guide at any location in its licensed facility.

(f) Each certificate holder shall make the gaming guide required under subsection (b) available on its web site.

CHAPTER 528. GAMING RELATED GAMING SERVICE PROVIDERS

Sec.	
528.1.	General requirements.
528.2.	Gaming related gaming service provider certification applications.
528.3.	Qualification of individuals and entities.
528.4.	Certification term and renewal.
528.5.	Certified gaming related gaming service provider responsibilities.
528.6.	Gaming related gaming service provider list.
528.7.	Requirements for use of a gaming related gaming service provider.
528.8.	Permission to conduct business prior to certification.
528.9.	Certificate holders' duty to investigate.

§ 528.1. General requirements.

A person seeking to conduct business with a certificate holder shall apply to the Board for certification as a gaming related gaming service provider if the person:

(1) Provides a gaming related service that includes a new game or new wager, game variation, side bet or similar innovation relating to a table game that has been approved by the Board.

(2) Is the owner of a patent or has a patent pending for the new game or new wager, game variation, side bet or similar innovation.

(3) Is not required to be licensed as a manufacturer, supplier or manufacturer designee.

§ 528.2. Gaming related gaming service provider certification applications.

(a) A gaming related gaming service provider seeking certification shall complete and the certificate holder for whom the gaming related gaming service provider may be providing gaming related services shall submit:

(1) An original and one copy of a Gaming Related Gaming Service Provider Certification Application and Disclosure Information Form unless otherwise directed by the Board.

(2) The nonrefundable application fee posted on the Board's web site (www.pgcb.state.pa.us).

(3) Applications and release authorizations for each individual required to be qualified under § 528.3 (relating to qualification of individuals and entities).

(4) A written statement from a certificate holder, stating that the certificate holder may do business with the

gaming related gaming service provider for the purpose of utilizing the gaming related gaming service provider's gaming related service.

(b) In addition to the materials required under subsection (a), an applicant for a gaming related gaming service provider certification shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) A gaming related gaming service provider certification will not be issued until all fees and costs, including any Gaming Laboratory Operation costs incurred in the review of the proposed new game or new wager, game variation, side bet or similar innovation, have been paid.

§ 528.3. Qualification of individuals and entities.

(a) The following individuals shall be required to submit a Pennsylvania Personal History Disclosure Form and be found qualified by the Board:

(1) Each officer and director of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification. For the purposes of this paragraph, the term "officer" means a president, chief executive officer, a chief financial officer and a chief operating officer and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(2) Each individual who has a direct or indirect ownership or beneficial interest of 10% or more in the certified gaming related gaming service provider or applicant for gaming related gaming service provider certification. A certified gaming related gaming service provider or applicant for gaming related gaming service provider certification shall provide information or documentation requested by the Board necessary to determine compliance with this paragraph.

(3) Each salesperson of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification who solicits or will be soliciting business from, or has regular contact with, any representatives of a certificate holder.

(b) Each entity that directly owns 20% or more of the voting securities of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification shall be required to file a Gaming Service Provider Certification Form-Private Holding Company with the Board and be found qualified by the Board.

(c) The following persons may be required to submit a Gaming Service Provider Certification Form-Private Holding Company or a Pennsylvania Personal History Disclosure Form and be found qualified by the Board if the Board determines that the qualification of the person is necessary to protect the public interest or to enhance the integrity of gaming in this Commonwealth:

(1) An intermediary or holding company of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification not otherwise required to be qualified.

(2) An officer or director of an intermediary or holding company of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification.

(3) An employee of a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification.

(4) A person who holds any direct or indirect ownership or beneficial interest in a certified gaming related gaming service provider or applicant for gaming related gaming service provider certification, or has the right to any profits or distribution, directly or indirectly, from the certified gaming related gaming service provider or applicant for gaming related gaming service provider certification.

(5) A trustee of a trust that is required to be found qualified under this section.

(d) The Bureau of Licensing may issue a temporary credential to an individual who is required to be qualified by the Board under this section if:

(1) The individual's presence in the licensed facility is needed.

(2) The company with which the individual is associated is on the Authorized Gaming Service Provider List.

(e) The Bureau of Licensing will issue a permanent credential to an individual who has been found to be qualified under this section if the gaming related gaming service provider has been certified.

§ 528.4. Certification term and renewal.

(a) Gaming related gaming service provider certifications, and renewals issued under this chapter shall be valid for 4 years from the date of Board approval.

(b) A certified gaming related gaming service provider shall submit to the Board a completed renewal application and renewal fee at least 60 days prior to the expiration of a certification.

(c) A certification for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the certification that the Board has approved or denied the certification.

§ 528.5. Certified gaming related gaming service provider responsibilities.

A holder of a gaming related gaming service provider certification shall have a continuing duty to:

(1) Provide information requested by the Board relating to licensing or regulation; cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions; and comply with conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(2) Report a change in circumstances that may render the holder of a gaming related gaming service provider certification ineligible, unqualified or unsuitable to hold a certification under the standards and requirements of the act and of this part.

§ 528.6. Gaming related gaming service provider list.

The Board will maintain a list of gaming related gaming service providers who are certified and have had their gaming related service approved by the Bureau of Gaming Laboratory Operations.

§ 528.7. Requirements for use of a gaming related gaming service provider.

Prior to use of a gaming related service by a certificate holder the following must occur:

(1) The gaming related gaming service provider providing the gaming related service must submit its gaming related service to, and have it approved by, the Bureau of Gaming Laboratory Operations.

(2) The gaming related gaming service provider shall pay all Gaming Laboratory Operation costs incurred in the review of the proposed new game or new wager, game variation, side bet or similar innovation.

(3) The certificate holder shall make a written request to the Board's Executive Director and receive written approval for use of the new gaming related service in accordance with § 521.4 (relating to request to offer a new table game or new feature for an existing table game).

(4) The gaming related gaming service provider must be certified or have received written authorization from the Bureau of Licensing to conduct business prior to certification.

§ 528.8. Permission to conduct business prior to certification.

(a) Notwithstanding § 528.1 (relating to general requirements), the Bureau of Licensing may authorize an applicant for a gaming related gaming service provider certification to conduct business with a certificate holder prior to the certification of the gaming related gaming service provider applicant if the following criteria are met:

(1) A completed Gaming Related Gaming Service Provider Certification Application and Disclosure Information Form has been filed by the certificate holder in accordance with § 528.2 (relating to gaming related gaming service provider certification applications).

(2) The certificate holder certifies that it has performed due diligence on the gaming related gaming service provider.

(3) The applicant for gaming related gaming service provider certification agrees, in writing, that the grant of permission to conduct business prior to certification does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the authorization granted pursuant to this section, with or without prior notice to the applicant, if the Bureau of Licensing determines that the suitability of the applicant is at issue or the applicant fails to cooperate in the application process.

(4) The gaming related gaming service provider and the certificate holder have satisfied the requirements in § 538.7 (relating to requirements for use of a gaming service provider).

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant for gaming related gaming service provider certification, the Bureau of Licensing may rescind the permission granted to the applicant for gaming related gaming service provider certification to conduct business with a certificate holder under subsection (a). If the permission is rescinded, the applicant for gaming related gaming service provider certification shall cease conducting business with the certificate holder by the date specified in the notice of the rescission by the Bureau of Licensing under subsection (c).

(c) The Bureau of Licensing will notify the applicant for gaming related gaming service provider certification and the certificate holder by registered mail that permission for the applicant for gaming related gaming service

provider certification to conduct business with the certificate holder under subsection (a) has been rescinded and that the certificate holder shall cease conducting business with the applicant for gaming related gaming service provider certification by the date specified in the notice.

§ 528.9. Certificate holders' duty to investigate.

(a) A certificate holder shall investigate the background and qualifications of the applicants for gaming related gaming service provider certification with whom it intends to have a contractual relationship or enter into an agreement.

(b) A certificate holder shall have an affirmative duty to avoid agreements or relationships with persons applying for gaming related gaming service provider certification whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth, or who threaten the integrity of gaming in this Commonwealth.

(c) A certificate holder shall have a duty to inform the Board of an action by an applicant for or holder of a gaming related gaming service provider certification which the certificate holder believes would constitute a violation of the act or this part.

CHAPTER 539. SIC BO

Sec.	
539.1.	Sic Bo table; Sic Bo shaker; physical characteristics.
539.2.	Dice; number of dice.
539.3.	Permissible wagers.
539.4.	Placement of wagers.
539.5.	Procedures for opening and dealing the game.
539.6.	Payout odds.
539.7.	Irregularities.

§ 539.1. Sic Bo table; Sic Bo shaker; physical characteristics.

(a) Each Sic Bo table must have a drop box and tip box attached to the table on the same side of the gaming table as, but on opposite sides of, the dealer, in locations approved by the Bureau of Gaming Operations.

(b) Each Sic Bo table must have an electrical device, approved by the Bureau of Gaming Laboratory Operations, where the numeric value of each die will be entered by the dealer and an area that depicts all permissible wagers under § 539.3 (relating to permissible wagers) and which causes the winning combinations to be illuminated after the numeric value of each die has been entered by the dealer.

(c) The layout for a Sic Bo table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) Specific areas designated for the placement of the wagers authorized by § 539.3.

(3) The payout odds currently being offered in accordance with § 539.6 (relating to payout odds).

(d) Sic Bo shall be played with a Sic Bo shaker approved by the Bureau of Gaming Operations, which shall be used to shake the dice to arrive at the winning combinations.

(1) A manual Sic Bo shaker shall be designed and constructed to maintain the integrity of the game and must, at a minimum, adhere to the following specifications:

(i) The Sic Bo shaker must have a compartment to secure the three dice and a separate cover which conceals the dice while the dealer is shaking the Sic Bo shaker.

The compartment to secure the three dice must be transparent and the cover which conceals the dice must be opaque.

(ii) The Sic Bo shaker must have the capability of being sealed or locked to ensure the integrity of the dice contained inside the Sic Bo shaker.

(iii) The Sic Bo shaker must have the name or logo of the certificate holder imprinted or impressed thereon.

(2) An automated Sic Bo shaker, approved by the Bureau of Gaming Laboratory Operations, may be used in the game of Sic Bo, provided that:

(i) The shaker meets the requirements of paragraph (1), except that a separate opaque cover may not be used.

(ii) The shaker, its location on the Sic Bo table and the procedures for shaking the dice are submitted to and approved by the Bureau of Gaming Operations.

(f) The Sic Bo shaker shall be the responsibility of the dealer and may never be left unattended while at the table.

§ 539.2. Dice; number of dice.

(a) Sic Bo shall be played with three dice, which shall be kept inside the Sic Bo shaker while at the Sic Bo table.

(b) The dice that have been placed in a Sic Bo shaker for use in gaming may not be used for the play of the game for more than 24 hours.

§ 539.3. Permissible wagers.

The following are the permissible wagers for the game of Sic Bo:

(1) *Three of a Kind.* A wager which wins if the same number is showing on all three dice and the player selected that number to appear on all three dice.

(2) *Two of a Kind.* A wager which wins if the same number is showing on two of the three dice and the player selected that number to appear on two out of the three dice.

(3) *Any Three of a Kind.* A wager which wins if the numeric value on all three dice is the same and the player wagered that any of the numbers 1 through 6 would appear on all of the three dice.

(4) *Total Value Bet.* A wager which wins if the numeric total of all three dice equals the total of the number wagered.

(5) *Two Dice Combination.* A wager which wins when the player wagered that a combination of two specific but different numeric values would appear on at least two of the dice and the two numeric values chosen are showing.

(6) *Small Bet.* A wager which wins if the numeric total of all three dice equals any one of the following totals: 4, 5, 6, 7, 8, 9 or 10 and loses if any other numeric total is shown or if a three of a kind appears.

(7) *Big Bet.* A wager which wins if the numeric total of all three dice equals any one of the following totals: 11, 12, 13, 14, 15, 16 or 17 and loses if any other numeric total is shown or if a three of a kind appears.

(8) *One of a Kind.* A wager which wins if one or more of the three dice shows a numeric value equal to the number wagered.

§ 539.4. Placement of wagers.

(a) Wagers at Sic Bo shall be made by placing gaming chips or plaques on the appropriate areas of the Sic Bo

layout. Verbal wagers accompanied by cash may not be accepted at the game of Sic Bo.

(b) Each player shall be responsible for the correct positioning of his wagers on the Sic Bo layout regardless of whether the player is assisted by the dealer. Each player shall ensure that any instructions given to the dealer regarding the placement of wagers are correctly carried out.

(c) Each wager shall be settled strictly in accordance with its position on the layout when the dice come to rest and the numeric value showing on each die has been entered into the electrical device and illuminated at the table.

§ 539.5. Procedures for opening and dealing the game.

(a) Prior to opening the Sic Bo table for gaming activity, the floorperson assigned to the Sic Bo table shall inspect the following items to ensure that each is in proper working order:

(1) The electrical device which causes the winning combinations to be illuminated when the numeric value of each die has been entered by the dealer and the area of the Sic Bo table which depicts all permissible wagers under § 539.3 (relating to permissible wagers). At a minimum, the inspection shall be completed by entering three numeric values into the electrical device and verifying that all winning combinations are properly illuminated.

(2) The automated dice shaker, if one is in use. At a minimum, the inspection shall be completed by operating the device three times and verifying that the dice are being properly tossed.

(b) Prior to shaking the manual Sic Bo shaker or activating the automated dice shaker, the dealer shall announce "no more bets."

(c) Once "no more bets" has been announced, the dealer shall either:

(1) Place the cover on the manual Sic Bo shaker, and shake the Sic Bo shaker at least three times so as to cause a random mixture of the dice.

(2) Activate the automated dice shaker to cause a random mixture of the dice.

(d) The dealer shall then remove the cover from the manual Sic Bo shaker, announce the numeric value of each die and enter the numeric value of each die into the electrical device on the table. The electrical device shall then cause the winning combinations to be illuminated on the Sic Bo layout.

(e) After the winning combinations have been illuminated, the dealer shall first collect all losing wagers and then pay off all winning wagers at the odds currently being offered in accordance with § 539.6 (relating to payout odds). A manual Sic Bo shaker shall remain uncovered until all winning wagers have been paid. An automated Sic Bo dice shaker shall remain uncovered at all times.

(f) After losing wagers have been collected and winning wagers paid, the dealer shall clear the previously illuminated winning combinations from the table.

§ 539.6. Payout odds.

(a) Payout odds on the layout or in any brochure or other publication distributed by a certificate holder shall be stated through the use of the word "to" and no odds may be stated through the use of the word "for."

(b) Each certificate holder shall pay off winning wagers at the game of Sic Bo at the odds contained in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions) which shall be no less than the odds listed below:

<i>Wager</i>	<i>Payout Odds</i>
Three of a Kind	150 to 1
Two of a Kind	8 to 1
Any Three of a Kind	24 to 1
Total Value Bet of 4	50 to 1
Total Value Bet of 5	18 to 1
Total Value Bet of 6	14 to 1
Total Value Bet of 7	12 to 1
Total Value Bet of 8	8 to 1
Total Value Bet of 9	6 to 1
Total Value Bet of 10	6 to 1
Total Value Bet of 11	6 to 1
Total Value Bet of 12	6 to 1
Total Value of Bet 13	8 to 1
Total Value of Bet 14	12 to 1
Total Value of Bet 15	14 to 1
Total Value Bet of 16	18 to 1
Total Value Bet of 17	50 to 1
Any Two Dice Combination	5 to 1
Small Bet	1 to 1
Big Bet	1 to 1

(c) One of a Kind shall be paid at:

- (1) 1 to 1, if only one of the dice show the numeric value upon which the wager was placed.
- (2) 2 to 1, if two of the dice show the numeric value upon which the wager was placed.
- (3) 3 to 1, if all three dice show the numeric value upon which the wager was placed.

§ 539.7. Irregularities.

(a) If all three dice do not land flat on the bottom of the Sic Bo shaker after being tossed, the dealer shall call a "no roll" and all wagers placed shall be returned to the players.

(b) If the electrical device which causes the winning combinations to be illuminated when the numeric value of each die has been entered by the dealer or the area of the Sic Bo table which depicts all permissible wagers under § 539.3 (relating to permissible wagers) malfunctions after the manual Sic Bo shaker has been uncovered or the automated Sic Bo dice shaker has tossed the dice, the dealer shall, in the presence of a floorperson or above, collect losing wagers and pay winning wagers. Once the wagers on the layout have been settled, all gaming at the Sic Bo table shall cease until the electrical device which causes the winning combinations to be illuminated when the numeric value of each die has been entered by the dealer or the area of the Sic Bo table which depicts all permissible wagers under § 539.3 has been fixed.

(c) If the automated Sic Bo shaker fails to operate or malfunctions when activated, the round of play shall be void and wagers placed shall be returned to the players.

(d) An automated Sic Bo shaker shall be removed from a Sic Bo table before a manual Sic Bo shaker may be utilized at that table.

[Pa.B. Doc. No. 10-591. Filed for public inspection April 2, 2010, 9:00 a.m.]

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 53]

Clothing

The Department of Revenue (Department), under section 270 of the Tax Reform Code of 1971 (TRC) (72 P. S. § 7270), has amended 61 Pa. Code Chapter 53. "Wearing Apparel," by renaming the chapter "Clothing," amending definitions, conforming the regulation to the statute, clarifying examples and the scope in § 53.1 (relating to clothing) to read as set forth in Annex A.

Purpose of this Final-Form Rulemaking

This final-form rulemaking will conform to Pennsylvania law and avoid any confusion for taxpayers paying Sales and Use Taxes. In addition, the rulemaking codifies legislative changes relating to clothing patterns that were set forth in Act 23-2000 (See section 204(26) of the TRC 72 P. S. § 7204(26)).

Explanation of Regulatory Requirements

The major reason for this amendment is to bring the regulation into conformity with the statute. The current definition of "wearing apparel" in § 53.1(a)(7) when read in conjunction with § 53.1(b)(3) would appear to exempt from Sales and Use Tax the service of repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning of accessories, ornamental wear, formal day or evening apparel, fur articles and sporting goods and clothing. The statute in section 201(k)(4) and (o)(4) of the TRC (72 P. S. § 7201(k)(4) and (o)(4)) excludes from the definition of "sale at retail" and "use" the repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning of only wearing apparel or shoes. Although "wearing apparel" is not defined in the TRC, it is referred to in section 7204(26) of the TRC as a subset of clothing. That section provides an exemption from tax for "all vesture, wearing apparel, raiments, garments, footwear and other articles of clothing . . . but all accessories, ornamental wear, formal day or evening apparel, and articles made of fur . . . and sporting goods and clothing not normally used or worn when not engaged in sports shall not be excluded from tax." This language clearly indicates that wearing apparel is clothing since wearing apparel is followed by "and other articles of clothing." The language also indicates that accessories, ornamental wear, formal day or evening apparel, fur articles, sporting goods and sporting clothing are not clothing or wearing apparel and the sale or use of these items are taxable.

To bring the regulation into conformity with the statute, the "definitions" in § 53.1(a) have been amended. "Clothing" has been enhanced to mirror language in the statute in section 204(26) of the TRC. The definition for "wearing apparel" has been deleted.

The "scope" subsection has been amended in § 53.1(b) to remove language and insert clarifying language that mirrors language in the statute in sections 7201(k)(4) and (o)(4) and 7204(26) of the TRC. Language has been added

in § 53.1(c) to clarify examples of accessories, ornamental wear, formal day or evening apparel, fur articles and sporting goods and sporting clothing. The word “wearing apparel” has been deleted from this subsection.

In subsection (d), the word “patterns” has been deleted to mirror the statute as a result of Act 23-2000.

Affected Parties

Taxpayers in this Commonwealth paying Sales and Use Tax may be affected by the regulation although it is believed that the repairers, alters, and the like, of accessories, ornamental wear, and the like, have been charging Sales Tax on these services.

Comment and Response Summary

Notice of proposed rulemaking was published at 39 Pa.B. 1209 (March 7, 2009). This proposed rulemaking is being adopted without amendments to read as set forth in Annex A.

The Department received one comment from the public during the public comment period. No comments were received from either the House Finance Committee or the Senate Finance Committee (Committees). The Independent Regulatory Review Commission (IRRC) submitted no comments on the proposed rulemaking.

No amendments have been made to the proposed rulemaking in response to the one public comment, as it was in support of the proposed rulemaking as published.

Fiscal Impact

The Department has determined that the final-form rulemaking will have minimal fiscal impact on the Commonwealth.

Paperwork

The final-form rulemaking will not create additional paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The final-form rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. The regulation is scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

The contact person for an explanation of the final-form rulemaking is Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, Department 281061, Harrisburg, PA 17128-1061.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 20, 2009, the Department submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 1209, to IRRC and to the Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on February 24, 2010, the final-form rulemaking was deemed approved by the Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRCC, effective February 24, 2010.

Findings

The Department finds that:

(1) Public notice of intention to amend the regulation 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 amendment is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code Chapter 53, are amended by amending § 53.1 to read as set forth in Annex A.

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

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

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

C. DANIEL HASSELL,
Acting Secretary

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 1471 (March 13, 2010).)

Fiscal Note: Fiscal Note 15-446(F) remains valid for the final adoption of the subject regulation.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE II. SALES AND USE TAX

CHAPTER 53. CLOTHING

§ 53.1. Clothing.

(a) *Definitions.* The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Accessories—Articles, other than clothing, which are designed to be worn on or about the human body.

Clothing—Articles, including vesture, wearing apparel, raiments, garments or shoes, which are designed to cover the human body as ordinary or everyday wear.

Formal day or evening apparel—Articles worn or carried on or about the human body which are designed for formal functions and not normally worn except while attending a formal function.

Fur articles—Articles worn or carried on or about the human body which are made of:

(i) Fur on the hide or pelt.

(ii) Material imitative of fur.

(iii) Combination of fur, real, imitative or synthetic, and other material provided the fur, real, imitative or synthetic, is more than three times the value of the next most valuable material.

Ornamental wear—Articles, other than clothing, which are designed and normally worn for decorative purposes.

Sporting goods and sporting clothing—Articles worn or carried on or about the human body which are designed for sporting activity and not normally worn except while engaged in sports.

(b) *Scope.* This section applies to the following transactions:

(1) The sale or use of clothing is not subject to tax.

(2) The sale or use of accessories, ornamental wear, formal day or evening apparel, fur articles and sporting goods and sporting clothing shall be subject to tax unless the purchaser is entitled to claim an exemption under the law.

(3) A charge for the service of repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning shoes of any type or clothing is not subject to tax with the exception of the imprinting or printing of clothing belonging to others.

(4) A charge for the service of repairing, altering, mending, pressing, fitting, dyeing, laundering, drycleaning or cleaning accessories, ornamental wear, formal day or evening apparel, fur articles or sporting goods and sporting clothing, except for shoes of any type shall be subject to tax unless the purchaser is entitled to claim an exemption under the law.

(c) *Examples.* The following are examples of accessories, ornamental wear, formal day or evening apparel, fur articles and sporting goods and sporting clothing:

(1) *Accessories* Accessories include the following:

- (i) Handbags, pocket books and purses.
- (ii) Wallets and billfolds.
- (iii) Umbrellas.
- (iv) Jewelry, including jewelry with religious symbols, pins, cufflinks, and the like.
- (v) Earring backs and covered buttons for making earrings and brooches.
- (vi) Hair nets, hairpins, barrettes, curlers, hair clips, chignons and bandeaus.
- (vii) Wigs and toupees.

(2) *Formal men's day and evening apparel.* Formal men's day and evening apparel includes the following:

- (i) Tuxedos.
- (ii) Dinner jackets.
- (iii) Tail coats.
- (iv) Cummerbunds.
- (v) Striped formal trousers.
- (vi) Opera capes.
- (vii) Formal vests.
- (viii) Cutaway coats.
- (ix) Formal ties including ascots.
- (x) White leather and silk gloves.
- (xi) White formal suspenders.
- (xii) Wing collars.
- (xiii) Silk hats.
- (iv) Opera hats.
- (xv) Derby hats.

(3) *Formal women's day and evening apparel.* Formal women's day and evening apparel includes the following:

- (i) Headpieces of the tiara type.
- (ii) Kid or suede gloves, 16 button type.
- (iii) Shoes for formal wear such as metallic cloth, brocade and satin.
- (iv) Bridal apparel.
- (4) *Sporting goods and sporting clothing.* Sporting goods and sporting clothing includes the following:
 - (i) Athletic supporters.
 - (ii) Team or individual uniforms, for example: football, baseball, basketball, hockey and soccer.
 - (iii) Shoes designed for particular sports, for example: football, baseball, soccer and track spikes; motorcross boots; ski boots; ice skates; wrestling shoes; swim fins; golf shoes; and bowling shoes.
 - (iv) Uniform socks, single-strap-under-a-foot-type.
 - (v) Weightlifting belts.

(vi) Protective equipment, for example: shoulder, knee, thigh, elbow, forearm, hand and rib pads used in football and other contact sports; mouthpieces; football and other sports helmets; cups for athletic supporters; and boxing headgear.

(vii) Gloves, for example: baseball, handball, hockey, batting and golf.

(viii) Hunting and fishing accessories, ammunition belts, hip waders and fly vests.

(ix) Bathing suits and caps.

(5) *Fur articles.* Fur articles include the following:

- (i) Articles made of rabbit fur dyed to resemble mink.
- (ii) Articles made of sheepskin with wool or hair attached thereto.
- (iii) Articles made of fabrics made with vegetable, mineral or synthetic fibers which resemble fur in appearance.
- (iv) Articles made of woven animal hair or wool which resembles fur in appearance.
- (v) Articles with fur trim if the value of the fur trim is three times the value of the next most valuable component part.

(6) *Ornamental wear.* Ornamental wear includes the following:

- (i) Costumes.
- (ii) Corsages.

(iii) Hats, sashes, emblems, insignias, medallions, and the like, designed and normally worn in conjunction with club, organization, fraternity and similar ceremonies.

(d) *Materials to be incorporated in clothing.* The sale of items such as fabrics, thread, knitting yarn, buttons, snaps and zippers, to be incorporated into clothing is not subject to tax. The sale of property such as needles, dress forms, scissors and thimbles, is subject to tax unless the purchaser is engaged in the business of manufacturing or of purchasing the items for resale.

[Pa.B. Doc. No. 10-592. Filed for public inspection April 2, 2010, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses

[25 PA. CODE CH. 208]

Board Of Coal Mine Safety Acceptance of Rule-making Petition for Study

On March 17, 2010, the Board of Coal Mine Safety (Board) accepted two rulemaking petitions for study. The first petition, submitted by Karen Hampton, requests the amendment of two sections to be proposed in 25 Pa. Code §§ 208.1 and 208.70 for inclusion of the requirements pertaining to the placement, training and maintenance of an automated external defibrillator (AED). The Board proposes to add the definition of an "automated external defibrillator." The Board also proposes to add § 208.70 detailing where AEDs are to be located, the maintenance of AEDs and the training standards miners are required to meet for the use of AEDs. Section 208.70 will also extend the requirements and protection under 42 Pa.C.S. § 8331.2 (relating to Good Samaritan civil immunity for use of automated external defibrillator).

The second petition, submitted by John Gallick, requests the amendment of proposed §§ 208.1 and 208.71 for the further clarification of what constitutes an "accident" and when a mine operator is required to contact the Department of Environmental Protection (Department) within 15 minutes of the incident. Under the Bituminous Coal Mine Safety Act (52 P.S. §§ 690-101—690—708), the definition of "accident" includes, but is not limited to, a list 14 of predetermined events. The petition suggests amending the list to include two additional incidents for a total of 16 predetermined events. The petition would also remove the word "including" from the definition of accidents which would then be defined as the 16 predetermined events.

Under the Board's accepting of the petitions, the Department will prepare a rulemaking package for the inclusion of the requirements pertaining to the placement, training and maintenance of automated external defibrillators. The Department is also preparing a proposed rulemaking package to amend the definition of "accident" as well as further detailing the accident notification requirements.

The previously-referenced petitions are available to the public by contacting the Board of Coal Mine Safety, Fayette County Health Center, 100 New Salem Road, Uniontown, PA, (724) 439-7289, and are accessible on the Department's web site at www.depweb.state.pa.us (select "Public Participation;" "Board of Coal Mine Safety;" "Meeting/Agendas Handouts/Minutes").

JOHN HANGER,
Chairperson

[Pa.B. Doc. No. 10-593. Filed for public inspection April 2, 2010, 9:00 a.m.]

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its January 26, 2010, meeting:

Amend § 143.45 (relating to completing and submitting applications) to authorize county treasurers to begin selling antlerless licenses over the counter on the first Monday in October.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the January 26, 2010, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 14, 2010.

1. Purpose and Authority

Commission staff recently met with the County Treasurer's Association (Association) to discuss outcomes and concerns related to the first year of antlerless deer license issuance through the Pennsylvania Automated Licensing System (PALS). The Association suggested that a change be made to the regulation to help them process applications more efficiently. The Association asked that State-wide over the counter sales begin earlier so that hunters will not have to apply by mail. The Commission is proposing to amend § 143.45 (relating to completing and submitting applications) to authorize county treasurers to begin selling antlerless licenses over the counter on the first Monday in October.

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. Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 143.45 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 143.45 to authorize county treasurers to begin selling antlerless licenses over the counter on the first Monday in October.

3. Persons Affected

Persons wishing to apply for antlerless deer licenses from county treasurers over the counter within this Commonwealth may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *Effective Date*

The proposed rulemaking will be effective upon final 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: 48-305. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.45. Completing and submitting applications.

(a) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for those applications submitted by qualified landowners, it is unlawful for a county treasurer to accept an application other than by regular first class mail delivered through and by the United States Postal Service. Applications for unsold antlerless deer licenses shall be accepted by county treasurers over the counter and may immediately be processed if licenses are available beginning on the first Monday in [**November**] **October**.

* * * * *

[Pa.B. Doc. No. 10-594. Filed for public inspection April 2, 2010, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its January 26, 2010, meeting:

Amend Chapter 141, Appendix G (relating to hunting hours) to update the tables of hunting hours for the 2010-2011 hunting year to reflect the annual change in days and subsequent hunting times.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the January 26, 2010, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 14, 2010.

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 found in Chapter 141, Appendix G must be amended and updated each year to reflect the current year's hunting dates and corresponding legal hunting hours. The Commission is proposing to amend Chapter 141, Appendix G to update the tables of hunting hours for the 2010-2011 hunting year to reflect the annual change in days and subsequent hunting times.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the commission to "fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to Chapter 141, Appendix G were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend Chapter 141, Appendix G to update the tables of hunting hours for the 2010-2011 hunting year to reflect the annual change in days and subsequent hunting times.

3. *Persons Affected*

Persons wishing to hunt or trap within this Commonwealth during the 2010-2011 hunting year will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *Effective Date*

The effective dates of the proposed rulemaking are July 1, 2010, to June 30, 2011.

6. *Contact Person*

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-303. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

APPENDIX G

(Editor's Note: As part of this proposal, the Commission is proposing to replace the tables in Appendix G which appear in 58 Pa. Code pages 141-30—141-32, serial pages (343752)—(343754) with the following tables.)

**HUNTING HOURS TABLE
FOR JUNE 27, 2010 THROUGH JULY 2, 2011**

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
June 27—July 3	5:07	9:03
July 4—10	5:11	9:01
July 11—17	5:16	8:57
July 18—24	5:22	8:52
July 25—31	5:28	8:45
Aug. 1—7	5:35	8:37
Aug. 8—14	5:42	8:29
Aug. 15—21	5:52	8:19
Aug. 21—28	5:55	8:08
Aug. 29—Sept. 4	6:01	7:57
Sept. 5—11	6:08	7:46
Sept. 12—18	6:14	7:34
Sept. 19—25	6:21	7:23
Sept. 28—Oct. 2	6:28	7:11
Oct. 3—9	6:35	7:00
Oct. 10—16	6:42	6:50
Oct. 17—23	6:50	6:40
Oct. 24—30	6:57	6:31
Oct. 31—Nov. 6*ends	6:05	5:23
Nov. 7—13	6:13	5:14
Nov. 14—20	6:21	5:09
Nov. 21—27	6:29	5:07
Nov. 28—Dec. 4	6:36	5:06
Dec. 5—11	6:42	5:06
Dec. 12—18	6:47	5:07
Dec. 19—25	6:49	5:09
Dec. 26—Jan. 1	6:52	5:12
Jan. 2—8	6:52	5:17
Jan. 9—15	6:52	5:23
Jan. 16—22	6:50	5:33
Jan. 23—29	6:46	5:39
Jan. 30—Feb. 5	6:41	5:47
Feb. 6—12	6:34	5:56
Feb. 13—19	6:26	6:04
Feb. 20—26	6:17	6:08
Feb. 27—Mar. 5	6:07	6:20
Mar. 6—12*begins	6:58	7:28
Mar. 13—19	6:46	7:35
Mar. 20—26	6:34	7:42
Mar. 27—Apr. 2	6:23	7:50
Apr. 3—9	6:12	7:57
Apr. 10—16	6:01	8:04
Apr. 17—23	5:50	8:09
Apr. 24—30	5:40	8:18
May 1—7	5:30	8:25
May 8—14	5:25	8:32

<i>Dates</i>	<i>Begin A.M.</i>	<i>End P.M.</i>
May 15—21	5:15	8:39
May 22—28	5:10	8:45
May 29—June 4	5:05	8:51
June 5—11	5:03	8:56
June 12—18	5:02	9:00
June 19—25	5:03	9:03
June 26—July 2	5:06	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. 29—Sept. 4	6:01	7:27
Sept. 5—11	6:08	7:16
Sept. 12—18	6:14	7:04
Sept. 19—25	6:21	6:53
Sept. 26—Oct. 2	6:28	6:41
Oct. 3—9	6:35	6:30
Oct. 10—16	6:42	6:20
Oct. 17—23	6:50	6:10
Oct. 24—30	6:57	6:01
Oct. 31—Nov. 6*ends	6:05	4:53
Nov. 7—13	6:13	4:44
Nov. 14—20	6:21	4:39
Nov. 21—27	6:29	4:37
Nov. 28—Dec. 4	6:36	4:36
Dec. 5—11	6:42	4:36
Dec. 12—18	6:47	4:37
Dec. 19—25	6:49	4:39
Dec. 26—Jan. 1	6:52	4:42
Jan. 2—8	6:52	4:47
Jan. 9—15	6:52	4:53
Jan. 16—22	6:50	5:03
Jan. 23—29	6:46	5:09
Jan. 30—Feb. 5	6:41	5:17
Feb. 6—12	6:34	5:26
Feb. 13—19	6:26	5:34
Feb. 20—26	6:17	5:38
Feb. 27—Mar. 5	6:07	5:50
Mar. 6—12*begins	6:58	6:58
Mar. 13—19	6:46	7:05
Mar. 20—26	6:34	7:12
Mar. 27—Apr. 2	6:23	7:20
Apr. 3—9	6:12	7:27
Apr. 10—16	6:01	7:34

*Daylight Saving Time

[Pa.B. Doc. No. 10-595. Filed for public inspection April 2, 2010, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its January 26, 2010, meeting:

Amend § 141.1 (relating to special regulations areas) to authorize the continued use of bait to hunt deer in the southeast special regulations areas by deleting the sunset provision.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the January 26, 2010, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 14, 2010.

1. Purpose and Authority

In 2006, the Commission amended § 141.1 to permit the limited use of bait to hunt and take deer in the southeastern special regulations areas of this Commonwealth. This authorization included a sunset clause that is set to expire on March 31, 2010, unless the Commission further authorizes its continuation. Commission staff has worked throughout this trial period to assess whether the use of bait actually increased deer harvest opportunity, harvest and hunter success and will conclude this review following the conclusion of this year's hunting seasons and issue a report prior to the April Commission meeting. The Commission has initiated this regulatory amendment in an effort to provide the opportunity to finalize regulations relating to baiting prior to the 2010-2011 *Hunting and Trapping Digest* going to press in late April. To this end, the Commission is proposing to amend § 141.1 to authorize the continued use of bait to hunt deer in the southeast special regulations areas by deleting the sunset provision.

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

2. Regulatory Requirements

The proposed rulemaking will amend § 141.1 to authorize the continued use of bait to hunt deer in the southeast special regulations areas by deleting the sunset provision.

3. Persons Affected

Persons wishing to hunt deer within the southeast special regulations areas of this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

The proposed rulemaking will be effective upon final 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 A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-298. 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:

* * * * *

(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.]

* * * * *

[Pa.B. Doc. No. 10-596. Filed for public inspection April 2, 2010, 9:00 a.m.]

[58 PA. CODE CH. 141]
Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its January 26, 2010, meeting:

Amend § 141.62 (relating to beaver trapping) to remove the applicability of the 2 body-gripping traps per trapper limitation to WMU 1B.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the January 26, 2010, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 14, 2010.

1. *Purpose and Authority*

WMU 1B has the greatest number of beaver damage complaints in the entire State. Beaver damage/nuisance complaints within this unit normally range between 50 and 100 complaints each year. Last year, 23% of all beaver complaints received by the Commission occurred in WMU 1B. Not surprisingly, WMU 1B has had the highest beaver harvest during the past 20 years than any other unit. Furthermore, there is strong evidence that beaver populations in WMU 1B have grown to the point where they are no longer in balance with their habitat. Nonpreferred foods are being utilized and it appears that all suitable beaver range is occupied. The daily and season limits of 20 and 40 for beavers are rarely reached by trappers in this WMU. As a consequence of these findings, the Commission has determined that a long term increase in the beaver harvest is needed within WMU 1B. The Commission is proposing to amend § 141.62 to remove the applicability of the two body-gripping traps per trapper limitation to WMU 1B. Increasing the number of body-gripping traps for each trapper should greatly improve beaver trapping efficiency and success, thus measurably increasing harvest.

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

2. *Regulatory Requirements*

The proposed rulemaking will amend § 141.62 to remove the applicability of the two body-gripping traps per trapper limitation to WMU 1B.

3. *Persons Affected*

Persons wishing to trap beaver within WMU 1B may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *Effective Date*

The proposed rulemaking will be effective upon final 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 A. Palmer, Director, Bureau of

Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-300. 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 lawful to:

* * * * *

(4) In an area where beavers are known to inhabit, set, tend or operate more than a combined 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.

* * * * *

[Pa.B. Doc. No. 10-597. Filed for public inspection April 2, 2010, 9:00 a.m.]

[58 PA. CODE CH. 141]

Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its January 26, 2010, meeting:

Amend § 141.66 (relating to cable restraints) to establish December 26 as the opening date for the usage of cable restraints.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the January 26, 2010, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 14, 2010.

1. *Purpose and Authority*

Based upon comments from the cable restraint users' survey conducted by the Commission, as well as input from the Pennsylvania Trappers Association, it is clear that trappers are interested in using cable restraint devices earlier in the traditional trapping season. The Commission has determined that opening the cable restraint season 6 days earlier on the day after Christmas will provide a small amount of additional opportunity without significantly impacting other user groups and their hunting opportunities. The Commission is proposing to amend § 141.66 to establish December 26 as the opening date for the usage of cable restraints.

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 identification of devices and the use and possession of devices.” Section 2102(d) of the code authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” Section 2102(a) of the code provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendment to § 141.66 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend amend § 141.66 to establish December 26 as the opening date for the usage of cable restraints.

3. Persons Affected

Persons wishing to trap red fox, gray fox or coyote with a cable restraint within this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

The proposed rulemaking will be effective upon final 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 A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-301. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§ 141.66. Cable restraints.

(a) Cable restraint devices may be used from [**January 1**] **December 26** until the end of the established trapping season to harvest red fox, gray fox and coyote. Nontarget furbearing species incidentally captured in [**a**] cable restraint [**device**] **devices** during an open

season for that species may be taken and utilized, provided the trapper possesses [**an**] **all** applicable licenses and permits.

* * * * *

[Pa.B. Doc. No. 10-598. Filed for public inspection April 2, 2010, 9:00 a.m.]

[58 PA. CODE CHS. 141 AND 143]

Hunting and Trapping and Hunting and Furtaker Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its January 26, 2010, meeting:

Amend §§ 141.48 and 143.206 (relating to elk management area and elk hunt zones; and validity of license) to define important geographical terms and authorize the use of unfilled elk licenses to be used to harvest elk anywhere within this Commonwealth outside of the elk management area during any extended elk season following the regular elk season.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the January 26, 2010, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 14, 2010.

1. Purpose and Authority

Work is ongoing to update and implement the Commission's elk management plan. A somewhat confusing aspect of elk management policy for agency staff and the public has been references to terms such as elk range, elk management area, elk hunt zones and how the Commission describes places in this Commonwealth where the Commission does not want elk established on the landscape. Clarification is being incorporated into the elk management plan and supporting, complimentary regulations are needed to implement the plan's goals and objectives including how hunters and hunting will be used in the management of elk both in and outside the recognized elk management area. To this end, the Commission is proposing to amend §§ 141.48 and 143.206 to define important geographical terms and authorize the use of unfilled elk licenses to be used to harvest elk anywhere within this Commonwealth outside of the elk management area during any extended elk season following the regular elk season.

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 §§ 141.48 and 143.206 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend §§ 141.48 and 143.206 to define important geographical terms and authorize the use of unfilled elk licenses to be used to harvest elk anywhere within this Commonwealth outside of the elk management area during any extended elk season following the regular elk season.

3. *Persons Affected*

Persons wishing to hunt elk within this Commonwealth may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *Effective Date*

The proposed rulemaking will be effective upon final 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 A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-299. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.48. Elk [hunting] management area and elk hunt zones.

(a) [The divisional line between two or more elk hunt zones shall be the center of the highway, natural water course, other natural boundary or marked boundary.

(b) The elk hunt zones will be established by the Director prior to the opening of elk season.]

Elk management area. The elk management area is comprised of that portion of Wildlife Management Unit 2G in McKean, Potter, Tioga, Elk, Cameron, Clinton, Lycoming, Clearfield and Centre Counties, bounded on the north by Route 6, on the east by Route 287, on the south by Route 220 and I-80 and on the west by Route 219.

(b) **Elk hunt zones.** The elk management area is comprised of one or more elk hunt zones as established by the Director on an annual basis prior to the opening of elk season. The divisional line between two or more elk hunt zones shall be the center of the highway, natural watercourse, other natural boundary or marked boundary.

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter K. ELK LICENSES

§ 143.206. Validity of license.

[An elk license is valid for taking elk only in the elk hunt zones designated on the elk license and is

valid for an antlerless, antlered or either sex elk as designated on the elk license.]

(a) **Elk hunt zones.** Except as provided in subsection (c), an elk license is valid for taking elk only in the elk hunt zones designated on the elk license.

(b) **Elk gender.** Except as provided in subsection (c), an elk license is valid for taking only an antlerless, antlered or either sex elk as designated on the elk license.

(c) **Exception.** Any unfilled antlered or antlerless elk license for any designated elk hunt zones is additionally valid for taking either an antlered or antlerless elk anywhere within this Commonwealth outside of the elk management area during any designated extended elk season following the regular elk season.

[Pa.B. Doc. No. 10-599. Filed for public inspection April 2, 2010, 9:00 a.m.]

[58 PA. CODE CH. 135]

Lands and Buildings

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its January 26, 2010, meeting:

Amend § 135.1 (relating to scope) and add Subchapter M (relating to purchase of properties at auction and tax sales) to Chapter 135 to authorize the Executive Director to bid on real estate, oil, gas or mineral rights at auction or tax sales.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the January 26, 2010, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 14, 2010.

1. *Purpose and Authority*

As authorized in 34 Pa.C.S. § 701(a) (relating to acquisition of property), the Commission may acquire property by purchase, gift, lease, eminent domain, or otherwise, including, but not limited to auction purchases. The Commission is further authorized to purchase tax delinquent lands, waters, oil, gas and minerals as provided by law, including, but not limited to, tax sales. Tax sales or auctions often are announced between regular Commission meetings and are to be held sooner than is practicable to organize and hold a special meeting or notational vote. The Commission is proposing to amend § 135.1 and add Subchapter M to Chapter 135 to authorize the Executive Director to bid on real estate, oil, gas or mineral rights at auction or tax sales.

Section 322(c)(12) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Take any necessary action to accomplish and assure the purposes of this title." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including

regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendment to § 135.1 and addition of Subchapter M to Chapter 135 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 135.1 and add Subchapter M to Chapter 135 to authorize the Executive Director to bid on real estate, oil, gas or mineral rights at auction or tax sales.

3. Persons Affected

Citizens of this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

The proposed rulemaking will be effective upon final 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: 48-304. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 135. LANDS AND BUILDINGS

Subchapter A. GENERAL PROVISIONS

§ 135.1. Scope.

This chapter regulates and controls the use **and administration** of lands, waters and buildings under Commission, ownership, lease or jurisdiction.

(Editor's Note: The following text is new and has been printed in regular print to enhance readability.)

Subchapter M. PURCHASE OF PROPERTIES AT AUCTION AND TAX SALES

Sec.

135.241. Delegation of authority.

§ 135.241. Delegation of authority.

(a) The Commission will delegate authority to the Director to bid on real estate, oil, gas or mineral rights at auction or tax sale and to request down payment checks to bid on property at auction.

(b) The exercise of this authority delegated to the Director is limited to the following:

(1) The Director will notify the Board of Commissioners of the pending auction sale date and verify that due to unforeseen time constraints the Director deems there to be an immediate need to react to the sale in the best interest of the Commission and sportsmen.

(2) The purchase price at auction may not exceed \$500,000 without further additional approval from the majority of the Board of Commissioners.

(3) Successful bids shall be made known to the general public at the next regularly scheduled meeting of the Board of Commissioners.

(c) Further action will not be necessary on the part of the Board of Commissioners to hold settlement, pay the remainder of the purchase price or consummate the transaction.

[Pa.B. Doc. No. 10-600. Filed for public inspection April 2, 2010, 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 the following rulemaking at its January 26, 2010, meeting:

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2010-2011 hunting license year.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the January 26, 2010, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 14, 2010.

1. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2010-2011 seasons and daily season and possession limits are similar to those set in 2009-2010, the 2010-2011 seasons and bag limits have been amended to conform to 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. Some notable changes for hunters next season include expanded cottontail rabbit hunting opportunities for junior hunters; a Statewide closure of all Northern Bobwhite quail hunting; reduced wild turkey hunting opportunities in WMUs 2B, 2G, 3A, 3B, 3C, 3D, 4C, 4D, 4E, 5C and 5D, expanded wild turkey hunting opportunities in WMU 2F and 5A; expanded archery deer hunting opportunities in WMUs 2B, 5C and 5D; reduced antlerless deer hunting opportunities during the regular firearms season in WMUs 2C, 2E, 4D and 4E; expanded archery bear hunting opportunities Statewide; reduced bear hunting opportunities in WMUs 2G, 3B, 4C, 4D, 4E, 5C and 5D; reduced bobcat hunting/trapping opportunities in WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D and 4E; the creation of fisher hunting/trapping opportunities in WMUs 2C, 2D, 2E and 2F; and finally expanded elk hunting opportunities outside of the elk management area. As the next license year is fast approaching, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2010-2011 license year.

Section 322(c)(1) of the code (relating to powers and duties of commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking . . .” The amendments to § 139.4 were 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 2010-2011 license year.

3. *Persons Affected*

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2010-2011 license year will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

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

5. *Effective Date*

The effective dates of the proposed rulemaking are July 1, 2010, to June 30, 2011.

6. *Contact Person*

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-297. No fiscal impact; (8) recommends adoption.

(Editor’s Note: As part of this proposed rulemaking, the Commission is proposing to replace the table which appears in 58 Pa. Code pages 139-3—139-14, serial pages (343719)—(343730) with the following table.)

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.4. Seasons and Bag limits for the license year.

(SEASONS AND BAG LIMITS TABLE)
2010-2011 OPEN HUNTING AND FUR TAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT

OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 9	Oct. 15	6	12
Squirrels—(Combined species)	Oct. 16	Nov. 27	6	12
	Dec. 13	and Dec. 23		
	Dec. 27	and Feb. 5, 2011		
Ruffed Grouse	Oct. 16	Nov. 27	2	4
	Dec. 13	and Dec. 23		
	Dec. 27	and Jan. 22, 2011		
Rabbits, Cottontail Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 9	Oct. 16	4	8
Rabbits, Cottontail	Oct. 23	Nov. 27	4	8
	Dec. 13	and Dec. 23		
	Dec. 27	and Feb. 26, 2011		

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
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 and 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 9	Oct. 16	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 and 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 9	Oct. 16	2	4
Ring-necked Pheasant—Male only in WMUs 2A, 2B, 2C, 4C, 4E, 5A and 5B	Oct. 23	Nov. 27	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 and 5D	Oct. 23 Dec. 13 Dec. 27	and and Feb. 5, 2011	2	4
Bobwhite Quail	No open season, except captive raised or propagated bobwhite quail may be taken on regulated hunting grounds, and public and private lands by permit.			
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 27	Jan. 1, 2011	1	2
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.			Unlimited
Species	First Day	Last Day	Daily Limit	Season Limit
Turkey—Male or Female			1	1
WMUs 1A, 1B and 2A (Shotgun, Bow and Arrow only)	Oct. 30	Nov. 13		
WMU 2B (Shotgun, Bow and Arrow only)	Oct. 30	Nov. 19		
WMUs 2C, 2D, 2E, 4A, 4B and 4D	Oct. 30	Nov. 13		
WMUs 2F, 2G, 3A, 3B, 3C, 3D, 4C and 4E	Oct. 30	Nov. 19		
WMU 5A	Nov. 2	Nov. 4		
WMUs 5B, 5C and 5D	Closed to fall turkey hunting			
Turkey (Spring Gobbler) Statewide ¹ Bearded Bird only	April 30, 2011	May 31, 2011	1	2
Turkey (Spring Gobbler) Statewide Youth Hunt ¹ Bearded Bird only Eligible Junior Hunters only, with the required license and when properly accompanied as required by law	April 23, 2011	April 23, 2011	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.

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 2	April 10, 2011		Unlimited
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.			Unlimited

FALCONRY

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Squirrels—(Combined species)	Sept. 1	Mar. 31, 2011	6	12
Bobwhite Quail	No open season, except captive raised or propagated bobwhite quail may be taken on regulated hunting grounds, and public and private lands by permit.			
Ruffed Grouse	Sept. 1	Mar. 31, 2011	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2011	4	8
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2011	1	2
Ring-necked Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2011	2	4

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

WHITE-TAILED DEER

Species	First Day	Last Day	Season Limit
Deer, Archery (Antlered and Antlerless) ² (Statewide)	Oct. 2	Nov. 13	One antlered and an antlerless deer with each required antlerless license.
	Dec. 27	Jan. 15, 2011	
Deer, Archery (Antlerless only) WMUs 2B, 5C and 5D	Sept. 18	Oct. 1	An antlerless deer with each required antlerless license.
	Nov. 15	Nov. 27	
Deer, Archery (Antlered and Antlerless) ² WMUs 2B, 5C and 5D	Oct. 2	Nov. 13	One antlered and an antlerless deer with each required antlerless license.
	Dec. 27	Jan. 29, 2011	
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 1A, 1B, 2A, 2B, 2F, 3A, 3B, 3D, 4A, 4C, 5A, 5B, 5C and 5D	Nov. 29	Dec. 11	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular firearms (Antlered only) ² WMUs 2C, 2D, 2E, 2G, 3C, 4B, 4D and 4E	Nov. 29	Dec. 3	One antlered deer.
Deer, Regular firearms (Antlered and Antlerless) ² WMUs 2C, 2D, 2E, 2G, 3C, 4B, 4D and 4E	Dec. 4	Dec. 11	One antlered, and an antlerless deer with each required antlerless license.

Species	First Day	Last Day	Season Limit
Deer, Special firearms (Antlerless only) (Statewide) Only Junior and Senior License Holders, ³ 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. 21	Oct. 23	An antlerless deer with each required antlerless license.
Deer, Muzzleloading (Antlerless only) (Statewide)	Oct. 16	Oct. 23	An antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² (Statewide)	Dec. 27	Jan. 15, 2011	One antlered, or one antlerless-plus an additional antlerless deer with each required antlerless license.
Deer, Flintlock (Antlered or Antlerless) ² WMUs 2B, 5C and 5D	Dec. 27	Jan. 29, 2011	An antlerless deer with each required antlerless license.
Deer, Extended Regular firearms (Antlerless only) WMUs 2B, 5C and 5D	Dec. 27	Jan. 29, 2011	An antlerless deer with each required antlerless license.
Deer, (Antlerless only) (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

Species	First Day	Last Day	Daily Limit	Season Limit
Bear, any age (Archery only) ⁴ (Statewide)	Nov. 15	Nov. 19	1	1
Bear, any age (Statewide) ⁴	Nov. 20	Nov. 23	1	1

ELK

Species	First Day	Last Day	Daily Limit	Season Limit
Elk, Regular (Antlered and Antlerless) ⁵	Nov. 1	Nov. 6	1	One elk with required license.
Elk, Special Conservation (Antlered and Antlerless) ⁵	Sept. 1	Nov. 6	1	One elk with required license.
Elk, Extended (Antlered and Antlerless) ⁵	Nov. 8	Nov. 13	1	One elk with required license.

FUR TAKING—TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
Minks and Muskrats—(Statewide)	Nov. 20	Jan. 9, 2011	Unlimited	
Beaver—(Statewide) WMUs 2E, 2F and 2G (Combined)	Dec. 26	Mar. 31, 2011	20	20
WMUs 1A, 1B, 3A, 3B, 3C and 3D (Combined)			20	40
WMUs 2A, 2B, 2C, 2D, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C and 5D (Combined)			10	10
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 24	Feb. 20, 2011	Unlimited	
Coyotes and Foxes—(Statewide) (Cable restraint devices may be used)	Dec. 26	Feb. 20, 2011	Unlimited	

Species	First Day	Last Day	Daily Limit	Season Limit
Bobcat—(with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D and 4E	Dec. 18	Jan. 9, 2011	1	1
Fisher—(with appropriate permit) WMUs 2C, 2D, 2E and 2F	Dec. 18	Dec. 23	1	1

FURTAKING—HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
Coyotes—(Statewide)				Unlimited
Coyotes—(During any archery deer season)				Outside of any deer or bear season may be taken with a hunting license or a furtaker's license and without wearing orange.
Coyotes—(During the regular firearms deer season and any bear season)				May be taken while lawfully hunting deer or with a furtaker's license.
Coyotes—(During the spring gobbler turkey season)				May be taken while lawfully hunting deer or bear or with a furtaker's license while wearing 250 square inches of daylight fluorescent orange- colored material in a 360° arc.
Opossums, Skunks, Weasels (Statewide)				May be taken by persons who have a valid tag and meet fluorescent orange and shot size requirements.
Raccoons and Foxes—(Statewide)	Oct. 23	Feb. 19, 2011		Unlimited
Bobcat—(with appropriate permit) WMUs 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4D and 4E	Dec. 18	Jan. 8, 2011	1	1
No open seasons on other wild birds or wild mammals.				

¹ 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.

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

³ 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).

⁴ Only one bear may be taken during the hunting license year.

⁵ Only one elk may be taken during the hunting license year.

[Pa.B. Doc. No. 10-601. Filed for public inspection April 2, 2010, 9:00 a.m.]

[58 PA. CODE CH. 147]
Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its January 26, 2010, meeting:

Amend § 147.701 (relating to general) to update and implement the restructured permitting process for bobcats and fishers.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the January 26, 2010, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 14, 2010.

1. Purpose and Authority

During the fall 2001, the Commonwealth reopened hunting/trapping season on bobcats after many years of closure. Even since this initial season, the Commission has continued to regulate the harvest of bobcats by limiting the allocation of available permits to hunt or trap them. Less permits allocated equals less bobcats harvested, or so the logic goes. As the years have passed by, the Commission has recognized a significant increase

in bobcat population indices. The Commission has determined that while this harvest regulation methodology certainly remains effective, it can effectively manage harvest by season length instead and increase bobcat hunting/trapping participation opportunity at the same time. Despite the availability of an unlimited number of permits, the Commission has determined that it is prudent to retain the bobcat permitting system to continue to assess interest, participation, effort and harvest during a bobcat taking season. Drafting off of this new bobcat "season length" harvest management model, the Commission is also creating new limited opportunities to trap fishers within this Commonwealth due to rebounding fisher populations in certain areas of the State. Although an unlimited number of permits will be available to trappers interested in participating in this brand new season, season length will be used to manage harvest. The Commission is proposing to amend § 147.701 to update and implement the restructured permitting process for bobcats and fishers.

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 amendment to § 147.701 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 147.701 to update and implement the restructured permitting process for bobcats and fishers.

3. Persons Affected

Persons wishing to hunt or trap bobcats or fishers within this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking may result in some additional cost and paperwork associated with the issuance of an increased volume of bobcat and fisher permits through the Commission's Pennsylvania Automated Licensing System (PALS). However, the Commission has determined that the increased volume will result in a net reduction of cost and paperwork as compared to the administrative processes being replaced.

5. Effective Date

The proposed rulemaking will be effective upon final 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 A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-302. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter S. [BOBCAT HUNTING-TRAPPING PERMIT] FURBEARER HUNTING-TRAPPING PERMITS

§ 147.701. General.

[This section provides for permits to be issued for the hunting and trapping of bobcat during the season established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

(1) A permit will only be issued to those who possess a valid furtakers license, junior combination license or senior combination license.

(2) Completed applications shall be submitted as determined by the Director. For the purpose of having a unique identifier assigned to each individual in the database, permitting a crosscheck for duplicates, applicants shall provide their Social Security number or hunter ID number on the application. A nonrefundable \$5 application fee shall accompany the application.

(3) Applications shall be submitted in accordance with periods set by the Director.

(4) Only one application per person may be submitted. Anyone submitting more than one application for a permit will have all applications rejected.

(5) Current applicants with the maximum number of preference points as specified by the Director will automatically receive a bobcat harvest permit. The selection of additional permit applications will be made by random drawing from all eligible applications submitted. Incomplete, illegible or duplicate applications will not be included in the drawing. The drawing will be held at the Commission's Harrisburg Headquarters on the second Friday in September and will be open to the public.

(6) A special permit authorizing the lawful taking of one bobcat will be delivered to successful applicants by standard first class mail through and by the United States Postal Service. Permits will be mailed by the first Friday in October. The total number of permits issued for the license year will be set by the Director no later than the first day of June.

(7) Tagging requirements are as follows:

(i) A permitted person taking a bobcat shall immediately, before removing the bobcat from the location of the taking, fully complete a temporary carcass tag furnished with the permit, which contains in English the person's name, address, special permit number, date of harvest, county and township of harvest, wildlife management unit of harvest and method of harvest and attach the tag to the bobcat. The temporary carcass tag must remain attached to the animal until a permanent tag is provided. The permanent tag must be locked through the eyes of the pelt if it is to be exported beyond this Commonwealth.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 54]

Advanced Notice of Proposed Rulemaking Order

Public Meeting held
February 25, 2010

Commissioners Present: James H. Cawley, Chairperson;
Tyrone J. Christy, Vice Chairperson; Kim Pizzingrilli;
Wayne E. Gardner; Robert F. Powelson

*Advance Notice of Proposed Rulemaking for Revision of
Electric Distribution Company Code of Conduct in
52 Pa. Code § 54.122; Doc. No. L-2010-2160942*

Advance Notice of Proposed Rulemaking Order

By The Commission:

Following the passage of the Electricity Generation Customer Choice and Competition Act¹ in 1996, the Public Utility Commission (Commission) established competitive safeguards to govern the relationships between electric distribution companies (EDCs), electric generation suppliers (EGSs) and retail electric customers. A Code of Conduct was codified in § 54.122 (relating to code of conduct), and intended to assure the provision of direct access on equal and nondiscriminatory terms, to prevent cross subsidization between EDCs and their affiliated suppliers, to prohibit unfair or deceptive practices by suppliers, and to establish and maintain an effective and vibrant competitive market in the purchase and sale of retail electric energy in Pennsylvania. The provisions of this Code of Conduct became effective July 8, 2000, and have not been revised in the interim.²

The Code of Conduct currently incorporates the following provisions:

- A prohibition against an EDC giving an affiliate EGS any preference in the processing of a request for competitive EGS service, or the disclosure or dissemination of customer information.
- A prohibition against an EDC or EGS engaging in false or deceptive advertising to customers with respect to retail choice.
- A prohibition against linking electric distribution service to the purchase, lease or use of any goods or services offered by the EDC or its affiliates, or an indirect or direct commitment not to deal with a non-affiliated EGS.
- A prohibition against implying to customers that delivery services provided to affiliate EGSs are superior to non-affiliated EGSs.
- A requirement that an EDC provide all regulated services and apply tariffs to unaffiliated EGSs, and share any information about the operational status and availability of its distribution system, in the same manner as it would to an affiliated EGS.
- A requirement that an EDC provide customers with a list of licensed EGSs upon request.
- A requirement that an EDC adopt these provisions as policy and train and instruct its employees.
- A dispute resolution process for EDCs and EGSs relating to violations of this Code of Conduct.

(ii) A permitted person taking a bobcat shall report the harvest to the Commission within 48 hours of the taking by telephoning the number specified on the permit.

(iii) A permanent tag for a bobcat taken under authority of a special permit shall be in the persons' possession and locked immediately upon receipt of the tag.

(iv) The tag shall remain attached to the bobcat until it is mounted, tanned, made into a commercial fur or prepared for consumption.

(8) An applicant issued a bobcat hunting-trapping permit is not permitted to apply for another bobcat hunting-trapping permit the next license year. Applications from current applicants who have applied in the 2003-2004 license year and proceeding years will be included in the drawing until the applicant is successfully drawn and issued a permit.

(9) A bobcat guide permit will be issued as follows:

(i) A person who assists another person to hunt or take bobcats in any manner shall first secure a bobcat guide permit from the Commission.

(ii) The fee for a bobcat guide permit is \$10 for residents and \$25 for nonresidents.]

This section provides for permits to be issued for the hunting and trapping of bobcat and the trapping of fisher during the seasons established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

(1) A permit will only be issued to those who possess a valid furtakers license, junior combination license or senior combination license.

(2) Permits will be made available through the Commission's Pennsylvania Automated Licensing System (PALS). The fee for the permit is \$5.

(3) Applications shall be submitted in accordance with periods set by the Director.

(4) Tagging requirements are as follows:

(i) A permitted person taking a bobcat or fisher shall immediately, before removing the animal from the location of the taking, fully complete and attach to the animal a carcass tag furnished with the permit. The carcass tag must remain attached to the animal until a permanent tag is provided.

(ii) A permitted person taking a bobcat or fisher shall report the harvest to the Commission within 48 hours of the taking by a means specified by the Director.

(iii) A permanent tag for a bobcat or fisher taken under this permit shall be provided by the Commission and locked immediately upon receipt of the tag. The permanent tag must be locked through the eyes of the pelt if it is to be exported beyond this Commonwealth. The tag must remain attached to the animal until it is mounted, tanned, made into a commercial fur or prepared for consumption.

(iv) A permitted person taking a bobcat or fisher shall surrender the carcass of this animal within 30 days if requested by the Commission.

[Pa.B. Doc. No. 10-602. Filed for public inspection April 2, 2010, 9:00 a.m.]

¹ 66 Pa.C.S. §§ 2801—2812.

² 30 Pa.B. 3445.

[52 PA. CODE CHS. 54, 62 AND 76]

[L-00070186/57-257]

Universal Service and Energy Conservation Reporting Requirements and Customer Assistance Programs

The Code of Conduct focuses on the conduct of EDCs, and is designed to prevent EDCs from giving improper preferences to affiliated EGSs in the competitive retail market.

In the time since the Code of Conduct took effect, much has changed in the electric industry:

- Rate caps for a significant portion of Pennsylvanians have expired, with the remaining caps to end in less than 9 months.
- A large number of EGSs have been licensed and are serving a considerable amount of the electric load throughout this Commonwealth.
- The General Assembly has passed and the Commission has implemented sweeping legislation mandating the use of alternative energy sources and energy efficiency and conservation measures.
- There have been numerous technological advances related to the infrastructure used to provide electric service and the exchange of data related to the provision of that service.

In this context, and pursuant to a Motion of Commissioner Robert F. Powelson adopted at the Public Meeting of February 25, 2010, the Commission elected to undertake a review of the Code of Conduct. The Commission seeks comments from all interested parties on appropriate revisions to this regulation. In particular, comments are invited on how well the existing Code of Conduct has operated to date, whether the existing language should be amended and why, and whether there are other areas that the EDC Code of Conduct should address to fulfill the purposes of Chapter 28.³ The Commission's evaluation will include a review of similar regulations in other jurisdictions with retail electric choice to develop best practices on these issues.⁴

Accordingly, pursuant to 66 Pa.C.S. §§ 501 and 2804, the Commission issues this Advance Notice of Proposed Rulemaking for comment; *Therefore,*

It Is Ordered That:

1. This Advance Notice of Proposed Rulemaking be issued to solicit comments regarding revisions to the Code of Conduct in 52 Pa. Code § 54.122.
2. This Advance Notice of Proposed Rulemaking be published in the *Pennsylvania Bulletin* for review and comment, with comments due 45 days from the date of publication and reply comments due 30 days thereafter.
3. An original and 15 copies of any comments or reply comments be served upon the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.
4. The contact person for this rulemaking is Shane Rooney, Law Bureau, (717) 787-2871.
5. A copy of this Advance Notice of Proposed Rulemaking shall be served on the Office of Consumer Advocate, the Office of Small Business Advocate, all jurisdictional electric distribution companies and all licensed electric generation suppliers.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-603. Filed for public inspection April 2, 2010, 9:00 a.m.]

³ Comments proposing changes or additions to the existing regulations should include regulatory language to accomplish those changes or additions.

⁴ The Commission has promulgated separate regulations that govern standards and pricing practices for retail electric service, bill format for residential and small business customers, disclosure statements for residential and small business customers, EGS marketing and sales activities, privacy of customer information, and the like 52 Pa. Code §§ 54.1—54.9. Revisions to those regulations are outside the scope of this rulemaking.

The Pennsylvania Public Utility Commission (Commission) proposes to amend Chapters 54, 62 and 76 (relating to electricity generation customer choice; natural gas supply customer choice; and customer assistance programs). Notice of the proposed rulemaking was originally published at 38 Pa.B. 776 (February 9, 2008). Under this notice, the Commission reopens the comment period to accept additional public comments until June 2, 2010.

The Commission wishes to invite additional comments and suggestions on specific topics including, but not limited to:

- 1) The impact of the Department of Public Welfare's proposed policy change regarding the use of Low-Income Home Energy Assistance Program (LIHEAP) funds on a distribution company's Customer Assistance Program (CAP) design.
- 2) Factors that may impact CAP costs and affordability of bills, such as increased CAP enrollment levels, the recent economic decline, the expiration of electric generation rate caps, the impact on residential rates from the initiation of energy efficiency and conservation programs under Act 129 of 2008, and the potential impact on residential bills from smart metering initiatives.
- 3) Whether cost recovery mechanisms, which have been implemented by some distribution companies, have produced savings from an improved timeliness of collection activities and whether these savings should be considered in evaluating costs claimed for rate recovery.
- 4) Proposed rules in 52 Pa. Code §§ 54.74 and 62.4 (relating to review of universal service and energy conservation plans, funding and cost recovery), which create a triennial review process that takes the form of a tariff filing and addresses CAP program funding.
- 5) Commissioner Kim Pizzingrilli's statement on *Dominion Peoples Universal Service and Energy Conservation Plan for 2009-2011*, Docket No. M-2008-2044646 (January 15, 2009), which discusses a Commission reporting requirement that directs all distribution companies to fully document the rate effect of program modifications in future universal service plans (USP). Under the requirement, distribution companies would include a table showing annual costs for each program, total cost for all USPs and the monthly cost of the programs on a per residential customer basis.
- 6) The Commission's USP approval process, specifically, whether the Commission should issue tentative orders to provide an opportunity for comments and reply comments before approving a distribution company's USP, and whether the companies' USPs should be served on the statutory advocates.

The contact persons for this matter are Stephanie Wimer, Assistant Counsel, Law Bureau, (717) 772-8839, stwimer@state.pa.us; and Grace McGovern, Consumer Services Policy Analyst, Bureau of Consumer Services, gmcgovern@state.pa.us, (717) 783-2067.

Interested persons are invited to submit written comments, an original and 15 copies, to the Pennsylvania Public Utility Commission, Attention: Secretary James J. McNulty, P. O. Box 3265, Harrisburg, PA 17105-3265. The comments should reference Docket No. L-00070186, and may include specific language for revising the proposed regulations. An electronic copy of the comments should be e-mailed to Stephanie Wimer, Law Bureau, stwimer@state.pa.us and Grace McGovern, Bureau of Consumer Services, gmcgovern@state.pa.us. Previously filed comments are available on the Commission's web site at www.puc.state.pa.us: <http://www.puc.state.pa.us/general/ConsolidatedCaseView.aspx?Docket=L-00070186>.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-604. Filed for public inspection April 2, 2010, 9:00 a.m.]

STATEMENTS OF POLICY

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 1187]

Nursing Facility Services

Statutory Authority

The Department of Public Welfare (Department), under the authority of section 443.1(8) of the Public Welfare Code (code) (62 P. S. § 443.1(8)) amends the Statement of Policy published in 55 Pa. Code § 1187.21a (relating to nursing facility exception requests—statement of policy). The Department published proposed amendments to the Statement of Policy at 38 Pa.B. 5974 (November 1, 2008). The final amended Statement of Policy is set forth in Annex A.

Scope

This final amended Statement of Policy applies to county and nonpublic nursing facilities that are enrolled, or applying for enrollment in the Medical Assistance (MA) Program, including general, hospital based, and special rehabilitation nursing facilities, and to persons who wish to enroll in the MA Program as new providers of nursing facility services.

Purpose

The purpose of this final amended Statement of Policy is to provide nursing facilities and other interested persons with the guidelines that the Department will use in exercising its existing statutory and regulatory discretion to manage the enrollment and participation of nursing facilities as providers in the MA program.

Background

In response to the Commonwealth Court's decision in *Eastwood Nursing & Rehabilitation Center v. Department of Public Welfare*, 910 A.2d 134 (2006), the General Assembly amended the code in 2007 to require, as a condition of participation, that county and nonpublic nursing facilities seek and obtain advance written approval from the Department to enroll in the MA Program or, if already enrolled in the MA Program, to seek and obtain this advance written approval before increasing their existing certified bed complements. See the act of June 30, 2007 (P. L. 33, No. 16) (Act 16), Section 1; (62 P. S. § 443.1(8)). Pending the issuance of regulations or until September 30, 2011, (whichever comes first), the General Assembly directed the Department to review pending and future requests for enrollment or expansion in accordance with the process and guidelines contained in the original Statement of Policy published at 28 Pa.B. 138 (January 10, 1998). It also authorized the Department to amend the Statement of Policy, after soliciting public comments, if the Department determined such changes to the Statement of Policy would "facilitate access to medically necessary nursing facility services or . . . assure that long-term living care and services under the MA program will be provided in a manner consistent with applicable Federal and State law, including Title XIX of the Social Security Act." 62 P. S. § 443.1(8).

On November 1, 2008, the Department published a notice in the *Pennsylvania Bulletin* proposing to amend the Statement of Policy to:

1. Identify the types of information, including information that the Department maintains or obtains from others, which the Department considers to be relevant in reviewing bed requests under the Statement of Policy.

2. Eliminate obsolete provisions in the Statement of Policy pertaining to bed requests that had been approved under the prior Certificate of Need (CON) Program, and outdated bed need projections that were originally developed under the CON Program.

3. Include new provisions in the Statement of Policy containing separate guidelines to allow expedited reviews of bed transfer requests involving nursing facilities owned or controlled by the same legal entity and located in the same county.

The Department also proposed to make other changes to the Statement of Policy to reflect the language of section 443.1(8) of the code and to streamline the guidelines and process for reviewing bed requests.

In proposing these changes, the Department stated that its paramount consideration in reviewing nursing facility enrollment and expansion requests ever since the Statement of Policy was first issued in 1998 has been the best interests of MA recipients. The Department also noted that it had issued the Statement of Policy to promote the growth in Home and Community-Based (HCB) services, which consumers prefer, while ensuring that MA recipients have adequate access to medically necessary nursing facility services.

The Department invited interested persons to submit written comments on these proposed changes within 30 days. Written comments were received from four commentators. A summary of those comments and the Department's responses to them follows.

Public Comments

§ 1187.21a—Generally.

Comment

This final amended Statement of Policy sets forth a process by which additional nursing facility beds can be added to the overall bed complement of the MA Program. One commentator, a trade association representing nearly 300 long-term care and senior services providers that provide care for more than 60,000 elderly and disabled individuals across this Commonwealth, stated that it is "adamantly opposed to the addition of any new MA beds in the commonwealth whether temporary or permanent."

Response

In general, the Department agrees with the commentator that the current complement of nursing facility beds enrolled in the MA Program is more than sufficient to assure that MA recipients have access to medically necessary nursing facility services, both currently and in the foreseeable future. Nonetheless, because there may be instances in which the enrollment of a new MA nursing facility provider or an increase in the bed capacity of an existing MA nursing facility provider may be in the best interests of MA recipients who reside in a particular locale or who have specialized medical needs that are not being met by the current MA nursing facility provider complement, the Department does not support a blanket prohibition on any further increase of new MA beds at this time. Further, the Department interprets Act 16 to be a legislative endorsement of the need for a participation

review process that promotes a better balanced MA service system. By enabling the Department to manage and target increases in MA beds where they are required to assure appropriate access to care, the Statement of Policy has permitted and will continue to allow for expansion of other service options for consumers.

§ 1187.21a(e)—*Contents of bed requests.*

Comment

One commentator noted that the Department currently permits an applicant to submit the independent audited financial statement of a parent corporation if a financial statement is not available for the individual nursing facility, which is the subject of the bed request. The commentator read the Department's proposed amendments to § 1187.21a(e)(3)(v) to foreclose this practice and asked the Department to clarify this provision to maintain the status quo.

Response

The Statement of Policy does not require that the applicant submit any particular financial record with a bed request. Rather the Statement of Policy identifies what the Department considers to be the best and most reliable financial information in evaluating the financial viability of a proposed project, that is, the audited or reviewed financial statements for the subject facility. As the commentator note, however, when the financial statements are not available, an applicant may provide the financial statements of the parent corporation or other financial records to demonstrate a proposed project's financial viability. As specified in the Statement of Policy, the Department will consider whatever information an applicant submits in support of its bed request. While we did not intend to change our current practices regarding the submission and consideration of financial statements, we have clarified the provision in response to the comment to better reflect this position.

§ 1187.21a(f)—*Consideration of bed requests.*

Comment

One commentator recommended that the Department eliminate § 1187.21a(f)(7)(iv), which specifies that the Department may consider data relating to the availability of HCB services in reviewing an applicant's or provider's bed request. The commentator questioned whether the availability of HCB services is relevant in determining if a facility should be permitted to increase its MA-certified beds. The commentator also suggested that the Commonwealth should expand both the availability of HCB services and nursing facility beds.

Response

The Department disagrees with the commentator's recommendation to eliminate this provision. When the Statement of Policy was issued in 1998, it specified that the Department would consider the availability of HCB services in assessing whether a need exists for additional MA-certified beds in a particular area. The Department explained that:

In considering its MA Program needs, the Department will also examine whether those needs can be appropriately met through the provision of home and community-based services rather than additional nursing facility beds. The Department views home and community-based services to have several important benefits. Among other things, many older residents of this Commonwealth and residents with disabilities prefer home and community based ser-

vices over institutional services. Given a choice, the Department believes that many people would choose to remain in their own homes and communities rather than reside in a nursing facility. Moreover, in many, if not most, instances, the Department has found that HCB services are less expensive than institutional services.

28 Pa.B. 141 (January 10, 1998). The Department also noted that an underlying objective of the Statement of Policy was to promote the Department's ongoing efforts to develop a fuller array of service and support options for consumers. *Id.*, at 139. The Department's experience during the past 10 years has only reinforced these views and its commitment to rebalance the long-term living (LTL) service system to provide consumers with more service choices to meet their needs.

For many consumers, HCB services continue to be a more preferable and less costly option than institutional care. By enabling consumers to receive necessary care and services in their own homes, HCB services can delay or prevent institutionalization of individuals who would otherwise require care in nursing facilities. As a result, as the Department has worked to steadily increase the supply of HCB services throughout this Commonwealth, we have begun to see a decline in the use of nursing facility services. The Department expects this trend to continue as HCB service and support options for consumers are further expanded.

Rebalancing the LTL service system does not mean that the Department will never approve increases in MA nursing facility beds. It does mean, however, that the Department intends to evaluate requests for the increases in the context of creating a balanced continuum of publicly-funded care. By directing the Department to continue to use the Statement of Policy in reviewing and responding to bed requests, the General Assembly endorsed this approach. Consequently, as has been done ever since the Statement of Policy was issued in 1998, the Department will consider the availability of HCB services as a relevant factor in assessing the need for additional institutional capacity in the MA Program.

Comment

The Department received comments from one commentator expressing concerns about the proposed amendment to § 1187.21a(f)(7) which specified that the Department "will consider" the information submitted by the applicant, but may consider other information contained in its own books and records or from persons other than the applicant in evaluating a bed request. The commentator contended that the Department should not "reach beyond the extensive information that must be submitted to the Department as part of the review process." The commentator also suggested that "[t]he notion that each request may be subject to review based on unspecified information from unidentified sources is fundamentally inconsistent with basic principles of due process." Asserting that the Statement of Policy should "provide certainty to applicants regarding the review process," the commentator recommended that the Department revise the Statement of Policy by replacing the phrase, "may consider" with "will consider," and that the Department provide a comprehensive list of the data which the Department will consider for each guideline.

Response

The Department does not agree that any due process concerns are implicated by the final amended Statement of Policy or the Department's evaluation of, or response to

bed requests thereunder. Nursing facilities do not have an absolute right to enroll or to continued participation as providers in the MA Program. Even if they had some protected property interest, however, the Department provides all the process that is due, including affording an applicant who is dissatisfied with the Department's response to its bed request the opportunity to appeal and have an administrative hearing before the Bureau of Hearings and Appeals.

In addition, the Department finds that it is neither necessary nor prudent for the Department to set forth an all-inclusive list of data and information in the Statement of Policy. For one thing, the Statement of Policy already identifies the data and information which is generally considered by the Department in evaluating a bed request. See § 1187.21a(e)(3) and (4), which lists the information which the Department recommends and that applicants generally do include in their bed requests, and § 1187.21a(f)(7), which identifies that the demographic and other service data and information that the Department typically considers in evaluated bed requests.

In addition, despite the commentator's suggestion to the contrary, the Statement of Policy does not limit what an applicant may include in a bed request. It merely lists the kind of information and data that the Department would like applicants to provide. The final amended Statement of Policy is unequivocal, however, that an applicant's failure to include the recommended information will not result in the automatic denial of the applicant's bed request. Significantly, the final amended Statement of Policy also expressly permits an applicant to submit any information that the applicant deems relevant.

Because the final amended Statement of Policy allows applicants to submit whatever information they choose in support of the bed requests, the Department cannot anticipate all of the data and information that may be available and necessary to make an informed decision on each and every bed request, and, therefore, is unable to set forth an inclusive list of information in the Statement of Policy, as suggested by the commentator. Further, it would be imprudent, and contrary to the best interest of MA recipients and the MA Program, for the Department to adopt a policy that limits its ability to test the information and analyses submitted in connection with a bed request, particularly where it has, or could obtain, other information relevant or even contrary to that which an applicant chooses to provide. Rather, the Department must retain the ability to consider all relevant data and information, including that contained in its own books and records or obtained from sources other than applicants who have an obvious self-interest in getting their own proposed projects approved. For these reasons, the Department has made the decision to retain the language as proposed.

Comment

One commentator requested that, before rendering a decision on a bed request, the Department should disclose to the applicant all of the information that the Department will be relying upon, in making that decision.

Response

The Department agrees with the commentator that the Statement of Policy process should be transparent. Indeed, for each review period, it has been the Department's practice to assemble a "data book" containing demographic and other data regarding the availability and cost of nursing facility and home and community-

based services. The Department uses the data book for a review period when evaluating bed requests for that period, and has made these data books available to applicants and other interested persons on request. In addition to creation of the data books, it has also been the Department's practice to create a file for each bed request. That file contains copies of the request; information received by the Department in connection with the request, including any public comments; and the Department's written response to the request. Like the data books, the Department has made these files available during regular business hours to applicants and other interested parties upon request. In response to the commentator's comments, the Department is incorporating provisions in the final amended Statement of Policy to make these practices a formal part of the review process. To the extent the commentator is suggesting that an applicant has any greater right of access to this information or a right to some type of predecisional hearing, the Department disagrees. As noted previously, however, an applicant that is dissatisfied with the Department's decision on its bed request may appeal that decision and have a *de novo* hearing before the Department's Bureau of Hearings and Appeals.

§ 1187.21a(g)—Guidelines for evaluation of bed transfer requests.

Comment

One commentator recommended that as part of the bed transfer request guidelines the Department require that a nursing facility that is proposing a bed increase as part of a bed transfer request be required to provide HCB services or at a minimum provide home health or home care services.

Response

In accepting the nursing facility industry's recommendation that the Department include provisions in the final amended Statement of Policy to allow for expedited review of bed transfer requests, the Department agreed with the industry that there may be circumstances when allowing owners to adjust MA-certified beds at their nursing facilities may facilitate access to medically necessary nursing facility services for MA recipients but not impede the Department's ability to administer long-term living care and services under the MA program in an efficient and economic manner that is consistent with applicable Federal and State law. In creating these separate guidelines and expedited review process, however, the Department did not intend to signal that our review of bed transfers request would occur in a vacuum. Consequently, in response to this comment, the Department revised the guidelines to specify that, in evaluating a bed transfer request, the Department will consider how a proposed project affects the Department's ongoing efforts to create a better balanced continuum of LTL services with more service options for consumers. In this context, the Department welcomes, but will not require, bed transfer requests that include an HCB service component.

Comment

One commentator recommended that, as part of the bed transfer request guidelines, the Department establish a rule that, "in order to not increase the cost of the case mix reimbursement system, a receiving facility's peer group will not change if [its] increase in bed complement would otherwise warrant a change."

Response

In reviewing bed transfer requests, the Department will consider whether the transfer will result in a change in Peer Group of either facility involved in the transaction, and, if so, the implications for the MA Program, including how changes in the Peer Group composition might affect MA recipients' access to nursing facility services and the payments the MA Program makes for those services. The change which the commentator suggests, however, would require an amendment to the Department's case-mix regulations, which the Department cannot effectuate through this Statement of Policy. The Department will give consideration to adopting such a rule in the context of the rulemaking process.

Comment

One commentator recommended that, as part of the bed transfer request guidelines, the Department should provide for "virtually automatic approval" of transactions that involve 15% of the nursing facility's bed complement, or 15 beds, whichever is greater.

Response

If nursing facilities could transfer MA beds with limited or no review, MA beds might be shifted from areas where they are needed and occupied by MA residents to areas where they are not needed, or to facilities with low MA occupancy rates. Rather than assuring MA recipients' continued access to necessary nursing facility services, access could end up reduced. This outcome is neither desired nor acceptable to the Department. As previously discussed, the final amended Statement of Policy enables the Department to manage and target increases in MA beds where they are required to assure MA recipients have appropriate access to care. Careful stewardship of our institutional resources has also permitted the expansion of other service options for consumers. Allowing automatic approvals of bed transfer requests would undermine the fundamental purposes of the Statement of Policy.

§ 1187.21a(g)(7) and (h)(2)—*Record of licensure and Medicaid and Medicare Program participation.*

Comment

One commentator requested that the language related to the review of the licensure or participation sanctions or remedies of the nursing facility's owner be confined to this Commonwealth's nursing facilities only. The commentator questioned why the Department would hold this Commonwealth's nursing facilities accountable for the performance of facilities in other states, when, according to the commentator, the survey system is inconsistently administered across the Nation. The commentator suggested that this criterion will not otherwise serve to assure greater quality of care to or access by MA residents in this Commonwealth.

Response

The Department has determined that it is relevant to the review process to consider the history of an owner's Medicare and Medicaid compliance. Further, we note that applicants are not being asked to disclose every citation of regulatory noncompliance. Rather, the Department is only asking an applicant to disclose whether the legal entity or owner of the subject facility or a related party involved in the proposed project owned a nursing home that was designated a "poor performing facility" or had such serious deficiencies that it was precluded from participating in the Medicare and Medicaid programs, had its license to operate revoked or suspended, was subject to sanctions or

remedies because it violated the rights of its residents or had deficiencies that immediately jeopardized their health and safety. An owner's experience in other states becomes particularly relevant in instances where the owner may not be currently operating a nursing facility in this Commonwealth but is, or has operated, a nursing facility in another state that has been sanctioned or closed due to noncompliance issues. Limiting consideration of compliance history to this Commonwealth's nursing facilities will not afford the Department the capability to consider this critical information.

§ 118721a(k)—*Definitions*

Comment

One commentator raised concern that the proposed definition of "applicant" would enable anyone to submit a bed request, regardless of whether the person had any connection to the nursing facility that was the subject of the request. The commentator stated that only a provider should be granted the authority to expand its complement of MA beds and recommended that the Department reinstate the language of the existing Statement of Policy published at 28 Pa.B. 138.

Response

In defining an applicant as a person who submits a bed request, the Department did not intend to permit individuals having no authority to act on behalf of a nursing facility to submit a request to enroll that facility as a new MA provider or to expand the MA certified bed complement at an existing MA nursing facility provider. Section 443.1(8) of the code, specifies that "before any county or nonpublic nursing facility increases the number of medical assistance certified beds in its facility or in the medical assistance program, whether as a result of an increase in beds in an existing facility or the enrollment of a new provider, the facility must seek and obtain advance written approval of the increase in certified beds from the department." The Department interprets this provision as requiring bed requests to be filed by the legal entity of an existing facility, a developer proposing to construct a new county or nonpublic nursing facility, or other person, such as an attorney, who has been authorized by and is acting on behalf of the legal entity or developer. Consistent with this interpretation and to avoid any confusion as to who may file a bed request, we revised the definition of "applicant," added a new definition of "legal entity," and included provisions to ensure that applicants filing bed requests have the requisite authority.

Comment

The proposed definition of "bed transfer request" required that the same person own both the surrendering facility and the receiving facility for a request to be considered a bed transfer request. Several commentators recommended that the requirement of common ownership be deleted. One commentator raised concern that the ownership requirements for bed transfer requests favors for-profit entities and requested that the Department amend the language to read "the same organization is the operator of the nursing facility."

Response

In response to the comments, the Department has revised the definition of "bed transfer request" to eliminate the common ownership criteria. Under the revised definition, transactions involving nursing facilities that are not under common ownership could be considered bed transfers.

Comment

In the proposed Statement of Policy, the definition of “bed transfer request” required that the surrendering facility and the receiving facility be located in the same county. Several commentators requested that the Department consider expanding the geographical limitation. One commentator recommended that the Department consider using the Department of Health districts as market or service areas for purposes of reviewing bed transfer requests.

Response

Upon consideration of the comments, the Department has revised the definition of a “bed transfer request” to cover transactions involving MA nursing facilities that are located in the same county or no more than 25 miles apart if both nursing facilities are located in Metropolitan Statistical Area (MSA) Level A or 50 miles apart if one, or both, nursing facilities are located in a MSA other than MSA Level A, as specified by the Federal Office of Management and Budget in the OMB Bulletin No. 99-04. Requests that do not involve facilities falling within these geographic limitations, will not be automatically denied, but, rather, will be evaluated under the guidelines in § 1187.21a(h).

*Separate Guidelines for Continuing Care Retirement Communities (CCRC)**Comment*

Several commentators raised concern that the proposed Statement of Policy does not include provisions specifically addressing proposed projects involving CCRCs. The commentators noted that when the internal demand exceeds the internal supply of nursing facility beds on a CCRC campus, the CCRC must refer its consumers to other providers and facilities. The commentators recommended that the Department develop a separate methodology to review requests for a measured expansion of MA nursing facility beds that are part of a CCRC campus where such an outsourcing situation is well-substantiated. The commentators suggested this would support the continuity of care, and avoid the hardships associated with splitting up family units and relocation. One commentator recommended that the Department provide for emergency certification of MA beds sufficient to accommodate the CCRC’s demonstrated need.

Response

In the proposed amendments published in November 2008, the Department did not include separate provisions relating to CCRCs. After careful consideration of the commentators’ recommendations, the Department has decided not to include those provisions in these final amendments. Given the level of complexity involved in developing separate CCRC guidelines and the different and sometimes opposing views on what the provisions should permit, the Department has determined that the issue should and could be more fully vetted in the context of the full rulemaking process. In the interim, CCRCs that operate nursing facilities, or that seek to open nursing facilities, continue to have the opportunity to submit bed requests to the Department, including bed transfer requests which, as discussed previously, no longer require common ownership.

Other Revisions to the Statement of Policy

In addition the revisions discussed previously in the Public Comment section, the Department made other technical amendments to the Statement of Policy to reflect the language of section 443.1(8) of the code or to

clarify or streamline the guidelines and process for reviewing bed requests. The Department received no comments objecting to its proposal to delete obsolete provisions pertaining to CON holders from the Statement of Policy or to its proposal to eliminate Appendix C, which contained out-dated bed need projections. The Department has adopted those changes in the final amended Statement of Policy.

Statement of Policy

The final amended Statement of Policy is contained in Annex A.

Effective Date

The Statement of Policy will be effective upon publication in the *Pennsylvania Bulletin*.

Contact Person

Comments and questions regarding this Statement of Policy should be directed to the Commonwealth of Pennsylvania, Department of Public Welfare/Department of Aging, Office of Long-Term Living, 555 Walnut Street, Forum Place, 5th Floor, Harrisburg, PA 17101-1919, ATTN: Bureau of Policy Strategic Planning, (717) 705-3705.

HARRIET DICHTER,
Acting Secretary

(Editor’s Note: The regulations of the Department, 55 Pa. Code Chapter 1187, are amended by amending § 1187.21a to read as set forth in Annex A.)

Fiscal Note: 14-BUL-89. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 55. PUBLIC WELFARE****PART III. MEDICAL ASSISTANCE MANUAL****CHAPTER 1187. NURSING FACILITY SERVICES****Subchapter C. NURSING FACILITY PARTICIPATION****§ 1187.21a. Nursing facility participation review process and guidelines—statement of policy.**

(a) *Scope.* This section applies to applicants, as defined in subsection (j).

(b) *Purpose.* The purpose of this section is to describe the process and the guidelines that the Department will use to review and respond to bed requests under section 443.1(8) of the Public Welfare Code (62 P. S. § 443.1(8)).

(c) *Policy regarding enrollment and expansion.*

(1) As a condition of participation in the MA Program, an applicant shall submit a bed request to the Department and obtain the Department’s advance written approval before increasing the number of MA-certified beds in a subject facility that is a provider or before applying for the enrollment of a subject facility as a new provider.

(2) The Department will review bed requests on a case-by-case basis in accordance with the guidelines in subsection (g) or (h).

(d) *Submission of bed requests.*

(1) An applicant shall submit an original and two copies of its bed request to the Department at the following address:

Commonwealth of Pennsylvania
 Department of Public Welfare/Department of Aging
 Office of Long-Term Living
 555 Walnut Street
 Forum Place, 5th Floor
 Harrisburg, PA 17101-1919
 ATTN: Participation Review

(2) An applicant shall submit its bed request to the Department prior to commencing construction of a proposed project that involves expansion of an existing nursing facility or building a new nursing facility.

(e) *Contents of bed requests.*

(1) When an applicant submits a bed request, the Department has no obligation to independently seek out any information on the question of whether the applicant's bed request should be approved. To the contrary, the applicant should submit to the Department whatever information that the applicant believes is relevant to or supports its bed request.

(2) An applicant's bed request must be signed and include the following information:

(i) A statement that the representations made and the information provided in the bed request are true and correct to the best of the applicant's knowledge, information and belief.

(ii) A statement that the applicant is authorized to submit the bed request on behalf of the legal entity and that the legal entity has reviewed and approved the contents of this bed request, if the applicant is a person other than the legal entity of the subject facility.

(iii) A list containing the name and address of the following:

(A) Each person who is the legal entity of the subject facility.

(B) Each owner of the subject facility.

(C) A related party involved in the proposed project. For each person identified, the applicant shall specify whether the person is currently precluded from participating in the Medicare Program or any State Medicaid Program.

(3) An applicant's bed request should include the following information:

(i) An overview of the applicant's proposed project which includes a description of the population and primary service area of the subject facility.

(ii) A narrative and supporting documentation, if any, addressing each guideline in subsection (g) or (h) indexed to identify which guideline is being addressed.

(iii) Copies of any feasibility or market studies and financial projections prepared for the proposed project, including any studies or projections identifying project costs, sources of project funds, projected revenue sources by payer type, including assumptions used and expected occupancy rates by payer type.

(iv) Independent audited or reviewed financial statements of the subject facility for the most recent year prior to the fiscal year in which the bed request is filed. If the financial statements are not available for the subject facility, independent audited or reviewed financial statements of the legal entity or parent corporation of the subject facility for the most recent year prior to the fiscal year in which the bed request is filed.

(v) Other information that the applicant believes to be relevant.

(4) An applicant should specify whether or not any of the following applies, and if so, the applicant should attach copies of all documents relating to the applicable action, including notices, orders, or sanction letters, received from the Federal Centers for Medicare and Medicaid Services or any State Medicaid, survey or licensing agency:

(i) Whether the subject facility, the legal entity or any owner of the subject facility, or a related party involved in the proposed project is currently operating, or, at any time during the 3-year period preceding the date of the bed request, operated under a Corporate Integrity Agreement with the Department or the Federal government.

(ii) Whether the legal entity or any owner of the subject facility, or a related party involved in the proposed project owned, operated or managed a nursing facility at any time during the 3-year period preceding the date of the bed request and one of the following applies:

(A) The facility was precluded from participating in the Medicare Program or any State Medicaid Program.

(B) The facility had its license to operate revoked or suspended.

(C) The facility was subject to the imposition of sanctions or remedies for resident's rights violations.

(D) The facility was subject to the imposition of remedies based on the failure to meet applicable Medicare and Medicaid Program participation requirements, and the facility's deficiencies immediately jeopardized the health and safety of the facility's residents; or the facility was designated a poor performing facility.

(5) If a bed request does not include the information recommended in paragraph (3) or (4), the Department will not automatically deny the bed request, but the Department may independently seek and consider the information in determining how to respond to the bed request.

(f) *Consideration of bed requests.*

(1) Subject to paragraph (6), the Department will consider bed requests, other than bed transfer requests, submitted on or after January 1, 2010, biannually in two groups as follows:

(i) Group One will consist of bed requests received January 1 through June 30. The Department will use its best efforts to issue decisions on Group One by the following December 31.

(ii) Group Two will consist of bed requests received from July 1 through December 31. The Department will use its best efforts to issue decisions on Group Two by the following June 30.

(2) The Department will use its best efforts to issue decisions on any bed requests, other than bed transfer requests, that were submitted prior to and pending with the Department on December 31, 2009, by September 30, 2010.

(3) The Department will use its best efforts to issue decisions on any bed transfer requests that were submitted prior to April 3, 2010, by June 2, 2010.

(4) The Department will consider bed transfer requests submitted on or after April 3, 2010, in the order in which they are received. Subject to paragraph (6), the Department will issue decisions on the requests on an ongoing

basis following the expiration of the public comment period in paragraph (5)(iii).

(5) The public process is as follows:

(i) *Data book.* The Department will compile and make available on the Office of Long-Term Living (OLTL) web site a workbook for each review period containing the following:

(A) Data relating to the availability and cost of MA nursing facility services in this Commonwealth and by county.

(B) Data relating to the availability and cost of home and community-based services in this Commonwealth and by county.

(C) Commonwealth and county demographic data.

(ii) *Bed requests, other than bed transfer requests.* Following the close of each 6-month request period, the Department will make available on the OLTL web site a listing of the bed requests, other than bed transfer requests, included in the group under consideration. The Department will make copies of the requests in that group available for review by the public during regular business hours, and will accept written comments related to the requests in the group for a 30-day period following the date that the notice is posted on the web site.

(A) The Group One listing will be made available on the OLTL web site on or before July 31.

(B) The Group Two listing will be made available on the OLTL web site on or before January 31.

(iii) *Bed transfer requests.* No later than 15 calendar days following the last day of each calendar month, the Department will make available on the OLTL web site a listing of the bed transfer requests received by the Department during that calendar month. For a 15-day period following the date that the notice is posted on the web site, the Department will make copies of the bed transfer requests that are listed in the notice for that calendar month available for review by the public during regular business hours, and will accept written comments related to the bed transfer requests.

(6) If an applicant demonstrates good cause, the Department may expedite its review and respond to a bed request before the target date; provided that the Department will not respond prior to the close of the applicable public comment period specified in paragraph (5)(ii) and (iii).

(7) In reviewing a bed request, the Department will consider the information provided by the applicant and any public comments received on the request. In addition, the Department may consider information contained in the Department's books and records or obtained from persons other than the applicant that is relevant to the applicant's bed request including the following:

(i) The information specified in subsections (e)(3) and (4).

(ii) Data relating to the overall occupancy rates of MA nursing facilities in the subject facility's primary service area and the county in which the subject facility is or will be located.

(iii) Data relating to the admission rates for day-one MA eligible persons and the MA occupancy rates of MA nursing facilities in the subject facility's primary service area and the county in which the subject facility is or will be located.

(iv) Data relating to the availability of home and community-based services in the subject facility's primary service area and the county in which the subject facility is or will be located.

(v) Data relating to the demographics of the subject facility's primary service area and the county in which the subject facility is or will be located.

(vi) Data relating to the admission and discharge practices of the subject facility and of MA nursing facilities in the subject facility's primary service area and the county in which the subject facility is or will be located.

(vii) Data relating to the subject facility's suitability as a provider of nursing facility services.

(viii) If the applicant is proposing to provide specialized medical services, data relating to the availability of the services in the subject facility's primary service area and the county in which the subject facility is or will be located.

(8) The Department will maintain a public file for each bed request that will be available for review by the public during regular business hours that contains the following:

(i) The bed request.

(ii) Public comments relating to the bed request.

(iii) Requests for additional information relating to the bed request made by the Department and any response to those requests.

(iv) Data or information relied upon by the Department in deciding to approve or disapprove a bed request.

(v) The Department's written response to the bed request.

(g) *Guidelines for evaluation of bed transfer requests.* The Department will use the following guidelines to evaluate bed transfer requests:

(1) Whether the receiving facility and the surrendering facility admit MA day-one recipients.

(2) Whether the decrease in beds at the surrendering facility will result in access barriers to nursing facility services for MA recipients. For purposes of this determination, the Department will examine, among other things, the MA occupancy rates both at the surrendering facility and at the receiving facility.

(3) Whether the increase in beds at the receiving facility will improve access to nursing facility services for MA recipients. For purposes of this determination, the Department will examine, among other things, the MA occupancy rates both at the surrendering facility and at the receiving facility.

(4) Whether the proposed bed transfer will result in a change in peer group under this chapter for the surrendering or receiving facility and, if so, whether the change will have a negative or positive effect on the MA Program or on MA recipients.

(5) Whether the surrendering facility is receiving capital component payments for the MA-certified nursing facility beds it is proposing to close as part of the bed transfer request.

(6) Whether any of the circumstances in subsection (e)(4) apply to the receiving facility or the legal entity or an owner of the receiving facility.

(7) Whether, and how, the applicant's proposed project would affect the Department's goal to rebalance the

Commonwealth's publicly-funded long-term living system to create a fuller array of service options for MA recipients.

(h) *Guidelines for evaluation of bed requests other than bed transfer requests.* The Department will use the following guidelines in evaluating a bed request that is not a bed transfer request:

(1) *MA Program's need for additional nursing facility beds.* The Department will determine whether additional MA-certified nursing facility beds are needed in the subject facility's primary service area and the county in which the subject facility is or will be located and, if so, whether the applicant or provider has demonstrated to the Department's satisfaction that it will meet that need. In making these determinations, the Department will review and consider the following:

(i) The existing size and utilization of the MA-certified bed capacity in the subject facility's primary service area and the county in which the subject facility is or will be located.

(ii) The extent to which MA recipients, including day-one MA recipients have access to the existing MA-certified bed capacity in the subject facility's primary service area and the county in which the subject facility is or will be located, and whether there are systemic barriers that prevent MA recipients from accessing that bed capacity.

(iii) If the applicant is proposing to provide specialized medical services in the subject facility, whether the applicant will admit and serve MA recipients who need such services; the extent to which the services are available in the existing MA-certified bed capacity in the subject facility's primary service area and the county in which the subject facility is or will be located, and whether there are systemic barriers that prevent MA recipients who need the services from accessing that bed capacity.

(iv) Whether, and to what extent (expressed as a percentage of MA occupancy), the applicant is willing and able to admit and serve day-one eligible MA recipients.

(v) Whether there are any alternatives to an increase in the number of MA-certified nursing facility beds, such as an increase in home and community-based services, that would be less costly, more efficient or more appropriate in assuring that long-term living care and services will be provided under the MA Program in a manner consistent with applicable Federal and State law.

(vi) Whether, and how, the applicant's proposed project would affect the Department's goal to rebalance the Commonwealth's publicly-funded long-term living system to create a fuller array of service options for MA recipients.

(2) *Suitability.* The Department will determine whether the licensure and Medicaid and Medicare Program participation record of the subject facility and the legal entity and owners of the subject facility during the 3-year period preceding the date of the bed request demonstrates the subject facility's suitability to increase the number of MA-certified nursing facility beds in the MA Program.

(3) *Economic and financial feasibility without MA capital component payments.* The Department will consider whether the applicant has made, or will provide the legal entity's written assurances to the Department that the construction and operation of new or additional beds will be economically and financially feasible without the receipt of MA capital component payments and that the

legal entity is not entitled to MA capital component payments related to the new or additional beds.

(4) *Employment of welfare and Medical Assistance recipients.* The Department will consider whether an applicant has provided or will provide the legal entity's commitment to employ Public Assistance or MA recipients in the subject facility.

(i) *Time lines for completion of approved projects.* An applicant whose bed request is approved shall provide the legal entity's written assurances to the Department that the applicant's project will be completed in sufficient time so that the beds may be licensed, certified and available for occupancy within 3 years from the date the Department approves the applicant's bed request, or by such other date as may be specified by the applicant and agreed to by the Department.

(j) *Definitions.* For purposes of this section, the following words and terms, have the following meanings, unless the context clearly indicates otherwise:

Applicant—A legal entity or a person authorized by and acting on behalf of a legal entity who submits a bed request to the Department.

Bed request—A request by an applicant for the Department's approval to increase the number of MA-certified beds in a subject facility that is a provider or a request by an applicant to increase the number of MA-certified beds in the MA Program by enrolling a subject facility as a new provider.

Bed transfer request—A bed request in which all of the following conditions apply:

(i) The applicant seeks the Department's approval to increase the number of MA-certified beds in a receiving facility.

(ii) The applicant represents that, if the Department approves the request, the same number of MA-certified beds will be decertified and closed at a surrendering facility.

(iii) The receiving and surrendering facilities are located in the same county, or the driving distance between the receiving and surrendering facilities is no greater than 25 miles if both nursing facilities are in MSA Level A, as specified by the Federal Office of Management and Budget in the OMB Bulletin No. 99-04, or no greater than 50 miles in all other cases.

Day-one MA eligible—An individual who is eligible for nursing facility services under the MA Program of the Commonwealth, or becomes eligible for nursing facility services under the Commonwealth's MA Program within 60 days of the date of the individual's admission to a nursing facility.

Legal entity—A person who is one of the following:

(i) Authorized by the Department of Health as the licensee of a licensed nursing facility.

(ii) Proposing to develop or construct a long-term care nursing facility as defined in Chapter 8 of the Health Care Facilities Act (35 P. S. §§ 448.801—448.821).

Owner—A person having an ownership interest, as defined in section 1124(a) of the Social Security Act (42 U.S.C.A. § 1320a-3(a)), in a subject facility.

Person—A natural person, corporation (including associations, joint stock companies and insurance companies), partnership, trust, estate, association, the Commonwealth, and any local governmental unit, authority and agency thereof.

Primary service area—The county in which a subject facility is or will be physically located. If the applicant can demonstrate to the Department's satisfaction that at least 75% of the subject facility's residents will originate from another geographic area, the Department will consider that geographic area to be the subject facility's primary service area.

Proposed project—Any one of the following:

- (i) An increase in the number of licensed beds in a county or nonpublic nursing facility that is a provider.
- (ii) The construction of a new county or nonpublic nursing facility if there is an expectation that the facility will become a provider.
- (iii) The enrollment of a county or nonpublic nursing facility as a provider.

Provider—A licensed county or nonpublic nursing facility that is certified and enrolled as a provider in the MA Program.

Receiving facility—A provider that is a subject facility of a bed transfer request which will increase the number of its MA-certified beds if a bed transfer request is approved.

Related party—A person who is or would be identified on Schedule J of a subject facility's MA cost report is a related party if the person were to provide goods, services or property to the subject facility.

Specialized medical services—Services not routinely provided in a nursing facility, including services needed by an individual who requires a respirator for survival, or services needed by an individual who has severe dementia, traumatic brain injury or bed side hemodialysis.

Subject facility—An existing or proposed county or nonpublic nursing facility that is the subject of a bed request.

Surrendering facility—A provider that is a subject facility of a bed transfer request which will decertify and permanently close at least the same number of MA-certified beds as the receiving facility identified in the same bed transfer request, if the request is approved.

Appendix C (Reserved.)

[Pa.B. Doc. No. 10-605. Filed for public inspection April 2, 2010, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 16, 2010.

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

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-16-2010	NOVA Bank Berwyn Chester County	8000 West Chester Pike Upper Darby Delaware County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-9-2010	Susquehanna Bank Lititz Lancaster County	100 Sterling Parkway Suite 100 Mechanicsburg Cumberland County (Limited Service Facility)	Filed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
3-12-2010	Jonestown Bank and Trust Company of Jonestown, PA Jonestown Lebanon County Amendment to Article V of the institution's Articles of Incorporation authorizes the issuance of common stock and preferred stock.	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Applications

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-15-2010	PPL GOLD Credit Union Allentown Lehigh County	<i>To:</i> 4703 Hamilton Boulevard Allentown Lehigh County <i>From:</i> 827 Hausman Road Allentown Lehigh County	Filed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
3-8-2010	PPL GOLD Credit Union Allentown Lehigh County	Filed

Amendment to Article 8 of the credit union's Articles of Incorporation provides for the inclusion of "Employees, officials, and persons who regularly work under contract in the Lehigh Valley for PPL Corporation, Inc. and subsidiaries" and "associations composed of PPL GOLD Credit Union Members" in the Credit Union's field of membership.

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-606. Filed for public inspection April 2, 2010, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Retention of an Archaeological Consulting Firm Project Reference No. FDC-500-923

The Department of Conservation and Natural Resources (Department) will retain an Archaeological Consultant to conduct Phases 1—3 surveys at various State parks and State forests in this Commonwealth. This Consultant's area of responsibility shall include projects throughout the entire Commonwealth. Bureau of Facility Design and Construction (Bureau) personnel will identify the sites to be surveyed.

The services shall include, but are not limited to, the required archaeological surveys and subsequent reports for each project. These surveys and reports are for support of the Bureau's construction program. It is important that, upon assignment of a specific site, the selected firm must be capable of completing the surveys and reports in a timely and expedient manner. The selected firm may be required to complete surveys on multiple sites concurrently and complete and submit reports to the Bureau in a format acceptable to the Historical and Museum Commission (Commission). All work will be performed in accordance with the Commission's Guidelines for Archaeological Investigation (November 2008). The contract shall be based on the hours of service and qualifying expenses not exceeding the contract amount. Reports will be mailed to the Commission. The Bureau will receive a duplicate copy of the report. The survey reports will be reviewed by Bureau personnel and, when acceptable, approved by the Bureau. The Bureau will obtain other agency approvals necessary.

Interested professionals and firms must be listed in the most recent edition of *Archaeological Consultants* as maintained by the Commission. Personnel involved in providing these services shall have at least the minimum educational and professional experience requirements as defined by the Commission in Appendix B of *A Comprehensive State Plan for the Conservation of Archaeological Resources, Volume I*; PHMC; 1985.

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 (FHWA), the Federal Transit Administration (FTA), the Federal Aviation Administration (FAA) or the National Highway Transportation Safety Administration (NHTSA), 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. 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 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, e-mail:gs-bmwbo@state.pa.us, web site: 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, e-mail: 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 sup-

plies 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 indicated 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 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 U.S. Small Business Administration certification. The owners of such businesses must also submit proof of United States citizenship.

3) Businesses, which assert that they meet the United States Small Business Administration 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 United States Small Business Administration certification as an 8(a) or self-certification as a United States Small Business Administration 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 United States Small Business Administration certification as an 8(a) or self-certification as a United States Small Business Administration 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 above 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 previously listed 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 time frame 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 10% 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, 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 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.

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, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact Marcus Snyder at (717) 787-9290 for general information concerning the RFP.

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's most recently completed archaeological survey project. The description shall include the client, contact person and phone number; the estimated or actual cost of the project; the project manager and the names of all personnel who made major contributions to the archaeological survey project. The Letter of Interest shall indicate the firm's capability of working on multiple projects at the same time and understanding of the Department's needs. A standard 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 DGS Home Page on the Internet at <http://www.dgs.state.pa.us>. Form 150-ASP may also be obtained in hard copy. Written request for 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 e-mail by addressing requests to pbianchi@state.pa.us. Additional information pertinent to the firm's qualifications to do the work of this contract should be included.

Direct costs other than payroll, such as travel and subsistence, shall be based on the current State rates.

Miscellaneous expenses such as copies, prints, sepia's, postage and film shall be reimbursed at cost upon approval by the Department.

The following factors will be considered during the evaluation of the firm's Letter of Interest:

Criteria evaluated by the Technical review will include:

1. Professional's understanding of the problem as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
2. Qualifications of firm consisting of specialized experience and technical competence.
3. Professional personnel in firm.
4. Soundness of approach as demonstrated in Letter of Interest, and as stated in the firm's own interpretation of the tasks to be performed.
5. Available manpower to perform the services required and on demand response capabilities in the event of emergencies.
6. Disadvantaged Businesses participation. (Evaluated by DGS)
7. Equitable distribution of the contracts.

Each proposer shall relate their proposal to the previous criteria.

Two copies of the Disadvantaged Business section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required forms must be received no later than 4 p.m. on May 17, 2010. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest 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 proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

JOHN QUIGLEY,
Acting Secretary

[Pa.B. Doc. No. 10-607. Filed for public inspection April 2, 2010, 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 related to 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 (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<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 a tentative determination 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 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 an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional 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. Comments 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 a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0025381 (Sew)	Saxton Borough Municipal Authority 1002 Branch Street Saxton, PA 16678-8739	Bedford County Saxton Borough Liberty Township	Raystown Branch Juniata River 11-D	Y
PA0080586 (Sew)	Rodney L. Weaver Morton Buildings, Inc. 3370 York Road Gettysburg, PA 17325	Adams County Straban Township	UNT Swift Run 7-F	Y
PA0086312 (Sew)	James Dorwart Quaker Station Apartments 1375 Old Quaker Road Etters, PA 17319	York County Fairview Township	UNT Bennett Run 7-F	Y
PA0023264 (Sew)	Twin Boroughs Sanitary Authority P. O. Box 118 Mifflin, PA 17058	Juniata County Milford Township	Juniata River 12-A	Y
PA0086185 (Sew)	Washington Township Authority 185 Manors Road Elizabethville, PA 17023	Dauphin County Washington Township	Wiconisco Creek 6-C	Y
PA0032093 (Sew)	Department of Conservation and Natural Resources—Bureau of State Parks 132 State Park Schellsburg, PA 15559-7300	Bedford County Napier Township	Shawnee Branch 11-C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS223502 (Stormwater)	Frey Brothers Manufacturing, Inc. 372 Puseyville Road Quarryville, PA 17566	Lancaster County East Drumore and Little Britain Townships	UNT West Branch Octoraro Creek 7-K	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0228273 (SM)	Numidia WWTP 32 Country Acres Lane Catawissa, PA 17820-8632	Locust Township Columbia County	Unnamed Tributary to Roaring Creek 5E	Y
PA0010651	GKN Sinter Metals P. O. Box 493 Emporium, PA 15834	Cameron County Shippen Township	Sinnemahoning Portage Creek 8A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0045039	Department of Conservation and Natural Resources Oil Creek State Park 305 State Park Road Oil City, PA 16301-9733	Cornplanter Township Venango County	Oil Creek 16-E	Y
PA0210056	Mary Russ, d/b/a Amsterdam Estates MHP 39 Amsterdam Road Grove City, PA 16127	Liberty Township Mercer County	Unnamed tributary to Black Run 20-C	Y

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

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

PA0058858, Sewage, SIC 4952, **Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 20,225 gpd of treated sewage into an UNT to Jericho Creek.

The receiving stream, an UNT to Jericho Creek, is in the State Water Plan watershed 2E and is classified for: warm water fishery. The nearest downstream public water supply intake for PA American Water Company is located on the Delaware River and is 7.0 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 20,225 gpd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		15	20
Total Suspended Solids	10		20	25
NH ₃ -N				
(05-01 to 10-31)	1.5			3.0
(11-01 to 04-30)	3.0			6.0
Phosphorus as P	1.0			2.0
NO ₂ -N and NO ₃ -N	10.0			20.0
Dissolved Oxygen			Minimum of 6.0.mg/l at all times	
pH			Within limits of 6 to 9 STD at all times	
Fecal Coliform	#200/100 ml			#1,000/100 ml
Total Dissolved Solids	1,000			2,000

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

1. Responsible Operator.
2. Abandon STP.
3. Remedial Measured.
4. No Stormwater.

5. Necessary Property Rights.
6. Small Stream Discharge.
7. Change of Ownership.
8. Sewage Study Disposal.
9. I-Max Limits.
10. DMR with No Discharge.
11. 2/Month Monitoring.
12. UV Disinfection System.
13. Lab. Certification.
14. Discharge to Special Protection Waters.
15. I-Max Reporting for Fecal Coliform.

PA0058882, Industrial Waste, SIC 3272, **Trans-Fleet Concrete, Inc.**, 101 First Avenue, P. O. Box 26483, Collegeville, PA 19335. This facility is located in West Whiteland Township, **Chester County**.

Description of Proposed Activity: This application requests approval of a renewal NPDES permit to discharge stormwater runoff from the site of a ready mix concrete batch plant located at 606 Jeffers Circle in Exton, PA.

The receiving stream, an unnamed tributary to Valley Creek, is in the State Water Plan watershed 3H and is classified for: CWF, MF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>			<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Annual</i>	<i>Average Semiannual</i>	<i>Maximum Daily</i>	
Total Suspended Solids			50	M/R	100	100
pH (STD)			6.0 (Minimum)		9.0 (Maximum)	
Oil and Grease			M/R	M/R	M/R	
pH (Upstream)			M/R	M/R	M/R	
pH (Downstream)			M/R	M/R	M/R	

M/R = Monitor/Report

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

1. DMR to DEP.
2. BAT/ELG Reopener.
3. Change of Name or Ownership.
4. Stormwater Outfall Requirements.
5. In-stream pH Monitoring.
6. Laboratory Certification.

PA0244007, Sewage, **Edward and Jane Bacon**, 1900 Fairview Road, Glenmore, PA 19343. This existing facility is located in East Nantmeal Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit for the existing discharge of treated sewage from a single residence sewage treatment plant.

The receiving stream, an unnamed tributary to Beaver Run, is in the State Water Plan watershed 3D and is designated: HQ-TSF, MF.

The proposed effluent limits for Outfall 001 are based on a design flow of 400 gpd:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
BOD ₅			10		20
Total Suspended Solids			20		40
Fecal Coliform			200/100 ml Geometric Mean		
Total Residual Chlorine			0.5		1.2
pH			Within limits of 6.0 to 9.0 Standard Units at all times		

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

1. AMR Submittal to DEP.
2. Abandon STP when Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Proper Sludge Disposal.
8. Total Residual Chlorine Requirement.
9. Fecal Coliform I-Max Reporting.

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

PA 0261394, Sewage, SIC Code 6514, **Randy S. Macko**, 3315A Back Road, Halifax, PA 17032. Facility Name: Macko Res. This proposed facility is located in Jefferson Township, **Dauphin County**.

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

The receiving stream, South Fork Powell 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 0.0005 MGD:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
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	Report	XXX	XXX
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geometric Mean	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geometric Mean	XXX	XXX

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is in effect.

Application No. PA 0021849, Sewage, **Millerstown Borough**, 44 North High Street, P. O. Box E, Millerstown, PA 17062. This facility is located in Greenwood Township, **Perry County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Juniata River, is in Watershed 12-B, and classified for warm water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Susquehanna River, approximately 23 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.10 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	Report		
Total Residual Chlorine	1.5		2.5
Total Phosphorus	Report		
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		

The proposed final effluent limits for Outfall 001 for a design flow of 0.12 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	Report		
Total Residual Chlorine	1.5		2.5
Total Phosphorus	Report		
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

Chesapeake Bay Requirements

<i>Parameter</i>	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report	Report
Kjeldahl-N	Report	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	Report	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	Report	6,697*
Net Total Phosphorus	XXX	Report	Report	974*

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

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

The EPA waiver is not in effect.

Application No. PA 0014672, Industrial Waste, SIC Code 3691/3341, **Exide Technologies (Reading Smelter)**, Spring Valley Road and Nolan Street, Reading, PA 19605. This facility is located in Muhlenberg Township, **Berks County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated industrial waste and stormwater.

The receiving stream, Schuylkill River (101 and 201)/Bernhart Creek (202), is in Watershed 3-C, and classified for warm water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Borough of Pottstown Water and Sewer located on the Schuylkill River, approximately 23 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 101 based on a design flow of 0.25 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Dissolved Oxygen			Minimum of 5.0 at all times		
pH			From 6.0 to 9.0 inclusive		
Total Residual Chlorine			0.5	1	
Total Suspended Solids	63	125	30	60	75
Total Dissolved Solids	11,209	20,000	6,000	7,500	7,500
Total Copper	1.398	2.881	0.671	1.382	1.678
Total Lead	0.3	0.645	0.144	0.309	0.36
Total Iron	0.231	0.42	0.111	0.201	0.277
Total Antimony	1.834	4.114	0.88	1.973	2.2
Total Arsenic	1.067	2.601	0.512	1.248	1.28
Total Zinc	0.893	2.165	0.428	1.038	1.07
Oil and Grease	31	62	15	30	30
NH ₃ -N	12	24	5	10	12
CBOD ₅	52	83	25	40	50

The proposed effluent limits for Outfall 201 based on a design flow of 0.40 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH			From 6.0 to 9.0 inclusive		
Total Suspended Solids			30	60	75
Total Dissolved Solids			6,000	7,500	7,500
Total Copper			0.71	1.42	2.0
Total Lead			2.0	4.0	5.0
Total Antimony			3.87	7.74	10
Total Zinc			5.68	11.36	14
Oil and Grease			15	30	30

The proposed effluent limits for Outfall 002 for a design flow of 0.40 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH			From 6.0 to 9.0 inclusive		
Total Suspended Solids			Report		
Total Dissolved Solids			Report		
Total Copper			Report		
Total Lead			Report		
Total Antimony			Report		
Total Zinc			Report		
Oil and Grease			Report		

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

Application No. PA 0008010, Industrial Waste, SIC Code 2015, **Hain Pure Corporation**, 220 North Center Street, Fredericksburg, PA 17026. This facility is located in Bethel Township, **Lebanon County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Beach Run, is in Watershed 7-D, and classified for warm water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the Philadelphia Water Company located on the Swatara Creek, approximately 29 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 based on a design flow of 0.15 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅	Report	Report	20	40	50
Total Suspended Solids	Report	Report	25	50	75
Ammonia Nitrogen as N (5/1 to 10/31)	3.1	6.2	2.5	5	6.25
(11/1 to 4/30)	9.3	18.7	7.5	15	18.75
Total Residual Chlorine			0.1		0.33
Total Phosphorus	2.5	5	2	4	5
Oil and Grease	Report	Report	Report	Report	
Dissolved Oxygen	Minimum of 5.0 at all times.				
pH	Within the range of 6 to 9 standard units at all time.				
Fecal Coliform (5/1 to 9/30)	200/100 ml as a Geometric Average Value.				
(10/1 to 4/30)	400/100 ml as Geometric Average.				

Chesapeake Bay/Elizabeth Run TMDL Requirements

Parameters	Concentration (mg/l)		Mass (lbs)
	Monthly	Monthly	Annual
Total Suspended Solids		Report	Report
Total Phosphorus		Report	Report
TKN		Report	Report
NO ₂ +NO ₃ -N		Report	Report
Total Nitrogen		Report	Report
NH ₃ -N		Report	Report

Parameters	Concentration (mg/l)		Mass (lbs)
	Monthly	Monthly	Annual
CBOD ₅	5		
D.O.	7		

The proposed final effluent limits for Outfall 001 based on a design flow of 0.15 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅	6.2	12.5	5	10	12.5
Total Suspended Solids	12.5	25	10	20	25
Ammonia Nitrogen as N					
(5/1 to 10/31)	3.1	6.2	2.5	5	6.25
(11/1 to 4/30)	5	10	4.0	8	10
Total Residual Chlorine			0.1		0.33
Total Phosphorus	0.63	1.25	0.5	1.0	1.25
Oil and Grease	10	17.5	8	14	20
Dissolved Oxygen	Minimum of 7.0 at all times.				
pH	Within the range of 6 to 9 standard units at all time.				
Fecal Coliform					
(5/1 to 9/30)	200/100 ml as a Geometric Average Value.				
(10/1 to 4/30)	400/100 ml as Geometric Average.				

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is not in effect.

Northcentral Regional Office: Regional Water Management Program Manager, 208 West Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570-327-0532.

PA0110965, Sewage, SIC Code 4952, **Mid Centre County Authority**, P. O. Box 811, Milesburg, PA 16853-0811. Facility Name: Mid Centre County Authority Sewer System STP. This existing facility is located in Boggs Township, **Centre 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 Bald Eagle Creek, is located in State Water Plan watershed 9-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.0 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instantaneous Maximum
Flow (MGD)	Report	Report Daily Maximum				
pH (S.U.)			6.0			9.0
CBOD ₅						
May 1 - Oct 31	83	125		10	15	20
Nov 1 - Apr 30	167	250		20	30	40
Total Suspended Solids						
May 1 - Oct 31	83	125		10	15	20
Nov 1 - Apr 30	167	250		20	30	40
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200 Geometric Mean		
Oct 1 - Apr 30				2,000 Geometric Mean		
UV Intensity (%)			Report			
Ammonia-Nitrogen						
May 1 - Oct 31	25	38		3.0	4.5	6.0
Nov 1 - Apr 30	75	113		9.0	14	18
Dissolved Phosphorus	8.3	13		1.0	1.5	2.0
Total Phosphorus				Report		

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 (lb/day)</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		Report	
Kjeldahl-N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen		18,265*			
Net Total Phosphorus		2,435*			

* 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 of Environmental Protection's (Department) 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, 2011. This facility is required to monitor and report for Total Nitrogen and Total Phosphorus from the effective date of the permit until September 30, 2011.

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

- Compliance schedule for PART A I;
- Chesapeake Bay Nutrient Requirements
- Requires management and reporting of biosolids within the treatment process.
- Requirements Applicable To Stormwater
- Requires chronic whole effluent toxicity tests be submitted with the next renewal application

You may make an appointment to review the Department's files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA waiver is not in effect.

PA0229121, CAFO, SIC 0259, **Cotner Farms Inc.**, 127 Rushtown Road, Danville, PA 17821. This proposed facility is located in Rush Township, **Northumberland County**.

Description of Proposed Activity: Poultry operation with layer chickens.

The receiving streams, Logan and Wilson Runs, are in the State Water Plan Catawissa—Roaring Creek Watershed 5E and is classified for: Cold Water Fishery.

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 individual permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required.

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

1. Compliance with the farm's Nutrient Management Plan.
2. Compliance with the farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with the Farm's Erosion and Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Requirements for storage of feed and other raw materials.
7. Best Management Practices requirements.
8. Egg Wash Water Disposal System self inspection and reporting requirements.

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

PA0218545, Sewage, **Quecreek Mining, Inc.**, 1576 Stoystown Road, Friedens, PA 15541. This application is for renewal of an NPDES permit to discharge treated sewage from Quecreek No. 1 Mine Portal STP in Lincoln Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Quemahoning Creek, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Quemahoning Reservoir.

Outfall 001: existing discharge, design flow of 0.0035 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a Geometric Mean			
Oct 1 to Apr 30	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0252760, Sewage, **Pine Township Supervisors**, 400 Clay Avenue, P. O. Box 311, Templeton, PA 16259. This application is for renewal of an NPDES permit to discharge treated sewage from Templeton Sewage Treatment Plant in Pine Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Allegheny River, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Kittanning Suburban Joint Water Authority.

Outfall 001: existing discharge, design flow of 0.06 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a Geometric Mean			
Oct 1 to Apr 30	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0033871, Sewage, **Frank T. Perano, GSP Management Company**, P. O. Box 677, Morgantown, PA 19543. This application is for renewal of an NPDES permit to discharge treated sewage from Northview Estates MHP STP in White Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of McKee Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ernst Borough Water System.

Outfall 001: existing discharge, design flow of 0.0575 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
May 1 to Oct 31	2.5			5.0
Nov 1 to Apr 30	4.0			8.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a Geometric Mean			
Oct 1 to Apr 30	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0094676, Sewage, **Twin Lakes Center, Inc.**, 224 Twin Lake Road, Somerset, PA 15501. This application is for renewal of an NPDES permit to discharge treated sewage from Twin Lakes Center STP in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as East Branch Coxes Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ohiopyle Municipal Water Works.

Outfall 001: existing discharge, design flow of 0.0059 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
May 1 to Oct 31	6.0			12.0
Nov 1 to Apr 30	18.0			36.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a Geometric Mean			
Oct 1 to Apr 30	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0254258, Sewerage, **Robert and Lisa Hohman**, 340 Pointview Road, Pittsburgh, PA 15227. This application is for issuance of an NPDES permit to discharge treated sewage from Hohman Small Flow STP in Franklin Park Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary East Branch Big Sewickley Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Ambridge Water Authority.

Outfall 001: new discharge, design flow of 0.0005 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
May 1 to Oct 31	3.0			6.0
Nov 1 to Apr 30	9.0			18.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a Geometric Mean			
Oct 1 to Apr 30	2,000/100 ml as a Geometric Mean			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. 0110402, Sewerage, **Cumberland Township Authority**, 1370 Fairfield Road, Gettysburg, PA 17325. This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Seeking approval of the construction of the Old Mill Road pumping station and the abandonment of the Route 30 pumping station.

WQM Permit No. 2110402, Sewerage, **Joseph and Nancy Horn**, 345 Old Mill Road, Carlisle, PA 17015. This proposed facility is located in Lower Frankford Township, **Cumberland County**.

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

WQM Permit No. 2110403, Sewerage, **Anthony and Lori Todaro**, 605 Roxbury Road, Newville, PA 17241. This proposed facility is located in Upper Mifflin Township, **Cumberland County**.

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

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

WQM Permit No. WQG016180, Sewerage, **Luke Leskovic**, 921 Garden City Road, Monroeville, PA 15146. This proposed facility is located in Plum Borough, **Allegheny County**.

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

WQM Permit No. WQG016181, Sewerage, **Louise Loncar**, 3 School Street, Apartment 1, Tilton, NH 03276. This proposed facility is located in Center Township, **Beaver County**.

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

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01091001	European Auto Salvage 2785 Richlandtown Pike Coopersburg, PA 18036	Bucks	Springfield Township	Unnamed Tributary Cooks Creek EV

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

Lehigh County Conservation District: Lehigh Agriculture Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023903037R(1)	Upper Macungie Township Attn: Scott Faust 8330 Schantz Road Breinigsville, PA 18031 and Parkland Community Library Committee Attn: Karen Tamerler 4422 Walbert Avenue Allentown, PA 18104	Lehigh	Upper Macungie Township	Tributary to Little Lehigh Creek HQ-CWF, MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056510001	Courtesy Suzuki Landholdings, LP Jim Shorkey 13339 Route 30 West North Huntingdon, PA 15642	Westmoreland	North Huntingdon Township	UNT To Long Run HQ-TSF

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

Crawford County Conservation District: Woodcock Nature Center, 21742 German Road, Meadville, PA 16335, telephone 814-763-5269.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062010001	Game Commission Western Game Farm Brooder Houses 25761 Highway 408 Cambridge Springs, PA 16403	Crawford	Rockdale Township	Muddy Creek HQ-TSF

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)

STATE CONSERVATION COMMISSION
**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at www.pacd.org/districts/directory.htm or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<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>
Dr. Joe Jurgielewicz 886 East Mountain Road Hegins, PA 17938	Schuylkill	38.2	42.5	Ducks	N/A	Renewal

**PUBLIC WATER SUPPLY (PWS)
PERMIT**

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (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 any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who 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 should 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**

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

Application No. 4610509, Public Water Supply.

Applicant	Borough of East Greenville
Township	Upper Hanover
County	Montgomery

Responsible Official Jennifer E. Boyer
206 Main Street
East Greenville, PA 18041

Type of Facility PWS

Consulting Engineer Cowan Associates, Inc.
120 Penn-Am Drive
Quakertown, PA 18951

Application Received Date March 12, 2010

Description of Action Replacement of existing filter surface wash with an air scour system and replacement of the filter media.

Application No. 2310505, Public Water Supply.

Applicant **Chester Water Authority**

Township Little Britain

County **Lancaster**

Responsible Official Brian P. MacEwen
415 Welsh Street
P. O. Box 467
Chester, PA 19016-0467

Type of Facility PWS

Consulting Engineer C.E.T. Engineering Services
1240 North Mountain Road
Harrisburg, PA 17112

Application Received Date March 2, 2010

Description of Action The construction of new alum storage building and alum feed system.

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

Application No. 3390073, Public Water Supply.

Applicant **Lehigh County Authority**

Township or Borough Lower Macungie 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 Matthew D. Warfel, P. E.
ARRO Consulting, Inc.
270 Granite Run Drive
Lancaster, PA 17601-6804
717-560-2767

Application Received Date February 18, 2010

Description of Action Application for approval of 4-log treatment of viruses at Entry Points 103 and 115.

Application No. 5810501, Public Water Supply.

Applicant **Pennsylvania American Water**

Township or Borough Montrose Borough
Susquehanna County

Responsible Official David R. Kaufman
V.P. Engineering
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Community Water System

Consulting Engineer Francis M. Voyack, P. E.
Quad Three Group, Inc.
37 North Washington Street
Wilkes-Barre, PA 18701
570-829-4200

Application Received Date February 26, 2010

Description of Action Application for modification of the Montrose WTP to include installation of a filter-to-waste tank with flow control, a de-chlorination system, piping and valving, along with installation of a backup filter backwash pump.

Application No. 5410501, Public Water Supply.

Applicant **Christ United Lutherin Church**
437 Airport Road
Ashland, PA

Township or Borough Barry Township
Schuylkill County

Responsible Official Dean Fetterolf

Type of Facility Public Water System

Consulting Engineer Alfred Benesch & Co.
400 One Norwegian Plaza
P. O. Box 1090
Pottsville, PA

Application Received Date 1/25/10

Description of Action The installation of treatment for nitrate.

MINOR AMENDMENT

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

Application No. 3510501 MA, Minor Amendment.

Applicant **Pennsylvania American Water Co.**
(Abington System)
100 North Pennsylvania Avenue
Wilkes-Barre, PA

Township or Borough Abington Township
Lackawanna County

Responsible Official Daniel Rickard

Type of Facility Public Water System

Consulting Engineer Daniel Rickard, P. E.

Application Received Date 3/9/10

Description of Action The installation of a contact pipeline and liquid chlorination system to provide log 4 treatment at Waverly wells 1 and 2.

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

Application No. 2493501-MA5, Minor Amendment.

Applicant	Jay Township Water Authority
Township or Borough	Jay Township Elk County
Responsible Official	Chad A. Lilley
Type of Facility	Public Water System
Application Received Date	03/16/2010
Description of Action	Change in manufacturer/product name for Polyaluminum Chloride and liquid phosphate blend.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (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. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must 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, a combination of the cleanup standards or who 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 any 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 sites identified, 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. 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 before which the notice appears. 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 Pennsylvania 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.

School Site Landfill, Upper Merion Township, **Montgomery County**. Craig Herr, RT Environmental Services, 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 Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with release of chlorinated solvents. The future use of the site will be nonresidential.

Plymouth Commons, Plymouth Township, **Montgomery County**. William Schmidt, Pennoni Associates, Inc., 301 Market Street, Philadelphia, PA 19104, on behalf of Jason Honesty, Exeter Peter Lane, I, LP, 2260 Butler Pike, Suite 200, Plymouth Meeting, PA 19462 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of inorganics. A commercial building is currently under construction at the site.

Fairmont Flats, City of Philadelphia, **Philadelphia County**. Waheed Jafry, Lippincott Jacobs Consulting Engineers, 1 North Pavilion Avenue, Riverside, NJ 08075, Jim Grosso, Grosso Construction, Inc., 312 Ponderosa Lane, Ambler, PA 19002 on behalf of Michael Loonstyn, Fairmount Flats, LLC, 1836 Green Street, Philadelphia, PA 19130 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of other organics. The property is being developed for residential use.

Mac & Sam, Inc., Clifton Heights Borough, **Delaware County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, James Salmon, Clifton Heights Community and Economic Development has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of unleaded gasoline. The proposed future use of the subject is expected to be for commercial use.

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

Westminster Place at Stewartstown (former Fypon Manufacturing Site), Stewartstown Borough, **York County**. GTA Environmental Services, Inc., 3445 Box Hill Corporate Center Drive, Abingdon, MD 21009, on behalf of Central PA Equities 12, LLC, 146 Pine Grove Circle, Suite 200, York, PA 17403, submitted a Notice of Intent to Remediate site soils contaminated with tetrachloroethene. The soils had previously been remediated to a Site-Specific Standard, but now will be remediated to a Residential Statewide Health Standard to be developed as an adult residential community.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Babich No. 3 Gas Well Site, Sewickley Township, **Westmoreland County**. Environmental Coordination Services and Recycling, 3237 Highway 19, Cochranton, PA 16314 on behalf of Tim Berdar, Atlas Resources, LLC, 800 Mountain View Road, Smithfield, PA 15478 has submitted a Notice of Intent to Remediate. A subcontractor of Atlas Resources, LLC spilled diesel fuel at the Babich No. 3 Gas Well Site on October 30, 2009. Contaminated soil was excavated and disposed of at a nearby landfill. Atlas intends to meet a Statewide Health Standard. The Notice of Intent to Remediate was published in the *The Laurel Group*, a weekly newspaper on March 11, 2010.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (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 all the 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 has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must 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 identified before the application. TDD users should 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 (act) and regulations adopted under the act.

PLAN APPROVALS

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

63-00955A National Fuel Gas Supply Corp. (1100 State Street, Erie, PA 165412) for installation of two (2) new natural gas compressors at the Buffalo compressor Station in Buffalo Township, **Washington County**.

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

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

61-007D: IA Construction Corp.—Franklin Hot Mix Asphalt Batch Plant (24 Gibb Road, Franklin, PA 16323) for construction of a new 6 ton Hot Mix Asphalt batch Plant to replace the existing 3 ton plant in Sugarcreek Borough, **Venango County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, 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:

- Under 25 Pa. Code § 123.1(a), there shall be no fugitive emissions from this facility at any time, except those that are a direct result of stockpiling or use of roads. Under 25 Pa. Code § 123.1(c), all reasonable actions shall be taken to prevent particulate matter that may arise from stockpiling or use of roads from becoming airborne. Under 25 Pa. Code § 123.2 (relating to fugitive particulate matter), fugitive emissions shall not cross the owner or operator's property line at any time.

- The filterable particulate matter (FPM) emissions being discharged to the atmosphere from the baghouse controlling the batch mix asphalt plant shall not exceed 0.016 grain per dry standard cubic foot of effluent gas volume.

- The filterable Particulate Matter (FPM) emissions from the source while using any fuel shall not exceed 0.042 lb/ton.

- The filterable Particulate Matter 10 (FPM-10) emissions from the source while using any fuel shall not exceed 0.027 lb/ton.

- The carbon monoxide emissions from the source while using any fuel shall not exceed 0.4 lbs/ton.

- The sulfur oxide emissions from the source while using #2 Fuel Oil, RFO #5, or Bio Diesel shall not exceed 0.088 lb/ton.

- The sulfur oxide emissions from the source while using Natural Gas or Liquid Propane shall not exceed 0.0046 lb/ton.

- The nitrogen oxides emissions (measured as NO₂) from the source while using #2 Fuel Oil, RFO #5, or Bio Diesel shall not exceed 0.12 lb/ton.

- The nitrogen oxide emissions (measured as NO₂) from the source while using Natural Gas or Liquid Propane shall not exceed 0.025 lb/ton.

- The volatile organic compound emissions (measured as propane) from the source while using #2 Fuel Oil, Natural Gas, or Liquid Propane shall not exceed 0.0082 lb/ton.

- The volatile organic compound emissions (measured as propane) from the source while using RFO #5 or Bio Diesel shall not exceed 0.036 lb/ton.

- The owner or operator may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is equal to or greater than 10% at any time.

- The owner or operator is approved to burn the following fuels in the rotary dryer burner:

- Propane
- Natural gas
- No. 2 fuel oil
- No. 4, 5 or 6 fuel oil
- On-specification waste derived liquid fuel ("WDLF")

- Biodiesel that is a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats and conform to ASTM D6751 specifications.

- Any alternative fuels that, unless specified, meet the same specification as other fuels permitted under this plan approval, such as:

- Liquid biofuels derived from recycled vegetable oils or animal fats from restaurants or food processing industries after processed through filtration, deodorization, water washing or other polishing and refining steps.

- Biofuels from bio-processing of cellulosic bio-mass.

- Bio-oils produced by pyrolysis of bio-mass materials.

- For No. 2 fuel oil, biodiesel and alternative fuels, less than or equal to 0.3% sulfur, by weight.

- For No. 4, 5 or 6 fuel oil and WDLF, less than or equal to 0.5% sulfur, by weight.

- Fuel analysis records shall be used to demonstrate compliance with the above sulfur limitations. For each shipment of any liquid fuel, fuel sulfur content shall also be demonstrated by providing the supplier's fuel certification for the type of fuel received.

- On Specification WDLF: The owner or operator shall not accept at the facility any WDLF which is represented by the oil supplier as failing to meet following standards, or for which the facility does not have documentation from the waste oil supplier verifying the following acceptable standards:

SULFUR less than or equal to 0.5% (by weight)
 BTU greater than or equal to 8,000 btu/lb
 FLASHPOINT greater than or equal to 100° F
 TOTAL HALOGENS (TOX: ORGANIC AND INORGANIC) less than or equal to 1,000 PPMW
 LEAD less than or equal to 100 PPMW
 ARSENIC less than or equal to 5 PPMW
 CADMIUM less than or equal to 2 PPMW
 CHROMIUM less than or equal to 10 PPMW
 PCB's Not detectable
 ASH less than or equal to 1.0% (by weight)

The following analytical techniques and methods, or alternative methods approved in writing by the Department of Environmental Protection (Department) will be accepted for the analyses:

Constituent Analytical Technique
 Arsenic EPA Method 6010, 6020, 7010, 7061 or 7062
 Cadmium EPA Method 6010, 6020, 7000 or 7010
 Chromium EPA Method 6010, 7000 or 7010
 Lead EPA Method 6010, 7000 or 7010
 PCBs EPA Method 8082
 TX EPA Method 9075, 9076 or 9077
 Flash Point EPA Method 1010 or ASTM D93
 Ash ASTM D482
 Sulfur ASTM D3227, D1552, D4294 or D129

- The owner or operator may not blend WDLF into existing fuel or burn WDLF by itself unless an analysis has been performed for the specified constituents and a copy of the analysis is available demonstrating that none of the levels cited previously are exceeded before it is fired as fuel for the dryer. For each shipment of WDLF, a fuel specification sheet shall be obtained from the supplier.

- Prior to accepting each shipment of WDLF delivered to the facility, the owner or operator shall test each shipment for total halogens using EPA Reference Method 9077, or an alternate test method if approved in writing by the Department. If the test of any shipment reveals total halogens in excess of 1,000 ppmw, then the owner or operator shall refuse to accept the shipment. Vendor guarantee or recent test data from WDLF suppliers shall be sufficient to show compliance with this standard.

- The owner or operator shall take and retain a sample of each shipment of WDLF, biodiesel and any alternative fuels that is delivered to the facility. The samples shall be retained on-site for at least 1 year and shall be made available to the Department upon request. The samples are to be sealed and identified with the identity of the supplier, the date of delivery, the delivery invoice number, and the total gallons of WDLF in the shipment.

- For at least one (1) out of every fifteen (15) shipments of WDLF received at the facility, the owner or operator shall take an additional sample for the purpose of conducting a complete analysis for all the properties listed previously. The owner or operator shall use test methods specified previously, unless an alternate test method has been approved in writing by the Department. Aside from any sample taken from a shipment of WDLF received at the facility, the owner or operator need not store such additionally-sampled fuel separately nor delay its use. If the analysis results on such fuel are not received within fifteen (15) days of the date of delivery of the relevant shipment, the permittee shall cease using the WDLF fuel from the tank(s) in which the relevant shipment was placed until compliance with the limits listed previously is verified in the laboratory results. This auditing provision should not be interpreted, in any

event, to allow the owner or operator to accept knowingly or use fuel not meeting permit specifications, or to accept or use fuel for which the facility does not have documentation from the waste oil supplier regarding compliance with permit specifications. If the analysis results show exceedances of any of the limits listed previously, then the owner or operator shall cease using the WDLF from the tank(s) in which the relevant shipment was placed, and shall not resume using WDLF from the tank(s) until either:

- The Department has granted written approval to resume use of the WDLF based on an alternate demonstration of acceptability of the WDLF in the tank(s) for use as fuel at the facility, or

- The WDLF remaining in the tank(s) has been re-sampled and

- If the re-sample meets the limits listed previously, the Department has granted written permission to resume using the WDLF, or

- If the re-sample fails to meet the limits listed previously, the Department has granted written permission to resume using the tank(s) after the owner or operator has emptied the WDLF from the tank(s) and has made proper disposal arrangements. The owner or operator shall cease using the WDLF from such tank(s) not later than two (2) hours after making the original determination, or having had reasonable opportunity to make the determination that off-specification WDLF was placed in the tanks. Upon successful demonstration for each supplier of their accuracy in ensuring delivery of eight (8) consecutive samples of on-specification WDLF fuels that comply with properties listed previously, the auditing frequency of shipments may be decreased by the Department. The auditing frequencies shall be determined for each individual supplier on a case by case basis depending on recorded compliance history and margin of compliance.

- The Department reserves the right to random sample any alternative fuels to check if they meet the same specifications as other fuels permitted under this plan approval. In the case of WDLF, if the analysis results from any random tank sampling conducted by the Department show exceedances of any of the limits listed previously, the owner or operator shall cease using WDLF from the affected tank(s) and shall not resume using WDLF from the tank(s) until either:

- The Department has granted written approval to resume use of the WDLF based on an alternate demonstration of compliance for the original sample; or

- The Department has granted written permission to resume placing WDLF in the tank(s) after the owner or operator has emptied the off-specification WDLF from the tank(s) and has made proper disposal arrangements. The owner or operator shall cease using the WDLF from such tank(s) not later than 2 hours after receiving notification from the Department of the exceedances.

- Annual asphalt production from the batch mix asphalt plant shall not exceed 495,000 tons during any consecutive 12-month period.

- This facility may process recycled asphalt product (RAP). The RAP addition rate shall not exceed 25% of mix and the shingle addition rate shall not exceed 5% of the mix. Shingles shall not contain asbestos.

- Hourly asphalt production from the batch mix asphalt plant shall not exceed 360 tons per hour utilizing RAP or shingles in the mix while making top or base material.

- Within 60 days after achieving the normal production rate at which the affected source will be operated, but not later than 180 days after initial start-up of the source/control device, a stack test for FPM, NO_x (measured as NO₂), CO, SO_x, VOC (measured as propane), and opacity shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection. The stack test shall be performed while the aforementioned source is operating at greater than 90% of the rated capacity (360 tph) and while burning worst case fuel. Any testing performed at less than 90% of the rated capacity may subject the facility to a production limit of the production rate during the compliant testing. The stack test shall be conducted at the outlet of the normal control device (C110B).

- Within twelve (12) to eighteen (18) months prior to the expiration of the facility operating permit, a stack test for FPM, NO_x, SO_x, VOC, and opacity shall be performed. The stack test shall be performed as stated.

- The following process data shall be recorded at 15-minute intervals (if possible) during each test run to document the operation of the plant and the baghouse:

- Type of Fuel;
- Fuel Usage (gpm for liquids; cfm for gases);
- Asphalt Production Rate (tons/hr);
- Aggregate Usage (tons/hr);
- Asphaltic Oil (%);
- Fines in mix (% < 600 mesh); and
- Mix Temperature (° F).

- All recordkeeping shall commence upon startup of the source and shall be kept for a period of 5 years and made available to the Department upon request.

- The permittee shall keep comprehensive and accurate records to demonstrate the following:

- The number of hours the batch mix asphalt plant operated daily, summarized as consecutive 12-month totals.

- Monthly and 12-month rolling total for asphalt production.

- The amount and type of fuel used in the batch mix asphalt plant, summarized as consecutive 12-month totals.

- Emissions of regulated pollutants, summarized as consecutive 12-month totals.

- A daily record of the amount of RAP and shingles processed, summarized as an hourly addition rate.

- A record of the burner tune up and the results of tune up.

- Daily visible emissions and malodor monitoring.

- Any corrective actions taken to bring facility back into compliance with stack, fugitive and malodor requirements of this permit.

- The company shall maintain a log of all preventative maintenance inspections of the source and control device(s). The inspection logs, at a minimum, shall contain the dates of the inspections, the name of the person performing the inspection, record of any bag/cartridge replacements, any black light testing, any mechanical repairs and/or adjustments, any potential problems or defects that were encountered, and the steps taken to correct them.

- The company shall maintain a log of the following, at a minimum, from the operational inspections:

- Pressure drop across the baghouse—daily defined as at least once per calendar day, while the plant is operating

- Malfunctions: The owner or operator shall notify the Department by telephone within twenty-four (24) hours of the discovery of any malfunction of any HMA plant operating under this plan approval, or any malfunction of an associated fabric collector (baghouse), which results in, or may possibly be resulting in, the emission of air contaminants in excess of any applicable limitation specified herein. If the owner or operator is unable to provide notification to the appropriate Regional Office within twenty-four (24) hours of discovery of a malfunction due to a weekend or holiday, the notification shall be made to the Department by no later than 4 p.m. on the first business day for the Department following the weekend or holiday. In addition, the owner or operator shall provide subsequent written reports regarding any reported malfunction, as requested by the Department.

- The permittee shall perform a daily operational inspection of the source and control device(s).

- The owner or operator shall perform monitoring of the facility at least once per operating day for the presence of visible emission and malodors. The owner or operator shall take immediate corrective action to eliminate any emissions that are out of compliance. A Method 9 reading is not required for the evaluation of visible emissions.

- A magnehelic gauge, or equivalent, shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across the baghouse.

- All gauges employed by the permittee to monitor the required control device (C110B) operating parameters shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent ($\pm 2\%$) of full scale reading.

- Control device operating parameters, including pressure drop, shall be operated in a range defined by the manufacturer or in a range developed during compliant stack testing. The operating range shall be determined within 120 days after startup of the control device and shall be indicated to the Department in writing prior to administratively amending into the facility operating permit. The operating range shall be made part of the facility operating permit.

- Any HMA plant owner or operator shall comply with the following limitations and requirements:

- The drop heights from front-end loaders being used to stockpile, transfer, and load aggregate shall be kept as short as possible to minimize dust emissions.

- Stockpiles shall be kept as compact as possible to limit exposure to the wind. Material shall be stockpiled in such a manner that it may be adequately wetted as necessary to control fugitive emissions.

- All in-plant roads shall be maintained to prevent particulate matter from becoming airborne in accordance with 25 Pa. Codes §§ 123.1 and 123.2.

- All unpaved in-plant roads shall be watered once per day during warm weather, at the start of each shift, if no precipitation has fallen within the previous twenty-four (24) hours, and as needed thereafter on a preventative

basis such that visible fugitive emissions are controlled in accordance with 25 Pa. Codes §§ 123.1 and 123.2. Other methods of dust control may be used when weather conditions make the watering of unpaved roads hazardous.

- In accordance with 25 Pa. Code § 123.1(c), the owner or operator shall promptly remove from paved public roads any material that has been transported onto the public road from the owner or operator's property.

- A set vehicle pattern shall be established and maintained for vehicles entering and exiting the plant.

- The owner or operator shall post a sign limiting speeds to less than 15 mph on all inplant roads.

- The owner or operator shall post and enforce a requirement stating "All vehicles entering or exiting the plant property shall be properly tarpaulin covered." Vehicles with a gross vehicle weight rating of less than 10,000 pounds shall be exempt from this condition.

- The Department reserves the right to require additional controls (water sprays, paving, conveyor covers, etc.) based on evaluation of the operation after inspection and determination that existing controls are not adequate for controlling fugitive emissions.

- Speed limit signs shall be posted consistent with the requirements of the Department of Transportation (overall dimension 20 inches by 24 inches, "SPEED LIMIT" in 4 inch letters and 10 inch numerals).

- No fugitive air contaminant emissions shall be generated as a result of removing collected dust from the baghouse or as a result of subsequently handling the collected dust onsite following its removal from the collector.

- The owner or operator shall keep sufficient quantity of spare baghouse bags, at a minimum of 10% of the total number of bags on hand for immediate replacement.

- The permittee shall operate the control device at all times this source is in operation.

- The permittee shall maintain and operate this source and the control device(s) in accordance with the manufacturer's specifications and in accordance with good air pollution control practices. The facility shall maintain a copy of the manufacturer's specifications onsite.

- Black light testing of the baghouse shall be conducted the first month of each operating season and/or upon request by the Department.

- A tune-up of the burners shall be completed no later than June 15 of each year or within four (4) weeks after each start-up of the HMA plant and/or upon request of the Department. The burner shall be tuned so that the emissions do not exceed limits stated in Fuel Restrictions of the plan approval. The air-to-fuel ratio controls shall be inspected and adjusted to ensure proper operation in accordance with the manufacturer's specifications. Monitoring records stating the following information shall be kept onsite for a minimum of 5 years and shall be made available to the Department upon request:

- The date of the tuning procedure;

- The name of the servicing company and technician;

- The production rate (tons/hr) or load before and after tuning;

- The CO and NO_x concentrations (ppmvd) before and after tuning; and

- The percent O₂ before and after tuning.

- This plan approval shall not be construed to authorize the permittee to transport, treat, process, or refine any fuel, or to blend off-specification fuel with any other fuels for the purpose of producing an on-specification mixture.

- The owner or operator is responsible for the proper storage and management of liquid biofuels to ensure the following:

- The storage conditions shall not cause the harborage, breeding, or attraction of vectors; and

- If vectors are present, measures necessary to exterminate them are immediately taken.

- No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the APCA or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors.

- The source is subject to 40 CFR 60 Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

- Any information required to be submitted as part of this plan approval should be submitted to the attention of Chief, New Source Review Section, Air Quality Control, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335.

- Issuance of an Operating Permit is contingent upon satisfactory compliance with the plan approval conditions, upon the control device being installed, tested, and operated as stated within the application, and upon satisfactory demonstration that the emissions from the source will not be in violation of applicable Rules and Regulations of the Department.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

45-00004: U. S. Department of Defense—Tobyhanna Army Depot (11 Hap Arnold Boulevard, Tobyhanna, PA 18466) for renewal of a Title V Operating Permit to operate an electrical equipment manufacturing facility in Coolbaugh Township, **Monroe County**. The proposed Title V Operating Permit will incorporate the requirements of Plan Approval No. 45-318-033. The facility's major sources of emissions are from the paint spray booths which primarily emit volatile organic compounds (VOCs). The proposed Title V Operating Permit does not reflect any change in air emissions from the facility. This Title V Operating Permit shall include emission restrictions, monitoring, record keeping, and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174.

32-00065: Specialty Tires of America, Inc.—Indiana Plant (1600 Washington Street, Indiana, PA 15701-2893) for operation of manufacturing tires and inner tubes at their Indiana Plant facility, Indiana Borough, **Indiana County**. This is a Title V Renewal.

65-00622: General Carbide Corp.—Hempfield (1151 Garden Street, Greensburg, PA 15601-6417) for operation of manufacturing special dies, tools, jigs and Fixture at their Hempfield Metal Powder Plant facility, Hempfield Township, **Westmoreland County**. This is a Title V Renewal.

04:00490: Dominion Transmission, Inc. (501 Martindale Street, Suite 500, Pittsburgh, PA 15217-5817) for operation of a natural gas compressor station consisting of (1) boiler, (1) auxiliary engine and (4) compressor engines at their Beaver Station facility, North Sewickley Township, **Beaver County**. This is a Title V Renewal.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

39-00060: Day Timers, Inc. (1 Willow Lane, East Texas, PA 18046) for operation of a lithographic printing operation at their facility in Lower Macungie Township, **Lehigh County**. This action is a renewal of the State-only (Synthetic Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

40-00014: Orograin Bakeries Manufacturing, Inc. (325 Kiwanis Boulevard, Valmont Industrial Park, West Hazleton, PA 18202-1163) for operation of a bread baking facility in West Hazleton, **Luzerne County**. This is a renewal of a State-only Operating Permit.

40-00027: PPL Susquehanna, LLC (769 Salem Boulevard, Berwick, PA 18603-6828) for operation of emergency generators and pumps at the Susquehanna Steam Electric Station in Salem Township, **Luzerne County**. This is a renewal of a State-only Operating Permit.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174.

03-00145: Praxair, Inc.—Bagdad Hydrogen/Nitrogen Facility (P. O. Box 509, Barberton, OH 44203-0509) for operation of industrial gas manufacturing for hydrogen and nitrogen facility in Gilpin Township, **Armstrong County**. This is a State-only Operating Permit Renewal.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.

20-00106: Greenleaf Corp. (18695 Greenleaf Drive, Saegertown, PA 16433-4429) to issue a new State-only Operating Permit for their facility in Hayfield Township, **Crawford County**. The facility is a Natural Minor. The facility fabricates high performance tungsten carbide and ceramic grade inserts and innovative tool holding systems. The primary sources at the facility include a graphite resistance furnace with a thermal oxidizer and

baghouse, a spray drier with fabric collector, a Bernex Furnace with scrubber, an Electric Grieve Oven, An Electric Kiln for carburization, Five Hi/Low Temperature Heat Treating Furnaces, Seven Parts Washers, Miscellaneous Natural Gas Heaters, Grinding controlled by mist collectors, Polishing, Miscellaneous Solvent Usage, and a Paraffin Wax Process. The graphite furnace and related controls were constructed under Plan Approval 20-106A and 20-106B. The requirements of those plan approvals have been incorporated into the permit. The permit also contains emission restrictions, monitoring, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00322: Thompson Fabricating, Inc. (P. O. Box 432, Wheatland, PA 16161-0432) to issue a renewal State-only Operating Permit for their facility in Wheatland Borough, **Mercer County**. The facility is a Natural Minor. The facility fabricates and surface coats dumpsters. The primary sources at the facility include a spray booth for coating and a heater for the booth. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

62-00181: Ellwood National Forge—Warren Division (1045 Fourth Street, Warren, PA 16365) for an initial natural minor permit to operate a miscellaneous fabricated metal parts manufacturing company in Warren Municipality, **Warren County**. The facility's emission sources include, Turbine coating line, Empire shot blast machine and Betts boring and turbine lathe. The emissions from the facility are less than the Title V emission threshold limits. Thus, the facility is natural minor.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104. Contact: Edward Brawn, Chief—Telephone: 215-685-9476.

N09-023: Lannett Co., Inc. (9000 State Road, 9001 Torresdale Avenue, Philadelphia, PA 19136) for operation of a pharmaceutical manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include one (1) 300 kW Emergency Generator, one (1) 118 Horsepower Emergency Generator, one (1) 810,000 Btu/hr boiler, one (1) 950,000 Btu/hr boiler, one (1) 100 Horsepower boiler, two (2) Dust Collectors, IPA process to clean equipment, Zachetta granulation process, Mixing and Blending Tray Drying Oven, and Submission Test batches process.

The operating permit will be reissued 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 Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

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

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

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 any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above 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 related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests 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 a National Pollutant Discharge Elimination System (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 found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the 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 below 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 found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously 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. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall 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. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

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

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

¹The parameter is applicable at all times.

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

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

56081301 and NPDES Permit # PA0235903, Berwind Coal Sales Company, (509 15th Street, Windber, PA 15963), to operate the Brubaker Mine in Shade and Paint Townships, **Somerset County** and related NPDES permit. Surface Acres Proposed 101.3, Underground Acres Proposed 736.1, Subsidence Control Plan Acres Proposed 736.1. Receiving Streams: Hinson Run and an Unnamed Tributary to Shade Creek, both classified for the following use: CWF. Application received: December 5, 2008.

32881301 and NPDES Permit # PA0215538, AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650), to renew the permit for the Penn Run Mine in Cherryhill Township, **Indiana County** and

related NPDES permit. No additional discharges. Application received: February 15, 2010.

03961301 and NPDES Permit # PA0214787, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Tracy Lynne Mine in Kiskiminetas Township, **Armstrong County** to install the West Shaft Site. Surface Acres Proposed 30.6. Receiving Stream: Tributary A to Carnahan Run, classified for the following use: WWF. Application received: January 26, 2010.

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

32100101 and NPDES No. PA0262978, Amerikohl Mining, Inc., 1384 SR 711, Stahlstown, PA 15687, commencement, operation and restoration of a bituminous surface and auger mine in West Wheatfield Township, **Indiana County**, affecting 117.0 acres. Receiving stream(s): unnamed tributaries of West Branch of Richards Run and unnamed tributaries of East Branch of Richards Run to Richards Run to the Conemaugh River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 11, 2010.

32100101. NPDES No. PA0262978 and General Permit GP-12-32100101, Amerikohl Mining, Inc., 1384 SR 711, Stahlstown, PA 15687, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in West Wheatfield Township, **Indiana County**, affecting 56.3 acres. Receiving stream(s): Richards Run West Branch and Richards Run East Branch classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 16, 2010.

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

17060112 and NPDES No. PA 0238376. Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830), major permit revision to an existing bituminous surface mine located in Bell Township, **Clearfield County** affecting 279.0 acres. The revision is to increase the permit acreage to its original application area of 367.0 acres. Receiving

streams: Lost Run, Laurel Run, classified for Cold Water Fisheries. The first downstream potable water supply intake from the point of discharge is Punxsutawney's back-up supply is an intake on the East Branch Mahoning Creek about 5 stream miles below the application area. Application received: March 8, 2010.

17880103 and NPDES No. PA0116246. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), revision of an existing bituminous surface mine located in Bradford Township, **Clearfield County** affecting 54.8 acres. Receiving streams: unnamed tributaries to Roaring Run to the West Branch of the Susquehanna River to the Susquehanna River classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 17, 2010.

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.

5679123 and NPDES Permit No. PA0599166, Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552, renewal of NPDES Permit, Southampton Township, **Somerset County**. Receiving stream(s): unnamed tributary to/and Shoemaker Run classified for the following use(s): high quality. There are no potable water supply intakes within 10 miles downstream. Application received: March 11, 2010.

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

26840301 and NPDES Permit No. PA0200042. Norman Thomson (P. O. Box 10, Lemont Furnace, PA 15456). NPDES renewal application for continued mining of an existing large noncoal surface mine, located in North Union Township, **Fayette County**, affecting 50.2 acres. Receiving stream: unnamed tributary to Cove Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 18, 2010.

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 Depart-

ment of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of 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 or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the 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. Individuals 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 each working day at the regional office noted before the application.

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

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E02-1629. Allegheny County, Department of Public Works, County Office Building, 542 Forbes Avenue, Room 501, Pittsburgh, PA 15219. To remove existing structure and construct new bridge in Borough of Turtle Creek and North Versailles Township, **Allegheny County**, Pittsburgh ACOE District (Braddock, PA Quadrangle N: 5.1 inches; W: 10.4 inches, Latitude: 40° 24' 11"; Longitude: 79° 49' 29"). The applicant proposes to remove the existing structure and to construct and maintain a new bridge (Greensburg Pike Bridge No. 6 (TL06)) having spans of 100.5 ft., 126.5 ft., 209.5 ft., and 226.5 ft. with a minimum underclearance of 43.0 ft. across the channel or Turtle Creek (WWF) for the purpose of improving highway safety. The project is located on Greensburg Pike, approximately 500.0 feet northwest from the intersection of Greensburg Pike and SHR 02194 and will impact approximately 209.5 ft. of stream channel. This permit replaces Permit No. E02-944 that was issued on May 22, 1991.

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

E20-579, West Mead Township, 1150 Morgan Village Road, P. O. Box 491, Meadville, PA 16335. Thurston/Mill Run Gravel and Sediment Removal, in West Mead Township, **Crawford County**, ACOE Pittsburgh District (Bloomington Valley, PA Quadrangle N: 41° 37' 35"; W: 80° 7' 18").

The applicant proposes to remove gravel and sediment from an unnamed tributary (Thurston Run) to Mill Run to original stream contours for approximately 1,000 feet

upstream from the confluence of the unnamed tributary (Thurston Run) and Mill Run. The applicant also proposes to remove gravel and sediment from Mill Run to original stream contours for approximately 100 feet upstream and 100 feet downstream from the confluence of the unnamed tributary (Thurston Run) and Mill Run. The proposed project is located approximately 0.2 mile northwest of the intersection of Thurston and Hunter Roads. The unnamed tributary to Mill Run (Thurston Run) is an intermittent stream classified as a warm water fishery. Mill Run is a perennial stream classified as a warm water fishery. The project proposes to directly affect a total of approximately 1,200 linear feet of stream channel.

E43-351, Eric Davis, 3 Pulaski Mercer Road, Pulaski, PA 16143. Private Access Bridge, in Shenango Township, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 41° 8' 20"; W: 80° 25' 25").

The applicant proposes to construct and maintain a 20 ft. long by 12 ft. wide bridge over an unnamed tributary to the Shenango River to access a private residence and place fill for the bridge approaches in the floodway of the unnamed tributary to the Shenango River. The unnamed tributary to the Shenango River is a perennial stream classified as a WWF.

ENVIRONMENTAL ASSESSMENTS

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

EA26-008. Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456. To utilize limestone sand dosing to abate mine drainage in Henry Clay Township, **Fayette County**, Pittsburgh ACOE District (Ohiopyle, PA Quadrangle N: 12.2 inches; W: 8.0 inches, Latitude: 39° 49' 0.5"; Longitude: 79° 25' 54"). The applicant proposes to utilize limestone sand dosing at a single site to abate abandoned mine drainage (AMD) and chronic acidification stemming from the mixing of acid deposition with acidic springs emanating from acidic geologic formations and soils. Applications of approximately 23 tons of limestone sand are proposed to be placed along Ramcat Run (HQ-CWF) at a location along Sugar Loaf Road where Ramcat Run intersects the road.

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 of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<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 related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have

submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth 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 set forth in the respective permit. 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, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063169 (Industrial)	Townsend, Inc. Pocono Food Division 1560 South Delaware Drive Mount Bethel, PA 18343	Northampton County Upper Mount Bethel Township	Allegheny Creek 01F	Y
PA0060445 Non-Municipal Sewage	Historical and Museum Commission Eckley Miners' Village 2 Eckley Main Street Weatherly, PA 18255	Foster Township Luzerne County	05D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0020818 (Sew)	Glen Rock Sewer Authority 11714 North Main Street Ext. Glen Rock, PA 17327	York County Shrewsbury Township	South Branch Codorus Creek 7-H	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0228800	Herndon Borough Jackson Township Joint Municipal Authority P. O. Box 381 Herndon, PA 17830-0381	Northumberland County Jackson Township	Susquehanna River 6B	Y
PA0110116 (SN)	The Hut Restaurant 4350 SR 147 Herndon, PA 17830	Lower Mahanoy Township Northumberland County	Fidlers Run 6B	Y
PA0114596 (NPDES Industrial)	Avery Dennison Performance Polymers 171 Draketown Road Mill Hall, PA 17751	Clinton County Bald Eagle Township	Unnamed Tributary to Bald Eagle Creek 9-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0004081 Industrial Waste	CP Industries Holdings, Inc. 2214 Walnut Street McKeesport, PA 15132	Allegheny County City of McKeesport	Youghiogheny River	Y
PA0219215 Sewage	Donegal Township 34 North Liberty Street West Alexander, PA 15376	Washington County West Alexander Borough	Little Wheeling Creek	Y
PA0204609 Sewage	Susan R. Rosa 156 Shannon Lane Ligonier, PA 15658	Westmoreland County Ligonier Township	Fourmile Run	Y
PA0094617 Sewage	Tim and Tina Strickland 2 Rose Garden Smithfield, PA 15478	Fayette County Georges Township	UNT of York Run	Y
PA0218120 Sewage	Dennis O'Hara 126 Walker Road Apollo, PA 15613	Westmoreland County Washington Township	Tributary of Poke Run	Y
PA0031291 Sewage	YMCA of Greater Pittsburgh—Deer Valley 254 Deer Valley Drive Fort Hill, PA 15540-2116	Somerset County Elk Lick Township	Cove Run	Y
PA0094960 Sewage	William Barnes P. O. Box 337 Eighty Four, PA 15330	Washington County Somerset Township	Little Chartiers Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0223069	Coolspring-Jackson Lake Latonka Joint Authority 644 Franklin Road Mercer, PA 16137	Coolspring Township Mercer County	Cool Spring Creek 20-A	Y

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

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

NPDES Permit No. PAG040147, Sewage, **Philip and Lisa Barklay**, 1502 Hilltown Pike, Hilltown, PA 18927. This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval to discharge 500 gpd of treated sewage into an Unnamed Tributary to Neshaminy Creek in Watershed 2F. Individual NPDES permit PA0057797 is transferred into General Permit NPDES PAG040147.

NPDES Permit No. PA0031097, Sewage, **Radley Run Sewer Association, Inc.**, 1100 Country Club Road, West Chester, PA 19382. This proposed facility is located in Birmingham Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 17,000 gpd of treated sewage to Radley Run in Watershed 3H.

NPDES Permit No. PAG040146, Sewage, **Mr. John Polkus**, 153 Papermill Road, Barto, PA 19504. This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval to discharge 500 gpd of treated sewage into West Branch of Perkiomen Creek in Watershed 3E. Individual NPDES permit PA0058254 was under Mr. Patrick O'Neil's name is transferred into General Permit NPDES PAG040146 to Mr. John Polkus due to change of ownership.

NPDES Permit No. PA0053082, Sewage, **Alexander Hionis & Partners**, P. O. Box 208, Mendenhall, PA 19357. This proposed facility is located in Kennett Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 20,600 gpd of treated sewage into an Unnamed Tributary to Brandywine Creek in Watershed 3H.

NPDES Permit No. PA0057029, Amendment 1, Industrial Waste, **Hewlett Packard Company**, 10375 Park Meadows Drive, Suite 150, Littleton, CO 80124. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the amendment of the NPDES permit for an existing discharge from the Hewlett Packard Company Avondale groundwater remediation system site to an Unnamed Tributary to Egypt Run in Watershed 3L.

NPDES Permit No. PA0243949, Industrial Waste, **Landis Block & Concrete Company, Inc.**, P. O. Box 64418, Souderton, PA 18964-0418. This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge industrial wastewater commingled with stormwater from a concrete manufacturing facility located in Telford Borough, Bucks County into an Unnamed Tributary to Mill Creek in Watershed 3E.

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

NPDES Permit No. PA0065153, Sewage, **Pocono Township Supervisors**, P. O. Box 197, Tannersville, PA 18372. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: Termination of NPDES Permit, in accordance with settlement agreement entered into by the Department of Environmental Protection, Pocono Township, Brodhead Watershed Association, Stroud Township, Stroudsburg and East Stroudsburg Boroughs.

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

NPDES Permit No. PA0261343, Sewage, **Joshua Hill Sewer Co., LLC**, 929 Baltimore Street, Hanover, PA 17331. This proposed facility is located in West Manheim Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to the West Branch Codorus Creek in Watershed 7-H.

NPDES Permit No. PA0260151, Amendment No. 1, Sewage, **Maxatawny Township Municipal Authority**, 127 Quarry Road, Suite 1, Kutztown, PA 19530. This proposed facility is located in Maxatawny Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Sacony Creek in Watershed 3-B.

NPDES Permit No. PA0040860, Amendment 08-1, Sewage, **Delaware County Solid Waste Authority (Rolling Hills Landfill), Rose Tree Park—Hunt Club**, 1521 North Providence Road, Media, PA 19603. This proposed facility is located in Earl and Oley Townships, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Manatawny Creek and Furnace Run in Watershed 3-C.

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

NPDES Permit No. PA0254169, Sewage, **Consol PA Coal Company, LLC**, P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323. This proposed facility is located in East Finley Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for discharge of treated sewage.

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

NPDES Permit No. PA0023175, Sewage, **Kane Borough Authority**, 112 Bayard Street, Kane, PA 16735. This proposed facility is located in Wetmore Township, **McKean County**.

Description of Proposed Action/Activity: Issuance of an NPDES renewal permit for an existing discharge of treated sewage from a POTW. This is a major discharge.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

WQM Permit No. WQG02010902, Sewage, **Cumberland Township Authority**, 1370 Fairfield Road, Gettysburg, PA 17325. This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of the Picketts Choice Pump Station.

WQM Permit No. 0608201, Industrial Waste, **Delaware County Solid Waste Authority, Rose Tree Park—Hunt Club**, 1521 North Providence Road, Media, PA 19603. This proposed facility is located in Earl and Oley Townships, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the expansion and modifications to Rolling Hills Landfill Industrial Waste Treatment Plant.

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

WQM Permit No. 4101401, Sewerage, SIC 4952, **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701-6113. This proposed facility is located in the City of Williamsport, **Lycoming County**.

Description of Proposed Action/Activity: The current Wundies Pump Station has deteriorated due to age and has design deficiencies. It is proposed to install a new pump station just east of the existing unit.

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

WQM Permit No. 3209201, Industrial Waste, **RRI Energy Northeast Management Company**, 121 Champion Way, Canonsburg, PA 15317. This proposed facility is located in West Wheatfield Township, **Indiana County**.

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

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

WQM Permit No. WQG018736, Sewerage, **Ann Dippold**, 2871 Pleasant Drive, Warren, PA 16365. This proposed facility is located in Pleasant Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of a single Residence Sewage Treatment Plant.

WQM Permit No. WQG018743, Sewerage, **Duane E. Erb**, 11975 Thatcher Road, Conneautville, PA 16406. This proposed facility is located in Spring Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a single Residence Sewage Treatment Plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0909009	Edward P. McArdle 3291 Church School Road Doylestown, PA 18901	Bucks	Springfield Township	Cooks Creek EV
PAI01 1507055	F. John Seibert, Jr. 465 Indian Run Road Glenmoore, PA 19343	Chester	Wallace Township	North Branch Indian Run HQ-CWF
PAI01 1508026	Big Elk Associates, LP P. O. Box 374 West Grove, PA 19390	Chester	Penn Township	Big Elk Creek HQ-TSF-MF
PAI01 1508075 Returned	Warwick-Yoder, LP 1345 Hares Hill Road Phoenixville, PA 19460	Chester	Warwick Township	South Branch French Creek EV
PAI01 1509037	Penn Wynne HB Limited Partnership Development P. O. Box 240 Wynnewood, PA 19090-0240	Chester	Honey Brook Township	Unnamed Tributary West Branch Brandywine Creek HQ-TSF-MF
PAI01 2309005 Rev/Mod	Upper Providence Township Sewer Authority 935 North Providence Road Media, PA 19063-1499	Delaware	Upper Providence Township	Ridley Creek HQ-TSF

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

Armstrong County Conservation District, Armsdale Administration Building, 124 Armsdale Road, Kittanning, PA 16201, (724-548-3435).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050309002	Allegheny Mineral Corp. P. O. Box 1022 1 Glade Park East Kittanning, PA 16201	Armstrong	West Franklin	Buffalo Creek HQ-TFS

Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456, (724-438-4497).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052609002	Lynda Waggoner Western PA Conservancy P. O. Box R Mill Run, PA 15464	Fayette	Stewart Township	Bear Run EV

Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814-445-4652).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055609004	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17676	Somerset	Jefferson Township	UNT to Laurel Hill Creek HQ-CWF Watersheds

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 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
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	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-2
Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Middletown Township Bucks County	PAG0200 0910002	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010-3402	Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Valley Township Chester County	PAG200 1504064-R	Chesapeake Valley, LP 2600 Longstone Lane Suite 201 Marriottsville, MD 21104	Rock Run and Unnamed Tributary West Branch Brandywine Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Chichester Township Delaware County	PAG0200 2309007	Harvin Properties, LLC 19 Running Brook Drive Glen Mills, PA 19342	East Branch Marcus Hook Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG0200 4609110	Montgomery Township 1001 Stump Road Montgomeryville, PA 18936	Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Pottsgrove Township Montgomery County	PAG0200 4604221	Sukonik Pruss Hill, LP 1250 Germantown Pike Suite 100 Plymouth Meeting, PA 19462	Sanatoga Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bryn Athyn Borough Montgomery County	PAG0200 4609101	Academy of the New Church P. O. Box 711 2760 Buck Road Bryn Athyn, PA 19009	Huntingdon Valley Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

NOTICES

1809

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
City of Philadelphia Philadelphia County	PAG0201 511005	DeSantis Development, Inc. 515 Gwynedd Avenue Blue Bell, PA 19422-1005	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Allen Township Northampton County	PAG2004809011	Kay L. Krapf 700 Savage Road Northampton, PA 18067	Dry Run CWF, MF Lehigh River CWF, MF	Northampton County Conservation District 610-746-1971
South Manheim Township Schuylkill County	PAG2005400012	Stephen Russial 1438 Wynonah Drive Auburn, PA 17922 and Floyd Seltzer 1335 Schuylkill Mountain Road Schuylkill Haven, PA 17972	Red Creek CWF, MF Schuylkill River CWF, MF	Schuylkill County Conservation District 570-622-3742
Salem Township Luzerne County	PAG2004009019	Stephen G. Bodnar, Jr. 36 Confers Lane Berwick, PA 18603	Susquehanna River WWF, MF	Luzerne County Conservation District 570-674-7991
Butler Township Luzerne County	PAG2004007034(2)	Butler Township Attn: Steven Hahn 415 West Butler Drive Drums, PA 18222	Little Nescopeck Creek CWF, MF	Luzerne County Conservation District 570-674-7991
Fayette County City of Uniontown	PAG2002610002	Robert Smalley Uniontown Area School District 23 East Church Street Uniontown, PA 15401	UNT to Cove Run WWF	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 724-438-4497
Fayette County Perry Township	PAG2002610003	Perry Township Municipal Authority P. O. Box 306 Star Junction, PA 15482	UNT to the Youghiogeny River WWF	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 724-438-4497
Somerset County Somerset Township	PAG02005609011	Somerset County General Authority 146 West Main Street Somerset, PA 15501	UNTB to Kimberly Run CWF	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4352
Washington County Canonsburg Borough Cecil and North Strabane Townships	PAG2006310007	Department of Transportation, Engineering District 12-0 825 North Gallatin Avenue Ext. Uniontown, PA 15401	Chartiers and McPherson Creeks WWF	Washington County Conservation District 602 Courthouse Square Washington, PA 15301 724-228-6774
Erie County Millcreek Township	PAG02002506021 (2)	Laurel Springs Phase III Subdivision, Paul, Anthony, & Donald Pastore 2315 West Grandview Boulevard Erie, PA 16506	Walnut Creek CWF, MF	Erie County Conservation District 814.825.6403

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Erie County Millcreek Township	PAG02002509012	Millcreek Town Center Limited Partnership Attention Louis C. Masiello 1330 Boylston Street Suite 212 Chestnut Hill, MA 02467	Wilkins Run CWF	Erie County Conservation District 814.825.6403
Snow Shoe Township Centre County	PAG2101410001	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	Unnamed Tributary to North Fork Beech Creek CWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 717-783-1311
<i>General Permit Type—PAG-3</i>				
<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lebanon County South Lebanon Township	PAR143275	Milprint, Inc. 5 Keystone Drive Lebanon, PA 17042-9791	UNT to Quittapahilla Creek TSF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Boyertown Borough	PAR203515	Unicast Company 241 North Washington Street Boyertown, PA 19512	Swamp Creek TSF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County West Manchester Township	PAR803681	Leffler Energy 15 Mount Joy Street Mount Joy, PA 17552	UNT of Codorus Creek	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Lititz Borough	PAR233524	McNeil PPC, Inc. 400 West Lincoln Avenue Lititz, PA 17543	UNT to Lititz Run WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County East Hempfield Township	PAR143528	RockTenn Shared Services, LLC 500 Richardson Drive Lancaster, PA 17603	Little Conestoga TSF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County West Manchester Township	PAR803681	Leffler Energy 15 Mount Joy Street Mount Joy, PA 17552	UNT Codorus Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Troy Township Bradford County	PAR224819	Cummings Lumber Co., Inc. P. O. Box 6 Route 14 N Troy, PA 16947	North Branch Sugar Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
White Deer Township Union County	PAR204827	CMC Steel Fabricators, d/b/a CMC Joist and Deck 2093 Old Highway 15 New Columbia, PA 17856-9375	Unnamed Tributary to West Branch Susquehanna River WWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

NOTICES

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Emporium Borough Cameron County	PAR204811	Pro America/ Cameron Division P. O. Box 391 Emporium, PA 15834-1306	Driftwood Branch Sinnemahoning Creek TSF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Lawrence Township Clearfield County	PAR804855	Sapp Bros. PA 15196 Clearfield Shawville Highway Clearfield, PA 16830	West Branch Susquehanna River WWF, MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Ridgway Borough Elk County	PAR208352	ARC Metals Corporation 224 River Road Ridgway, PA 15853	Clarion River CWF	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County Caernarvon Township	PAG043611	Jacob L. Smucker 6397 Division Highway Narvon, PA 17555	UNT to Conestoga River CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Cumberland County Lower Frankford Township	PAG043899	Joseph and Nancy Horn 345 Old Mill Road Carlisle, PA 17015	UNT Locust Creek WWF 7B	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Pleasant Township Warren County	PAG049562	Ann Dippold 2871 Pleasant Drive Warren, PA 16365	Unnamed tributary of Sill Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Bloomfield Township Crawford County	PAG049569	John I. Graham 25301 Maple Grove Road Union City, PA 16438	Unnamed tributary of Mosey Run 16-E	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
St. Marys City Elk County	PAG048560	Rodney J. Dinsmore 1253 South Michael Street Saint Marys, PA 15857	Unnamed tributary of Hellfire Run 8-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Spring Township Crawford County	PAG049573	Duane E. Erb 11975 Thatcher Road Conneautville, PA 16435	Unnamed tributary to Conneaut Creek 15-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-10**Facility Location:**Municipality & County**Permit No.**Applicant Name & Address**Receiving Water/Use**Contact Office & Phone No.*Clifford Township
Lackawanna
County

PAG102216

Tennessee Gas
Pipeline Company
1001 Louisiana Street
Houston, TX 77002Upland area within
Idelwild Creek
Watershed
CWFDEP—NERO
Water Quality Manager
2 Public Square
Wilkes-Barre, PA 18711**PUBLIC WATER SUPPLY (PWS)
PERMITS**

The Department of Environmental Protection 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, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

Operations Permit 2310504 issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

(PWSID No. 1460073) Newtown Township, **Delaware County** on January 28, 2010, for the operation of Facilities approved under construction permit No. 2309503 for operation of the MIOX System at Mitchell Tank and Booster Station.

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

Permit No. 3609507, Public Water Supply.

Applicant

Triple J. Mobile Home Park, Inc.

Municipality

Leacock Township

County

Lancaster

Responsible Official

Emanuel L. Lapp, President
169 Witmer Road
Lancaster, PA 17602

Type of Facility

This project is for two new replacement wells (wells no. 3 and 4) to serve as sources of supply for the Triple J Mobile Home Park.

Consulting Engineer

Charles A. Kehew II, P. E.
James R. Holley & Assoc., Inc.
18 South George Street
York, PA 17401

Permit to Construct Issued:

3/18/2010

Permit No. 3609512, Public Water Supply.

Applicant

High Spring Water

Municipality

Warwick Township

County

Lancaster

Responsible Official

John S. High
727 Furnace Hills Pike
Lititz, PA 17543

Type of Facility

Additions and renovations to High Spring Water Vending Machines

Consulting Engineer

Jeffrey W. Sweater, P. E.
ELA Group, Inc.
743 South Broad Street
Lititz, PA 17543

Permit to Construct Issued:

3/18/2010

Operations Permit issued to **Terre Hill Borough**, East Earl Township, **Lancaster County** on 3/18/2010 for the operation of facilities approved under Construction Permit No. 3607502.

Operations Permit issued to **United Water Pennsylvania**, 7670061, Newberry Township, **York County** on 3/12/2010 for the operation of facilities approved under Construction Permit No. 6707502.

Operations Permit issued to **United Water Pennsylvania**, 7670061, Newberry Township, **York County** on 3/12/2010 for the operation of facilities approved under Construction Permit No. 6707503.

Operations Permit issued to **Pennsylvania American Water**, 7210029, Fariview Township, **York County** on 3/12/2010 for the operation of facilities approved under Construction Permit No. 6710503 MA.

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

Permit No. Minor Amendment—Operation Public Water Supply.

Applicant **United Water Pennsylvania, Inc.—Bloomsburg Operation**

Township or Borough County **Town of Bloomsburg Columbia**

Responsible Official **Mr. Ronald Wittenrich**
United Water Pennsylvania, Inc.—Bloomsburg Operation
90 Irondale Road
Bloomsburg, PA 17815

Type of Facility **Public Water Supply—Operation**

Consulting Engineer **Arthur Saunders, P. E.**
United Water Pennsylvania, Inc.
4211 East Park Circle
Harrisburg, PA 17111

Permit Issued Date **March 17, 2010**

Description of Action **Operation of the recently rehabilitated 350,000 gallon steel finished water storage tank at Bloomsburg University. The project included removal of exterior insulation, repainting of the tank interior and exterior, and fabricating, installing and painting the following appurtenances: roof hatch cover, roof handrails, pressure/vacuum vent, overflow pipe and shell manway.**

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

Permit No. 0209519, Public Water Supply.

Applicant **Pittsburgh Water and Sewer Authority**
1200 Penn Avenue
2nd Floor
Pittsburgh, PA 15222-4204

Borough or Township County **City of Pittsburgh Allegheny**

Type of Facility **Brashear water storage tank No. 1**

Consulting Engineer

Permit to Construct Issued **March 16, 2010**

Permit No. 0210504, Public Water Supply.

Applicant **Pittsburgh Water and Sewer Authority**
1200 Penn Avenue
2nd Floor
Pittsburgh, PA 15222-4204

Borough or Township County **City of Pittsburgh Allegheny**

Type of Facility **Brashear water storage tank No. 2**

Consulting Engineer

Permit to Construct Issued **March 16, 2010**

Operations Permit issued to **Donegal Township**, P. O. Box 310, 34 North Liberty Street, West Alexander, PA 15376, (PWSID No. 5630068) Donegal Township and West Alexander Borough, **Washington County** on March 16, 2010, for the operation of facilities approved under Construction Permit No. 6380501T1.

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

Permit No.2009506, Public Water Supply.

Applicant **Victoria Estates Mobile Home Park, LLC**

Township or Borough County **Summit Township Crawford County**

Type of Facility **Public Water Supply**

Consulting Engineer **Steven Halmi, P. E.**

Permit to Construct Issued **03/19/2010**

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Grove City Borough	123 West Main Street Grove City, PA 16127	Mercer

Plan Description: The approved plan provides for expanding the existing wastewater treatment plant to 3.525 MGD for the anticipated growth in the surrounding communities served by the Borough of Grove City. The plant will be expanded using the existing conventional activated sludge process with 2-stage sludge digestion. The Department of Environmental Protection’s review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Brady Borough	502 Ferry Street Suite 15 East Brady, PA 16208	Clarion

Plan Description: The approved plan provides for replacement of the existing deteriorated 0.15 MGD extended aeration sewage treatment plant with a new 0.185 MGD sewage treatment facility. The envisioned treatment train will be similar to the existing treatment train except ultraviolet disinfection will be used. The Department of Environmental Protection’s review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any

required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Middleton Township	2051 Spring Road Carlisle, PA 17013	Cumberland

Plan Description: Approval of a revision to the Official Sewage Plan of North Middleton Township, Cumberland County. The proposed Mountain View Estates subdivision consists of 223 new residential building lots for single family dwellings and two residual lots with existing dwellings. Build out will occur through four phases. This development will connect to municipal sewers through a new sewer extension of North Middleton Township's collection system. The new collection system will consist of force mains, grinder pumps and a pump station. Total sewage flows will be 52,000 gpd and will be treated at the North Middleton Township Authority Wastewater Treatment Facility. The proposed development is located southeast of the intersection of Cornman Road and Hoy Road. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Public Notice of First Modification to the June 5, 2009 Consent Order and Agreement Department of Environmental Protection Former Cardinal Home Products, Inc. Facility Linesville Borough, Crawford County

Under section 1113 of the Hazardous Sites Cleanup Act, 35 P. S. §§ 6020.101—6020.1305, notice is hereby provided that the Department of Environmental Protection (Department) has agreed to modify the June 5, 2009 Consent Order and Agreement (June 5, 2009 Agreement) among Linesville Realty Corporation (LRC) and the Economic Alliance Foundation, Inc. (EAF) to transfer LRC's remedial obligations for the former Cardinal Home Products, Inc. facility (site) to EAF. EAF agreed to continue to remediate the site. The site is located on approximately 6 acres of land at North Pymatuning and Conneaut Streets in Linesville Borough, Crawford County, PA.

In the past, hazardous substances, including at least, Trichloroethylene and/or Cis-1, 2-Dichlorethene were released and contaminated the environment at the site. Under the terms of the settlement, EAF will continue to implement the remediation plan currently operating there. The further investigation and remediation actions at the site will continue until EAF demonstrates attainment of one or a combination of Cleanup Standards under the Land Recycling and Environmental Remediation Standards Act, 35 P. S. §§ 6026.101—6026.909, (act 2). EAF submitted for Department approval, a written schedule for the response action(s) to obtain the proposed Cleanup Standard(s) under act 2. The agreement requires LRS to provide funding to EAF for the remediation activities. In exchange, the Department will relieve LRC of its obligations to remediate the site. The operation

funding for the Remediation Systems set forth in the June 5, 2009, Agreement specified a reserve of \$500,000 to allow for an annual budget of \$60,000. The actual annual cost of the Remediation Systems is now less than \$25,000, indicating a reduction of the reserve to \$60,000 is sufficient to maintain the remediation plan at the site. Accordingly, the June 5, 2009, Agreement is being modified to require EAF to continuously maintain a reserve fund of \$60,000 until the Remediation Systems are no longer required.

The specific terms of this settlement are set forth in the Modification to Consent Order and Agreement (Agreement) among the Department, EAF and LRC. The Department will receive and consider comments relating to the Agreement for 60 days from the date of this Public Notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations that indicate that the Agreement is inappropriate, improper or not in the public interest.

After the public comment period, the Department's settlement among EAF and LRC shall be effective upon the date that the Department notifies EAF and LRC, in writing, that this Agreement is final and effective in its present form, and that the Department has filed a response to significant written comments to the Agreement, or that no such comments were received.

The Agreement is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Mr. Eric Gustafson, Regional Manager, Environmental Cleanup Program, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Mr. Gustafson at 814-332-6648. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 645-5984.

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—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (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, shall 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 refuse 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 after 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 Pennsylvania 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.

Flunk Resident, West Brandywine Township, **Chester County**. Dean Druckenmiller, Synergy Environmental, Inc., 155 Railroad Plaza, Royersford, PA 19468, Mark Potter, Fairmount Specialty Group, P. O. Box 2807, Houston, TX 77252 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.

Mac & Sam, Inc., Clifton Heights Borough, **Delaware County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 376, Norristown, PA 19401, James Salmon, Clifton Heights Community and Economic Development, P. O. Box 83, Clifton Heights, PA 19018 has submitted a Final Report concerning remediation of site soil contaminated with unleaded gasoline. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

Willow Grove Air Reserve Station Poll Site (St-01), Horsham Township, **Montgomery County**. Scott Shaw, Tetra Tech, 21335 Signal Hill Plaza, Suite 100, Sterling, VA 20164, Carlton Crenshaw, United States Air Force Reserve Command, 155 Richard Ray Boulevard, Robins AFB, GA 31098, William Downs, United States Air Force Reserve Command, 155 Richard Ray Boulevard, Robins AFB, GA 31098 on behalf of Arnold Hagerty, Route 611 and County Line Road, Horsham, PA 19044 has submitted a Final Report concerning remediation of site soil contaminated with jet fuel. 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.

Clay's Service Station/Former Exxon Station No. 2-3303, Mechanicsburg Borough, **Cumberland County**. Groundwater & Environmental Services, Inc., 400 Creamery Way, Suite 500, Exton, PA 19341, on behalf of James Clay, Clay's Service Center, 138 West Main Street, Mechanicsburg, PA 17055-6229 and Exxon Mobil Corporation, 7715 Crittenden Street, #309, Philadelphia, PA 19118-4421, submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX. The Report is intended to document remediation of the site to meet a combination of the Statewide Health and Site-Specific Standards.

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

Wirerope Works, Inc., City of Williamsport, **Lycoming County**. AGES, 2402 Hookstown Grade Road, Suite 200, Clinton, PA 15026 on behalf of Wirerope Works, 100 Maynard Street, Williamsport, PA 17701 has submitted a Final Report concerning remediation of site soil contaminated with lead and arsenic and groundwater contaminated with TCE, PAHs, lead and cadmium. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

Scullin Oil Co. Flood Zone Carwash, City of Sunbury, **Northumberland County**. Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 on behalf of Scullin Oil Co., 900 Spruce Street, Sunbury, PA 17801 has submitted a combined Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with leaded and unleaded gasoline. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

McLeod Express, LLC, I-80 Accident Site, White Deer Township, **Union County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of McLeod Express, LLC, 5002 Cundiff Court, Decatur, IL 62526 has submitted a Final Report within 90 days of the release 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.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Former Pittsburgh Flatroll, City of Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Industrial Business Brokers, 102 Lakeland Drive, Mars, PA 16046 has submitted a Remedial Investigation Report concerning the remediation of site soils and groundwater contaminated with semi-volatile organics.

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—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of 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 provisions of 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 refuse 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 provisions of 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 before 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 Pennsylvania 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.

Chaddsford Collision, City of Philadelphia, **Philadelphia County**. Steven Cox, Brown Environmental Service Corporation, 301 South State Street, Suite S201, Newtown, PA 18940, Roman Iwaskiw, Brown Environmental Service Corporation, 301 South State Street, Suite S201, Newtown, PA 18940 has submitted a Remedial Investigation/Risk Assessment and Cleanup Plan concerning the remediation of site groundwater and soil contaminated with lead and unleaded gasoline. The Remedial Investigation/Risk Assessment and Cleanup Plan were disapproved by the Department of Environmental Protection on March 8, 2010.

2nd Attic Spruce Street, Pottstown Borough, **Montgomery County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Stan McIlvee, 233 Water Street, Boyertown, PA 19512 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 of Environmental Protection on March 9, 2010.

Wawa Convenience Store #192, Bristol Township, **Bucks County**. Curtis Herman, Austin James Associates, Inc., Route 423, Pocono Pines, PA 18350 on behalf of Matthew Winters, Wawa, Inc., 260 Baltimore Pike, Wawa, PA 19603 has submitted a Final Report concerning the remediation of site groundwater contaminated with unleaded gasoline. The Final Report did not demonstrate attainment of the Background Standard Report and was disapproved by the Department of Environmental Protection on March 12, 2010.

Stainless & Wispese Parcels, Borough of Perkasie **Bucks County**. Scott Alderfer, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Frederick Schea, First Savings Bank of Perkasie, 219 South Ninth Street, Perkasie, PA 18944 on behalf of Robert White, Redevelopment Authority of the County of Bucks, One North Wilson Avenue, Bristol, PA 19007 has submitted a Remedial Investigation/Risk Assessment and Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation/Risk Assessment and Final Report were approved by the Department of Environmental Protection on March 16, 2010.

Barr Residence, Montgomery Township **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Jon Bernhard, State Farm, P. O. Box 13, Concordville, PA 19331 on behalf of James Barr, 111 Mallard Drive West, North Wales, PA 19454 has submitted a Final Report concerning the remediation of site groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 16, 2010.

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

R. Smith Well Site 3-H, Off SR 3004, Springville Township, **Susquehanna County**. James Pinta, Jr., URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a Final Report (on behalf of his client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276-0120), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release from a rental generator supplying power to a trailer camp, the Report documented attainment of the Residential Statewide Health Standard for soils and was approved on March 17, 2010. The Report was originally submitted within 90 days of the release.

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

Harley-Davidson Motor Company Operations, Inc., Springettsbury Township, **York County**. SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Harley-Davidson Motor Company, 3700 West Juneau Avenue, Milwaukee, WI 53208, submitted a Remedial Investigation Report for site soils contaminated with VOCs, PAHs, PCBs and Inorganics. The Report was approved by the Department of Environmental Protection and US EPA on March 17, 2010. Groundwater will be addressed in a separate report. The site is being remediated to a combination of the Statewide Health and Site-Specific Standards.

SAV Transportation Group/Diesel Spill, Bethel Township, **Berks County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Suite 200, Newtown Square, PA

19073, on behalf of SAV Transportation Group, Inc., P. O. Box 480050, Coon Rapids, MN 55448-0550; Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101; and Bruce A. Light, 791 Greble Road, Lebanon, PA 17046, submitted a Final Report within 90 days of a release concerning remediation of site soils contaminated with diesel fuel from a ruptured saddle tank. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on March 8, 2010.

Stranger Residence, Swatara Township, **Dauphin County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Michael and Deborah Stranger, 910 Cardinal Drive, Harrisburg, PA 17111, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The Report was submitted within 90 days of the release. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on March 22, 2010.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

FMC Technologies (Former), Homer City, **Indiana County**. Bureau Veritas North America, Inc., 520 South Main Street, Suite 2444, Akron, OH 44311 on behalf of MWM Real Estate, LP, 111 Second Street, P. O. Box G, Brookville, PA 15828 and FMC Technologies, Inc., 1803 Gears Road, Houston, TX 77067 submitted a Final Report concerning the remediation of site soil and groundwater contaminated with TCE and cis-1,2-dichloroethylenelead. The Final Report was approved by the Department of Environmental Protection on March 17, 2010.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101–4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 100329. Waste Management, Inc., 851 Robison Road East, Erie, PA 16509, Summit Township, **Erie County**. The application was for a permit renewal of the Waste Management, Inc., Lake View Landfill allowing the company to operate for the next 2 years under the same permit terms and conditions to finish filling disposal areas previously approved. The permit was issued by the Northwest Regional Office on March 22, 2010.

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

Permit No. 101429. Richard S. Burns & Company, Inc., 4300 Rising Sun Avenue, Philadelphia, PA 19140-2720. This major permit modification is to approve the increase in the permitted area and modify the operation and radiation protection action plans without changing the maximum daily volume of waste received at Richard S. Burns and Company, Inc. facility, a municipal waste transfer and processing facility located at 4300 Rising

Sun Avenue in the City of Philadelphia. The permit was issued by the Southeast Regional Office on March 19, 2010.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

GP4-07-03050: Altoona-Beasley Manufacturing, Inc. (210 East Plank Road, Altoona, PA 16602) on March 16, 2010, for Burn-Off Ovens under GP4 located in City of Altoona, **Blair County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

GP5-03-00248: EXCO Resources—PA, Inc.—Manor Compressor Station (3000 Ericsson Drive, Suite 200, Warrendale, PA 15086) to include a Waukesha 840 bhp compressor engine and a Cameron 0.2 mmBtu/hr dehydration system in Kittanning Township, **Armstrong County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001–4015) 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.

15-0002E: Quebecor World Atglen, Inc. (4581 Lower Valley Road, Atglen, PA 19310) on March 17, 2010, to install an enclosed ten (10) unit rotogravure publication printing press and removal of two (2) unenclosed rotogravure publication printing presses from their facility in West Sadsbury Township, **Chester County**. As a result of potential emissions of VOCs, the facility is a Title V facility. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

44-05001C: Standard Steel, Inc. (500 North Walnut Street, Burnham, PA 17009-1644) on March 16, 2010, to install a baghouse for existing EAF's and modify an existing baghouse in Burnham Borough, **Mifflin County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

43-354A: Terralinks Inc.—Sand Processing Plant (105 McQuiston Road, Jackson Center, PA 16133) on March 15, 2010, to construct a sand processing plant consisting of a 13.6 mmBtu/hr fluidized bed dryer with associated hoppers, storage bins and screening operations in Jackson Township, **Mercer County**. The 50 tons per hour dryer and associated equipment will operate 2,000 hours per year/seasonal. Terralinks will limit annual production to 100,000 tons of sand per year.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

37-00243: INMETCO (1 INMETCO Drive, Ellwood City, PA 16117) on March 9, 2010, issued an administrative amendment to the Title V Operating Permit to incorporate the requirements of Plan Approval 37-0243E **Lawrence County**.

62-00017: United Refining Co. (P. O. Box 780, Warren, PA 16365), on March 10, 2010, issued an administrative amendment to the Title V Operating Permit to incorporate the requirements from Plan Approvals 62-017G, 62-017O, 62-017Q, and GP-2 (for tank 246) in **Warren County**. This authorization also included a Minor Operating Permit Modification to incorporate the Presumptive RACT requirements (25 Pa. Code § 129.63(c) for the emergency IC engines that were previously exempted from plan approval.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401 Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00259: PPL Renewable Energy, LLC (660 Thomas Road, Lafayette Hill, PA 19444) on March 17, 2010, for a State-only, Synthetic Minor Operating Permit in Whitmarsh Township, **Montgomery County**. The company has one natural gas-fired I. C. engine rated at 2,311 hp, one 500 kW emergency diesel generator and three boilers rated at 4.0 mmBtu/hr each. The pollutant of concern is Nitrogen Oxides (NO_x). The estimated NO_x emissions are less than 24.90 tons per year with the proposed limits. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

46-00175: Hatfield Township Municipal Authority (3200 Advance Lane, Colmar, PA 19438) on March 23, 2010, for a State-only, Synthetic Minor Operating Permit Renewal in Hatfield Township, **Montgomery County**. The facility is a major source of nitrogen oxides (NO_x) emissions. Operating parameters and emissions shall be limited to below major threshold levels in order to

maintain a minor operating status. Sources include boilers, emergency generators and an incinerator. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

46-00245: Neptune Chemical Pump Co. (204 DeKalb Pike, Lansdale, PA 19446) on March 23, 2010, for operation of two (2) paint spray booths at Montgomery Township, **Montgomery County**. This action is a renewal of a State-only Operating Permit (Natural Minor), which was originally issued on February 18, 2005. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

54-00013: Great Eight, LLP (600 Daugherty Street, Scott City, MO 63780) on March 16, 2010, to change from a Title V to a new State-only Operating Permit to operate a boiler at their facility in Rush Township, **Schuylkill 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 Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

36-03138: Opsec Security, Inc. (1857 Colonial Village Lane, P. O. Box 1055, Lancaster, PA 17605-0155) on March 15, 2010, for their security printing facility in East Lampeter Township, **Lancaster County**. This is a renewal of the State-only operating permit.

67-03071: PA State Pet Memorial & Cemetery (210 Andersontown Road, Mechanicsburg, PA 17055-6023) on March 16, 2010, for their pet crematorium in Monaghan Township, **York 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, Facilities Permitting Chief—Telephone: 814-332-6940.

10-00362: Endicott Interconnect Technologies, Inc. (373 Saxonburg Boulevard, Saxonburg, PA 16056) on March 16, 2010, to issue a Natural Minor Permit to operate a measuring and controlling devices manufacturing plant in Clinton Township, **Butler County**. The facility's major emission sources include one Methyl Chloride Batch Vapor Cleaning Machine with condenser. The source is subject to 40 CFR Part 63; Subpart T. II-VI Inc. sold this unit to the facility.

25-00954: National Fuel Gas Supply Corp.—Summit Station (520 Robison Road, Summit Township, PA 16509) on March 22, 2010, to re-issue a Synthetic Minor Operating Permit to operate a natural gas compressor station in Summit Township, **Erie County**.

37-00322: Joseph A. Tomon Jr. Funeral Home and Crematory (97 Grin Avenue, P. O. Box 188, Ellwood City, PA 16117-2303), on March 17, 2010, to re-issue the Natural Minor Operating Permit for the crematory operations facility in Ellport Borough, **Lawrence County**.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104. Contact:
Edward Braun, Chief—Telephone: 215-685-9476.*

N09-023: Lannett Co., Inc. (9000 SR-9001 Torresdale Avenue, Philadelphia, PA 19136) on March 18, 2010, to operate a pharmaceutical manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include one (1) 300 kW Emergency Generator, one (1) 118 Horsepower Emergency Generator, one (1) 810,000 Btu/hr boiler, one (1) 950,000 btu/hr boiler, one (1) 100 Horsepower boiler, Two (2) Dust Collectors, IPA process to clean equipment, Zachetta granulation process, Mixing and Blending Tray Drying Oven, and Submission Test batches process.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

09-00186: Kinder Morgan Bulk Terminals, Inc. (1 Sinter Lane, Fairless Hills, PA 19030) on March 17, 2010, for a Minor Operating Permit Modification of a Non-Title V Facility, State-only, Synthetic Minor Operating Permit in Falls Township, **Bucks County**. Kinder Morgan Bulk Terminals, Inc. has been approved to unload bulk material directly into trucks under the condition that material has a minimum moisture content of 4% and the material cannot be handled through a hopper. PM emissions from the bulk material handling process shall continue to be controlled by water suppression. PM emissions will not increase as a result of the approved modification. The permit will continue to contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

46-00122: Blue Bell Investment Co., LP (Township and Union Meeting Roads, Blue Bell, PA 19424) on March 19, 2010, the State-only (Synthetic) Minor Operating Permit was modified to incorporate terms and conditions associated with Source ID 107—Exempt Generators. The modified SOOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements for their corporate service center headquarters in Whitpain Township, **Montgomery County**.

Minor modification of SOOP No. 46-00122 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

15-00015: Sartomer USA, LLC—formerly Sartomer Co., Inc. (502 Thomas Jones Way, Exton, PA 19341) on March 19, 2010, has been amended to address change of ownership and some typographical errors in accordance with 25 Pa. Code § 127.450. The amended Title V Operating Permit contains all of the applicable regulatory requirements including monitoring, recordkeeping, reporting and emission limits in West Chester Borough, **Chester County**.

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 (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

14831301 and NPDES Permit No. PA008966, Pennsylvania Mines, LLC, (P. O. Box 367, Ebensburg, PA 15931), to renew the permit for the Rushton Deep Mine in Rush Township, **Centre County** and related NPDES permit for reclamation and water treatment only. No additional discharges. Application received: January 22, 2007. Permit issued: March 16, 2010.

30841312 and NPDES Permit No. PA0013790, Consolidation Coal Company, (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville Mine No. 2 in Jackson Township, **Greene County** to install two degasification boreholes (17-W-1CCR and 18-W-1CCR). No additional discharges. Application received: April 7, 2009. Permit issued: March 17, 2010.

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

32000108 and NPDES No. PA0248801. River Hill Coal Company, Inc., P. O. Box 141, Kylertown, PA 16847, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in West Wheatfield Township, **Indiana County**, affecting 759.2 acres. Receiving stream(s): unnamed tributaries to/and Conemaugh River, Richards Run and Roaring Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 22, 2009. Permit issued: March 15, 2010.

56000103 and NPDES No. PA0235245. Hoffman Mining, Inc., P. O. Box 130, Friedens, PA 15541, revision of an existing bituminous surface and auger mine to change land use from woodland and wildlife habitat to unmanaged natural habitat in Shade Township, **Somerset County**, affecting 111.4 acres. Receiving stream(s): unnamed tributary to Oven Run to Stonycreek River classified for the following use(s): cold water fishery, warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 18, 2009. Permit issued: March 15, 2010.

56980102 and NPDES No. PA0234681. Hoffman Mining, Inc., P. O. Box 130, Friedens, PA 15541, revision of an existing bituminous surface and auger mine to change land use from woodland and wildlife habitat to unmanaged natural habitat in Shade Township, **Somerset County**, affecting 92.7 acres. Receiving stream(s): unnamed tributary to Oven Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 18, 2009. Permit issued: March 15, 2010.

56010103 and NPDES No. PA0248789. Hoffman Mining, Inc., P. O. Box 130, Friedens, PA 15541, revision of an existing bituminous surface and auger mine to change land use from woodland and wildlife habitat to unmanaged natural habitat in Shade Township, **Somerset County**, affecting 95.5 acres. Receiving stream(s): unnamed tributaries to/and Oven Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 18, 2009. Permit issued: March 15, 2010.

56663135 and NPDES No. PA0605921. Zubek, Inc., 173 House Coal Road, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 128.2 acres. Receiving stream(s): Schrock Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. Application received: December 8, 2009. Permit issued: March 15, 2010.

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

04070101 and NPDES Permit No. PA0251208. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in North Sewickley Township, **Beaver County**, affecting 151.7 acres. Receiving streams: unnamed tributaries to Beaver River. Application received: July 31, 2007. Permit issued: March 15, 2010.

03990107 and NPDES Permit No. PA0202622. AMFIRE Mining Co., LLC (One Energy Place, Latrobe, PA 15650). Permit renewal issued for continued reclamation only of a bituminous surface/auger mining site located in Washington and East Franklin Townships, **Armstrong County**, affecting 263.8 acres. Receiving streams: unnamed tributary to Limestone Run to Allegheny River. Application received: January 14, 2010. Reclamation only renewal issued: March 19, 2010.

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

17940107 and NPDES No. PA0219801. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847). Revision of an existing bituminous surface mine for a 10 acre incidental boundary correction in Karthaus Township, **Clearfield County** affecting 420.5 acres. Receiving streams: unnamed tributaries to Saltlick Run and Upper Three Runs and Upper Three Runs classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: December 4, 2009. Permit issued: March 18, 2010.

Noncoal Permits Actions

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

6172SM6C9 and NPDES Permit No. PA0223484. Bear Gap Stone, Inc., (432 Quarry Road, Elysburg, PA 17824), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Ralpho Township, **Northumberland County**, receiving stream: unnamed tributary to South Branch Roaring Creek. Application received: February 1, 2010. Renewal issued: March 17, 2010.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). 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.

63104002. Xtreme Drilling, LLC (750 North Seventh Avenue, Brighton, CO 80601). Blasting activity permit for the Plantation 2D project located in Independence Township, **Washington County**, with an expected duration of 5 months. Permit issued: March 15, 2010.

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

33104002. Tidelands Geophysical Co. (101 East Park Boulevard, Suite 955, Plano, TX 75074) Blasting activity for seismic exploration in Pine Creek, Warsaw, Winslow and Washington Townships, **Jefferson County**. This blasting activity permit will expire on April 14, 2010. Application received: February 4, 2010. Permit Issued: March 16, 2010.

33094002. Douglas Explosives, Inc. (P. O. Box 77, Phillipsburg, PA 16866) Blasting activity permit for stone removal in Pine Creek Township, **Jefferson County**. This blasting activity permit will expire on July 16, 2010. Application received: October 15, 2009. Permit Issued: March 16, 2010.

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

35104001. Sapp Drilling & Blasting, Inc., (444 North 400 West, St. George, UT 84770), construction blasting at Valley View Industrial Park Phase II in Archbald and Jessup Boroughs, **Lackawanna County** with an expiration date of October 31, 2010. Permit issued: March 15, 2010.

58104008. Dynamic Drilling, LLC, (10373 Taylor Hawks Road, Herron, MI 46744) and George Klopff, (143 West Blade Drive, Pennsylvania Furnace, PA 16865), construction blasting for the Dimock North 3D Seismic Survey in Montrose Borough, Bridgewater, Jessup and Forest Lake Townships, **Susquehanna County** with an expiration date of February 28, 2011. Permit issued: March 16, 2010.

58104009. M & S Blasting, LLC, (943 Gontarski Road, Hallstead, PA 18822), construction blasting for the Reyias Well Site in Brooklyn and Dimock Townships,

Susquehanna County with an expiration date of March 4, 2011. Permit issued: March 16, 2010.

06104103. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Reserve at Springton in Spring Township, **Berks County** with an expiration date of March 11, 2011. Permit issued: March 16, 2010.

22104105. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Don's Performance in Swatara Township, **Dauphin County** with an expiration date of May 30, 2010. Permit issued: March 16, 2010.

36104112. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Stonehenge Reserve in Manheim and East Hempfield Townships, **Lancaster County** with an expiration date of March 11, 2011. Permit issued: March 16, 2010.

40104105. Dyno-Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Centerpoint East in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of March 31, 2011. Permit issued: March 17, 2010.

40104106. Dyno-Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Centerpoint West in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of March 31, 2011. Permit issued: March 17, 2010.

67104106. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Williams Gas Line in Peach Bottom Township, **York County** with an expiration date of March 17, 2011. Permit issued: March 17, 2010.

40104107. Dyno-Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Centerpoint East in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of March 31, 2011. Permit issued: March 19, 2010.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (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 the applicable provisions of 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, 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 the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute

provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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 Floodplain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-943. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Tincum Township, **Bucks County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities:

1. To remove the existing Headquarters Road Bridge (SR 1012, Sec 61M) and to construct and maintain, in its place an approximately 28-foot long, 30-foot wide, and approximately 4-foot high single span spread box beam bridge across Sundale Creek (EV).

The site is located approximately 1,100 feet northeast of the intersection of Headquarters and Hollow Horn Roads in Tincum Township, Bucks County (Lumberville, PA-NJ USGS Quadrangle N: 17.86 inches; W: 14.72 inches).

2. To remove the existing Headquarters Road Bridge (SR 1012, Sec 61M) and to construct and maintain, in its place, an approximately 29.5-foot long, 16-foot wide, and approximately 7-foot high single span precast concrete arch culvert across unnamed tributary to Sundale Creek (EV).

The site is located near the intersection of Headquarter and Tettermer Roads in Tincum Township, Bucks County (Lumberville, PA-NJ USGS Quadrangle N: 21.34 inches; W: 12.86 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-1052. Transcontinental Gas Pipe Line Company, 2800 Post Oak Boulevard, Level 17, Houston, TX 77056-6147, West Conshohocken Borough, **Montgomery County**, ACOE Philadelphia District.

To modify and maintain the existing West Conshohocken meter station by constructing an 8-inch receiver valve assembly in the 100-year flood plain of the Schuylkill River, the site is located approximately 2.5 miles west of the intersection of 4th Street and River Road (SR 0023) (Norristown, PA USGA Quadrangle N: 11.5 inches; W: 5.6 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E03-442. Redbank Valley Municipal Authority, 243 Broad Street, New Bethlehem, PA 16242. Sanitary Sewer Project in South Bethlehem Borough, **Armstrong County**. ACOE Pittsburgh District.

To construct and maintain a sanitary sewage pump station and associated grading and fill within the left 100-year floodplain and floodway of Redbank Creek approximately 1,500 feet downstream of the SR 839 bridge (New Bethlehem, PA Quadrangle N: 41° 00' 06"; W: 79° 20' 16").

E33-238, Northeastern ITS, 6779 Engle Road, Suite D, Middleburg Heights, OH. Wilderness Fiber Installation Project, in various municipalities, **Jefferson County**.

To construct and maintain a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The proposed project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 25.2 miles of Jefferson County will be traversed by the proposed project beginning at the Clarion-Jefferson County border on US-322 and ending at the Jefferson-Clearfield County border on US-322. The applicant proposes to cross a total of 29 streams in Jefferson County via boring or bridge attachment. The proposed crossings are listed below from west to east.

1. Welch Run (CWF), N: 41° 10' 48.20"; W: 79° 11' 50.72", Corsica Borough.
2. Tributary to Coder Run (CWF), N: 41° 10' 40.38"; W: 79° 10' 48.41", Union Township.
3. Coder Run (CWF), N: 41° 10' 40.45"; W: 79° 10' 46.57", Union Township.
4. Coder Run (CWF), N: 41° 10' 40.58"; W: 79° 10' 44.68", Union Township.
5. Coder Run (CWF), N: 41° 10' 40.81"; W: 79° 10' 40.49", Union Township.
6. Tributary to Coder Run (CWF), N: 41° 10' 37.49"; W: 79° 10' 16.71", Union Township.
7. Tributary to Coder Run (CWF), N: 41° 10' 38.49"; W: 79° 09' 34.08", Union Township.
8. Tributary to Campbell Run (CWF), N: 41° 10' 25.03"; W: 79° 07' 52.21", Union Township.
9. Campbell Run (CWF), N: 41° 10' 15.32"; W: 79° 07' 25.60", Rose Township.
10. Tributary to Clement Run (CWF), N: 41° 10' 03.17"; W: 79° 06' 38.32", Rose Township.
11. North Fork River (HQ-CWF), N: 41° 09' 31.97"; W: 79° 04' 36.37", Brookville Borough.
12. Mill Creek (TSF), N: 41° 09' 23.47"; W: 79° 03' 11.05", Pine Creek Township.

13. Tributary to Sandy Lick Creek (TSF), N: 41° 08' 01.97"; W: 78° 59' 29.39", Pine Creek Township.

14. Tributary to O'Donnell Run (CWF), N: 41° 07' 20.98"; W: 78° 57' 55.34", Pine Creek Township.

15. Tributary to O'Donnell Run (CWF), N: 41° 07' 17.17"; W: 78° 57' 04.22", Pine Creek Township.

16. O'Donnell Run (CWF), N: 41° 07' 21.47"; W: 78° 56' 14.91", Winslow Township.

17. Tributary to Schoolhouse Run (HQ-CWF), N: 41° 07' 04.19"; W: 78° 55' 30.78", Winslow Township.

18. Tributary to Schoolhouse Run (HQ-CWF), N: 41° 07' 59.43"; W: 78° 55' 15.73", Winslow Township.

19. Schoolhouse Run (HQ-CWF), N: 41° 07' 10.22"; W: 78° 54' 40.15", Winslow Township.

20. Tributary to Schoolhouse Run (HQ-CWF), N: 41° 07' 04.34"; W: 78° 54' 25.73", Winslow Township.

21. Tributary to Schoolhouse Run (HQ-CWF), N: 41° 06' 57.88"; W: 78° 54' 18.07", Winslow Township.

22. Sandy Lick Creek (TSF), N: 41° 05' 57.33"; W: 78° 53' 31.09", Reynoldsville Borough.

23. Soldier Run (CWF), N: 41° 05' 04.96"; W: 78° 52' 02.09", Winslow Township.

24. Tributary to Soldier Run (CWF), N: 41° 05' 11.97"; W: 78° 51' 42.03", Winslow Township.

25. Soldier Run (CWF), N: 41° 05' 24.01"; W: 78° 51' 28.08", Winslow Township.

26. Fehley Run (CWF), N: 41° 05' 32.18"; W: 78° 51' 13.24", Winslow Township.

27. Rathmel Run (CWF), N: 41° 05' 37.38"; W: 78° 50' 23.97", Winslow Township.

28. Soldier Run (CWF), N: 41° 05' 29.69"; W: 78° 49' 43.32", Winslow Township.

29. Soldier Run (CWF), N: 41° 05' 28.53"; W: 78° 49' 04.99", Winslow Township.

E61-289, Northeastern ITS, 6779 Engle Road, Suite D, Middleburg Heights, OH. Wilderness Fiber Installation Project, in various municipalities, **Venango County**.

To construct and maintain a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The proposed project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 24.1 miles of Venango County will be traversed by the proposed project beginning at the Mercer-Venango County border on SR-1014 and ending at the Venango-Clarion County border on US-322. The applicant proposes to cross a total of 15 streams in Venango County via boring or bridge attachment. The proposed crossings are listed from west to east.

1. Tributary to Little Sandy Creek (HQ-CWF), N: 41° 24' 16.44"; W: 79° 58' 23.59", French Creek Township.
2. Tributary to French Creek (WWF), N: 41° 23' 49.37"; W: 79° 54' 41.59", French Creek Township.
3. Tributary to French Creek (WWF), N: 41° 23' 51.99"; W: 79° 53' 03.73", French Creek Township.
4. Tributary to French Creek (WWF), N: 41° 24' 03.39"; W: 79° 52' 10.59", French Creek Township.
5. Tributary to French Creek (WWF), N: 41° 24' 01.35"; W: 79° 51' 46.60", French Creek Township.
6. Tributary to French Creek (WWF), N: 41° 23' 53.48"; W: 79° 51' 16.59", French Creek Township.

7. Allegheny River (WWF), N: 41° 23' 18.27"; W: 79° 49' 04.31", Franklin Borough.

8. Lower Two Mile Run (CWF), N: 41° 22' 24.18"; W: 79° 48' 05.32", Cranberry Township.

9. Tributary to Allegheny River (WWF), N: 41° 21' 49.47"; W: 79° 45' 53.06", Cranberry Township.

10. Burford Run (CWF), N: 41° 21' 34.75"; W: 79° 44' 57.61", Cranberry Township.

11. Halls Run (CWF), N: 41° 20' 36.43"; W: 79° 41' 52.62", Cranberry Township.

12. Tributary to East Sandy Creek (CWF), N: 41° 19' 46.92"; W: 79° 40' 19.33", Cranberry Township.

13. Tributary to East Sandy Creek (CWF), N: 41° 19' 35.75"; W: 79° 40' 01.91", Cranberry Township.

14. East Sandy Creek (CWF), N: 41° 19' 01.88"; W: 79° 39' 17.76", Rockland/Cranberry Township.

15. Tributary to Little East Sandy Creek (CWF), N: 41° 18' 32.95"; W: 79° 37' 50.10", Rockland Township.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer 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. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

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

ESCGP-1 # ESX10-015-0054
Applicant Name Talisman Energy, Inc.
Contact Person Eric Potter
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Columbia Township
Receiving Stream(s) and Classification(s) UNT to North Branch Sugar Creek

ESCGP-1 # ESX10-015-0056
Applicant Name Talisman Energy, Inc.
Contact Person Eric Potter
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Canton Township
Receiving Stream(s) and Classification(s) UNT to Alba Creek

ESCGP-1 # ESX10-015-0041
Applicant Name Fortuna Energy, Inc.
Contact Person Eric Potter
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Canton Township
Receiving Stream(s) and Classification(s) UNT to Alba Creek

ESCGP-1 # ESX10-015-0055
Applicant Name Talisman Energy, Inc.
Contact Person Eric Potter
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Columbia Township
Receiving Stream(s) and Classification(s) UNT to Wolfe Creek

ESCGP-1 # ESX10-015-0044
Applicant Name Fortuna Energy, Inc.
Contact Person Eric Potter
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Armenia Township
Receiving Stream(s) and Classification(s) Morgan Creek

ESCGP-1 # ESX10-015-0045
Applicant Name Fortuna Energy, Inc.
Contact Person Eric Potter
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Armenia Township
Receiving Stream(s) and Classification(s) Webier Creek

ESCGP-1 # ESG10-117-0003
Applicant Name Fortuna Energy, Inc.
Contact Person Eric Potter
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Tioga
Township(s) Ward Township
Receiving Stream(s) and Classification(s) UNT to Fall Brook
Secondary—Fall Brook

ESCGP-1 # ESX10-015-0057
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Herrick Township
Receiving Stream(s) and Classification(s) UNT
Secondary—Billings Creek

ESCGP-1 # ESX10-117-0053

Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Richmond Township
 Receiving Stream(s) and Classification(s) UNT to Canoe
 Camp Creek

ESCGP-1 # ESX10-117-0052

Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Delmar Township
 Receiving Stream(s) and Classification(s) Heise Run
 Secondary—Marsh Creek to Pine Creek

ESCGP-1 # ESX10-117-0051

Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Sullivan Township
 Receiving Stream(s) and Classification(s) UNT to Corey
 Creek
 Secondary—Corey Creek, Tributary to Tioga River

ESCGP-1 # ESX10-081-0009

Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Lycoming
 Township(s) McNett Township
 Receiving Stream(s) and Classification(s) UNT to
 Lycoming Creek, Hawk Run

ESCGP-1 # ESX10-117-0049

Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Charleston Township
 Receiving Stream(s) and Classification(s) UNT—West
 Branch Susquehanna River Basin
 Secondary—Catlin Hollow, Babb Creek

ESCGP-1 # ESX10-117-0048

Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Delmar Township
 Receiving Stream(s) and Classification(s) UNT to Wilson
 Creek, Tributary to Babb Creek
 Secondary—Stoney Fork, Tributary to Babb Creek

ESCGP-1 # ESX10-027-0004

Applicant Name EXCO Resources (PA), Inc.
 Contact Person Larry Sanders
 Address 3000 Ericsson Drive, Suite 200
 City, State, Zip Warrendale, PA 15086
 County Centre
 Township(s) Burnside Township
 Receiving Stream(s) and Classification(s) Miles Run
 Secondary—Sterling Run

ESCGP-1 # ESX10-117-0055

Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Charleston
 Receiving Stream(s) and Classification(s) UNT to Hills
 Creek/Susquehanna River Basin
 Secondary—Hills Creek

ESCGP-1 # ESX10-117-0056

Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Delmar Township
 Receiving Stream(s) and Classification(s) UNT to Stoney
 Fork (East Branch)
 Secondary—Stoney Fork (East Branch), Tributary to
 Stoney Fork Tributary to Babb Creek

ESCGP-1 # ESX10-015-0059

Applicant Name Talisman Energy, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Armenia Township
 Receiving Stream(s) and Classification(s) Tributary to
 Fall Brook

ESCGP-1 # ESX10-015-0064

Applicant Name Talisman Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Wells Township
 Receiving Stream(s) and Classification(s) UNT to South
 Creek

ESCGP-1 # ESX10-015-0065

Applicant Name Talisman Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Columbia Township
 Receiving Stream(s) and Classification(s) UNT to North
 Branch of Sugar Creek

ESCGP-1 # ESX10-015-0063

Applicant Name Talisman Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Wells Township
 Receiving Stream(s) and Classification(s) UNT to South
 Creek
 Secondary—Mill Creek

ESCGP-1 # ESG10-081-0003

Applicant Name Chief Gathering, LLC
 Contact Person Ted Wurfel
 Address 6051 Wallace Road Ext.
 City, State, Zip Wexford, PA 15090
 County Lycoming
 Township(s) Mifflin Township
 Receiving Stream(s) and Classification(s) UNT to First
 Fork Larry's Creek and Joes Run

ESCGP-1 # ESX10-081-0010
 Applicant Name Range Resources-Appalachia, LLC
 Contact Person Carla Suszkoski
 Address 380 Southpointe Boulevard, Suite 300
 City, State, Zip Canonsburg, PA 15317
 County Lycoming
 Township(s) Cummings Township
 Receiving Stream(s) and Classification(s) Dog Run, UNT
 to First Fork Larry's Creek

ESCGP-1 # ESX10-015-0061
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Leroy Township
 Receiving Stream(s) and Classification(s) Towanda Creek
 Secondary—Susquehanna River

STORAGE TANKS

SITE-SPECTIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
10-17-005	Fluids Management LTD 11767 Katy Freeway Suite 230 Houston, TX 77079 Attn: Mr. Dwayne LeJeune	Clearfield	Boggs Township	27 ASTs storing synthetic oil / drilling mud	650,160 gallons total

SPECIAL NOTICES

**Planning Grant Awards under Section 901 of the
 Municipal Waste Planning Recycling and Waste
 Reduction Act of 1988, Act 101**

The Department of Environmental Protection (Department) announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, (P. L. 556, Act 101) Section 901 and Section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. Grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Ms. Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Northcentral	Clearfield	Clearfield and	Waste Plan Update	\$20,872
	Clinton	Clinton Counties	Waste Plan Update	\$43,926
Southwest	Indiana	Indiana County	Waste Plan Update	\$68,227

**HAZARDOUS SITES CLEAN-UP
 UNDER THE ACT OF
 OCTOBER 18, 1988**

**Settlement under The Comprehensive
 Environmental Response, Compensation and
 Liability Act and The Hazardous Sites Cleanup Act
 Keystone Instruments, Inc.
 Clinton County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, 35 P. S. §§ 6020.101—6020.1305 (HSCA), and the Comprehensive Environmental Response, Com-

pensation and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601—9675 (CERCLA), and the Radiation Protection Act, the Act of July 10, 1984, 35 P. S. § 7110.101 *et seq.* (RPA), has entered into a proposed Consent Order and Agreement for Inability to Pay Settlement with Keystone Instruments, Inc. and its President and sole shareholder, David W. Stover, Sr., (collectively the Settlers).

The proposed settlement resolves claims of the Department with the Settlers under HSCA, CERCLA, RPA and other applicable law for response costs expended by the Department at the Keystone Instruments Site (Site) located in Castanea Township, Clinton County, PA.

The Settlers used the property since the mid 1960s to the present for the repair and maintenance of aircraft instruments, many of which contained radium paint, resulting in widespread radium contamination of the building and soils immediately adjacent to the building. Settlers have failed to and are unable to comply with certain critical requirements of a 2008 Consent Order with the Department.

The proposed settlement obligates the Settlers to terminate all business and non-business operations at the Site, and to vacate the Site of all employees by no later than March 24, 2010. Settlers grant the Department and its designated agents, including contractors and responsible persons under the direction of the Department, access to and entry upon the Site to perform response actions. Settlers agree to the filing of a lien on the Site with the Clinton County Recorder of Deeds in the amount of \$1,000,000. The Department will be listed as the creditor for the lien.

The Department believes that the proposed settlement is fair, reasonable, practicable, in the public interest, and in furtherance of the statutory goals of HSCA, CERCLA and RPA.

For a period of 60 (sixty) days beginning with the April 3, 2010, publication date of this Notice, the public is invited to review the Consent Order and Agreement memorializing the settlement, from 8:30 a.m. to 5 p.m., Monday through Friday, at the Lock Haven City Hall, 20 East Church Street, Lock Haven, PA or by calling Kathy Arndt to arrange an appointment from 8 a.m. to 4 p.m., Monday through Friday, at the Department's Northcentral Field Operations Office, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

After review, the public may submit written comments on the Consent Order and Agreement, before June 3, 2010, by mailing them to Denny Wright, 208 West Third Street, Williamsport, PA 17701. A person adversely affected by the settlement may also file an appeal from the Consent Order and Agreement to the Environmental Hearing Board. Any questions concerning this Notice should be directed to Denny Wright, at the telephone number and address noted previously.

[Pa.B. Doc. No. 10-608. Filed for public inspection April 2, 2010, 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.depweb.state.pa.us> (DEP Keywords: "eLibrary"). The "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 "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2010.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision

DEP ID: 562-2112-503. Title: Blasting Near Utility Lines on Mining and Construction Sites and Bituminous Coal Mining Within the Right-of-Way or Easement of Utility Lines. Description: This guidance is being revised to provide better protection to underground or overhead utility lines from the effects of blasting. These revisions result in guidance that more clearly follows the regulatory language in limiting blasting's effect on utility lines than the guidance it replaces and includes guidance on the regulation of blasting near underground utility lines in anthracite coal mining, noncoal mining and on construction sites.

Notice of the availability of a draft substantive revision to the original 562-2112-503 was published in the *Pennsylvania Bulletin* on August 25, 2007. Many comments were received resulting in substantial revisions to that draft. In the meantime cases arose involving confusion over how blasting near underground utilities and overhead utilities should be permitted and regulated. Therefore the revised draft is being provided for additional comment. Comments: Written and electronic comments should be submitted to Richard Lamkie, Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461 or rlamkie@state.pa.us. Comments submitted by facsimile will not be accepted. Comments must be received by the Department by May 3, 2010. Contact: Questions regarding the draft technical guidance document should be directed to Richard Lamkie at rlamkie@state.pa.us or (717) 783-9892.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-609. Filed for public inspection April 2, 2010, 9:00 a.m.]

Bid Opportunity

BOGM 09-8, Cleaning out and plugging 52 orphan oil wells, (Mr. and Mrs. Daniel Hillard and Collins Pine Co., Properties (c/o Michael J. Hancharick, Kane Hardwood), Foster Township, McKean County. The principal items of work include cleaning out and plugging 52 orphan oil wells, estimated to be 1,600 feet in depth, to the Department of Environmental Protection specifications; preparing and restoring well sites; and mobilizing and demobilizing plugging equipment. This project issues on April 2, 2010, and bids will be opened on May 6, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for April 15 and April 16, 2010, at 10 a.m. at the Bradford Mall parking lot. Use the contact information contained in this advertisement to

find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-610. Filed for public inspection April 2, 2010, 9:00 a.m.]

Bid Opportunity

OSM 26(2798)101.1, Abandoned mine reclamation project, Clayford North, South Union Township, Fayette County. The principal items of work and approximate quantities include mobilization and demobilization; 76,200 cubic yards of grading; 5 pounds of wetland seed mix; and 8.2 acres of seeding. This project issues on April 2, 2010, and bids will be opened on April 29, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-611. Filed for public inspection April 2, 2010, 9:00 a.m.]

Board of Coal Mine Safety Special Meeting

A special meeting of the Board of Coal Mine Safety will be held on Thursday, April 8, 2010, at 10 a.m. in the Fayette County Health Center, 100 New Salem Road, Uniontown, PA.

The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Questions concerning this meeting should be directed to Allison D. Gaida at (724) 439-7289 or agaida@state.pa.us. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department's web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Chairperson

[Pa.B. Doc. No. 10-612. Filed for public inspection April 2, 2010, 9:00 a.m.]

2010 Draft Integrated Water Quality Monitoring and Assessment Report; Notice of Availability for Public Comment

The Department of Environmental Protection (Department) is providing for public comment on its draft 2010 Integrated Water Quality Monitoring and Assessment Report (Integrated Report). The Integrated Report includes both a narrative description of this Commonwealth's water quality management programs (formerly the 305(b) Report) and various lists depicting the status of Commonwealth surface waters as required by section 303(d) of the Federal Clean Water Act. The report is comprised of four parts and also includes a five-part list that collectively summarizes the designated use attainment status of Commonwealth surface waters.

Section 303(d) of the Federal Clean Water Act and 40 CFR Part 130 require states to identify waters which would still be impaired, even after the appropriate technology has been applied to point sources and requires best management practices are in place for nonpoint sources. Waterbodies that do not meet water quality standards after this evaluation are placed on Category 5 of the Integrated Waterbody List.

For each waterbody in Category 5, the state or the United States Environmental Protection Agency must develop Total Maximum Daily Load (TMDL) allocations. A TMDL is a calculation of the assimilative capacity of a waterbody to handle point and nonpoint pollutant loads without violating water quality standards. TMDLs also describe the conditions necessary to improve water quality. TMDLs are used to set limits in NPDES water quality permits and identify where best management practices for nonpoint sources are necessary to improve and protect water quality. When a TMDL is approved for a waterbody, that waterbody listing is moved to Category 4a.

Waterbody assessment and compilation of the Integrated Report is an ongoing process. The Department will continue to verify the quality of data used in this process and, as needed, will publish supplements to the Integrated Report for public review and comment.

The draft 2010 Integrated Report is available on the Department's web site at www.depweb.state.pa.us, select "Water," select "The Bureau of Water Standards and Facility Regulation," from right hand column select "Water Quality Standards," and finally "2010 Integrated List Draft." The full address is: http://www.portal.state.pa.us/portal/server.pt/community/water_quality_standards/10556.

The Department invites public comments on the draft Integrated Report. The Department must receive comments on the draft Integrated Report by May 3, 2010. Written comments should be submitted to Angela Bransteitter, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467, abransteit@state.pa.us. Comments received by facsimile will not be accepted.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Angela Bransteitter directly at (717) 772-5164 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TTD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-613. Filed for public inspection April 2, 2010, 9:00 a.m.]

Water Resources Advisory Committee; Special Meeting

The Water Resources Advisory Committee will hold a special meeting on Tuesday, May 11, 2010, at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building, Harrisburg, PA. The purpose of the meeting is to review several of the Department of Environmental Protection's (Department) regulatory packages.

Questions concerning this schedule or agenda items can be directed to Marcus Kohl at (717) 783-4693 or mkohl@state.pa.us. This schedule, an agenda for the meeting and notices of meeting changes will be available

through the Public Participation Center on the Department's web site at www.depweb.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marcus Kohl at (717) 783-4693 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-614. Filed for public inspection April 2, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH**Decisions on Requests for Exceptions to Health Care Facility Regulations**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448-904b), for exceptions to regulations contained in 28 Pa. Code Part IV (Health Facilities), Subparts B—G.

Section 51.33(d) provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from October, 2009, through December, 2009. Future publications of decision on exception requests will appear on a quarterly basis.

Requests for additional information on the exception requests and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities shall be addressed to Joanne Salsgiver, Chief, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120. Inquiries regarding long-term care facilities shall be addressed to William Bordner, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120.

Hospitals

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
J.C. Blair Memorial Hospital	28 Pa. Code Act 13	patient safety committee requirements	03/21/09	exception committee cannot grant this request
Abington Memorial Hospital	28 Pa. Code § 51.6	identification of personnel	05/23/09	granted
Hershey Endoscopy Center	28 Pa. Code § 51.6	identification of personnel	07/25/09	granted
West Shore Endoscopy Center	28 Pa. Code § 51.6	identification of personnel	07/25/09	granted
York Hospital	28 Pa. Code § 51.23	PET scanning	04/25/09	granted
Wayne Memorial Hospital	28 Pa. Code § 51.23	PET scanning services	10/17/09	granted
Lancaster Regional Medical Center	28 Pa. Code § 101.3 (7) and (9)(iii)	hospital requirements	09/26/09	denied
The Western Pennsylvania Hospital	28 Pa. Code § 101.4	definitions	03/07/09	denied
Milton S. Hershey Medical Center	28 Pa. Code § 101.12	innovative programs	08/22/09	denied
Albert Einstein Medical Center	28 Pa. Code § 101.172	patient limits	04/25/09	granted
University of Pennsylvania HUP Penn Radiation Oncology at Doylestown	28 Pa. Code § 101.31(7)	hospital requirements	05/23/09	granted
Waynesboro Hospital	28 Pa. Code § 101.31(7)	hospital requirements	06/13/09	denied
Edgewood Surgical Hospital	28 Pa. Code § 103.3	governing body by laws	11/14/09	not necessary
Western Pennsylvania Hospital	28 Pa. Code § 103.31	chief executive officer	09/26/09	granted
Allegheny General	28 Pa. Code § 103.31	chief executive officer	09/26/09	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Western Pennsylvania Hospital	28 Pa. Code § 103.32	qualifications of chief executive officer	09/26/09	denied
Allegheny General	28 Pa. Code § 103.32	qualifications of chief executive officer	09/26/09	denied
Western Pennsylvania Hospital	28 Pa. Code § 103.33	responsibilities	09/26/09	denied
Allegheny General	28 Pa. Code § 103.33	responsibilities	09/26/09	denied
Western Pennsylvania Hospital	28 Pa. Code § 103.34	personnel policies and practices	09/26/09	denied
Allegheny General	28 Pa. Code § 103.34	personnel policies and practices	09/26/09	denied
Edgewood Surgical Hospital	28 Pa. Code § 103.34	personnel policies and practices	11/14/09	not necessary
Western Pennsylvania Hospital	28 Pa. Code § 103.35	job descriptions	09/26/09	denied
Allegheny General	28 Pa. Code § 103.35	job descriptions	09/26/09	denied
St. Luke's Quakertown Hospital	28 Pa. Code § 103.36(b)(4)	personnel records	08/22/09	not necessary
Edgewood Surgical Hospital	28 Pa. Code § 103.41—103.46	fiscal control	11/14/09	not necessary
Westfield Hospital	28 Pa. Code § 105.11	admission access	07/11/09	denied
Muncy Valley Hospital	28 Pa. Code § 107.2	medical staff membership	05/23/09	granted
Indiana Regional Medical Center	28 Pa. Code § 107.2	medical staff membership	06/13/09	granted
Children's Hospital of Allentown	28 Pa. Code § 107.2	medical staff membership	07/25/09	granted
Lancaster General Hospital	28 Pa. Code § 107.2	medical staff membership	08/22/09	granted
The Surgical Specialty Center at Coordinated Health	28 Pa. Code § 107.2	medical staff membership	08/22/09	granted
Crozer Chester Medical Center	28 Pa. Code § 107.2	medical staff membership	11/14/09	granted
The Washington Hospital	28 Pa. Code § 107.2	medical staff membership	11/14/09	granted
Taylor Hospital	28 Pa. Code § 107.2	medical staff membership	11/28/09	granted
Edgewood Surgical Hospital	28 Pa. Code § 107.11	principle	11/14/09	not necessary
Edgewood Surgical Hospital	28 Pa. Code § 107.12	by laws rules and regulations	11/14/09	not necessary
The Western Pennsylvania Hospital	28 Pa. Code § 107.23	clinical department	03/07/09	denied
LifeCare Hospital of Pittsburgh	28 Pa. Code § 107.26	additional committees	10/17/09	granted
UPMC St. Margaret	28 Pa. Code § 107.61	written orders radiology	08/22/09	denied
UPMC Northwest	28 Pa. Code § 107.61	written orders radiology	08/22/09	denied
Magee Womens Hospital	28 Pa. Code § 107.61	written orders radiology	08/22/09	granted
Frick Hospital	28 Pa. Code § 107.62(b)	oral orders	08/22/09	granted
Westmoreland Regional Hospital	28 Pa. Code § 107.62(b)	oral orders	08/22/09	granted
Latrobe Hospital	28 Pa. Code § 107.62(b)	oral orders	08/22/09	granted
Hamot Medical Center	28 Pa. Code § 107.64	administration of drugs	09/26/09	granted
Edgewood Surgical Hospital	28 Pa. Code Chapter 107	medical staff	11/14/09	not necessary
Edgewood Surgical Hospital	28 Pa. Code Chapter 113	pharmacy services	11/14/09	not necessary
Edgewood Surgical Hospital	28 Pa. Code Chapter 115	medical record services	11/14/09	not necessary
Edgewood Surgical Hospital	28 Pa. Code Chapter 125	laboratory services	11/14/09	not necessary

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Edgewood Surgical Hospital	28 Pa. Code Chapter 147	environmental services	11/14/09	not necessary
Lock Haven Hospital	28 Pa. Code § 109.2(b)	director of nursing services	12/19/09	granted w/conditions
The Western Pennsylvania Hospital	28 Pa. Code § 115.25	infant footprints	04/25/09	granted
Alle-Kiski Medical Center—AVH	28 Pa. Code § 115.25	infant footprints	04/25/09	granted
Hamot Medical Center	28 Pa. Code § 117.30	emergency paramedic services	09/26/09	granted
Montgomery Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthesia explosion hazards	03/31/07	granted
Brandywine Hospital	28 Pa. Code § 123.25	regulations for control of anesthesia explosion hazards	05/23/09	granted
Sunbury Community Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthesia explosion hazards	05/23/09	granted
Mercy Suburban Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	06/13/09	granted
Clearfield Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	07/11/09	granted
Coordinated Health Orthopedic Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	10/11/09	granted
CH Hospital of Allentown	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	10/11/09	granted
UPMC South Surgery Center	28 Pa. Code § 123.25	regulations for control of anesthetic explosion hazards	11/14/09	granted
Pottstown Memorial Medical Center	28 Pa. Code § 127.31(b)	policies and procedures for radiology services	10/10/09	denied
The Children's Institute	28 Pa. Code § 127.32	written orders	03/07/09	granted
Uniontown Hospital	28 Pa. Code § 127.32	outpatient radiology orders	05/09/09	granted
St. Clair Hospital	28 Pa. Code § 127.32	written orders	05/09/09	granted
Bradford Regional Medical Center	28 Pa. Code § 127.32	written orders radiology	05/09/09	granted
Memorial Hospital, Towanda	28 Pa. Code § 127.32	written orders radiology	05/09/09	granted
Montgomery Healthcare System	28 Pa. Code § 127.32	written orders radiology	05/09/09	granted
Charles Cole Memorial Hospital	28 Pa. Code § 127.32	written orders radiology	05/09/09	granted
Ephrata Community Hospital	28 Pa. Code § 127.32	written orders radiology	05/09/09	granted
Paoli Hospital Main Line Health	28 Pa. Code § 127.32	written orders radiology	05/23/09	granted
Lankenau Hospital Main Line Health	28 Pa. Code § 127.32	written orders radiology	05/23/09	granted
Jeanes Hospital	28 Pa. Code § 127.32	written orders radiology	05/23/09	granted
Susquehanna Health	28 Pa. Code § 127.32	written orders radiology	05/23/09	granted
Lewistown Hospital	28 Pa. Code § 127.32	written orders radiology	05/23/09	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Penn Presbyterian Medical Center	28 Pa. Code § 127.32	written orders radiology	05/23/09	granted
Bryn Mawr Hospital	28 Pa. Code § 127.32	written orders radiology	05/23/09	granted
Kane Community Hospital	28 Pa. Code § 127.32	written orders radiology	06/13/09	granted
Pocono Medical Center	28 Pa. Code § 127.32	written orders radiology	06/13/09	granted
Hospital of the University of Pennsylvania	28 Pa. Code § 127.32	written orders radiology	06/13/09	granted
Geisinger Medical Center	28 Pa. Code § 127.32	written orders radiology	06/13/09	granted
Geisinger Wyoming Valley Medical Center	28 Pa. Code § 127.32	written orders radiology	06/20/09	granted
Ohio Valley General Hospital	28 Pa. Code § 127.32	written orders radiology	07/25/09	granted
Punxsutawney Area Hospital	28 Pa. Code § 127.32	written orders radiology	07/25/09	granted
Good Shepherd Rehabilitation Hospital	28 Pa. Code § 127.32	written orders radiology	07/25/09	granted
Temple University Hospital	28 Pa. Code § 127.32	written orders radiology	07/25/09	granted
Barnes-Kasson County Hospital	28 Pa. Code § 127.32	written orders radiology	07/25/09	granted
Sacred Heart Hospital	28 Pa. Code § 127.32	written orders radiology	08/22/09	granted
St. Lukes Quakertown Hospital	28 Pa. Code § 127.32	written orders radiology	08/22/09	granted
St. Lukes Miners Memorial Hospital	28 Pa. Code § 127.32	written orders radiology	08/22/09	granted
St. Lukes Hospital	28 Pa. Code § 127.32	written orders radiology	08/22/09	granted
Lancaster General Hospital	28 Pa. Code § 127.32	written orders radiology	08/22/09	granted
Albert Einstein Medical Center	28 Pa. Code § 127.32	written orders radiology	08/22/09	granted
Cannonsburg Hospital	28 Pa. Code § 127.32	written orders radiology		granted
Canonsburg General Hospital	28 Pa. Code § 127.32	written orders	09/26/09	granted
Hazleton General Hospital	28 Pa. Code § 127.32	written orders-radiology	10/17/09	granted
Excelsa Health Frick Hospital	28 Pa. Code § 127.32	written orders-radiology	10/24/09	granted
Excelsa Health Latrobe Hospital	28 Pa. Code § 127.32	written orders-radiology	10/24/09	granted
Excelsa Westmoreland Hospital	28 Pa. Code § 127.32	written orders-radiology	10/24/09	granted
Abington Memorial Hospital	28 Pa. Code § 127.32	written orders-radiology	11/14/09	granted
Moses Taylor Hospital	28 Pa. Code § 127.32	written orders-radiology	11/14/09	granted
Lansdale Hospital	28 Pa. Code § 127.32	written orders-radiology	12/19/09	granted
The Chester County Hospital	28 Pa. Code § 127.32	written orders-radiology	12/19/09	granted
Mid-Valley Hospital	28 Pa. Code § 127.32	written orders-radiology	12/19/09	granted
ACMH	28 Pa. Code § 127.32	written orders-radiology	12/19/09	granted
St. Joseph's Hospital	28 Pa. Code § 127.32	written orders-radiology	12/19/09	granted
ACMH	28 Pa. Code § 131.22— 131.23	treatment orders and plan of care	12/19/09	granted
Montrose General Hospital	28 Pa. Code § 133.2	types of special care units	04/25/09	denied
Montrose General Hospital	28 Pa. Code § 133.2	types of special care units	04/25/09	reconsideration granted
Butler Memorial Hospital	28 Pa. Code § 137.21(b)(9)	policies and procedures for obstetrical services	10/10/09	granted
Gettysburg Hospital	28 Pa. Code § 138.2	definitions	04/25/09	not necessary
Excelsa Health Westmoreland Hospital—Center for Cardiovascular Medicine	28 Pa. Code § 138.18	EPS studies	07/11/09	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Excelsa Health Latrobe Hospital	28 Pa. Code § 138.18	EPS studies	07/11/09	granted
The Western Pennsylvania Hospital	28 Pa. Code § 143.2	podiatry director	03/07/09	denied
The Western Pennsylvania Hospital	28 Pa. Code § 143.3	podiatry surgical procedures	03/07/09	denied
Holy Spirit Hospital	28 Pa. Code § 143.5	medical supervision of podiatric patients	04/25/09	denied
Penn State Hershey Rehab	28 Pa. Code § 153.1	2.1.1.2, 2.1.1.5, 3.1.1, 2.1.5.1(1)	05/26/07	granted
DuBois Regional Medical Center Station Square	28 Pa. Code § 153.1	3.1-5.2.1.1 corridor width	01/26/08	granted
Indiana Regional Medical Center	28 Pa. Code § 153.1	cardiac surgery 5.4.1 catheterization lab	03/21/09	not necessary
The Western Pennsylvania Hospital—Penn Hills	28 Pa. Code § 153.1	3.1-5.2.1.1(1) (corridor width)	04/25/09	granted
UPMC Presbyterian Shadyside Pittsburgh Medical Center	28 Pa. Code § 153.1	2.1-5.4.1.4 (support areas for cardiac cath lab)	04/25/09	granted
UPMC Presbyterian Shadyside Beckwith Center at Hillman	28 Pa. Code § 153.1	2.1.1 (general purpose exam rooms) 2.1.1.1(1) space requirements), 2.1.1.2 (hand-washing station)	04/25/09	granted
UPMC Presbyterian Shadyside Western Psychiatric Institute & Clinic	28 Pa. Code § 153.1	2.3-2.1.1.5(1) (toilet room), 2.1-3.1.1.2(2) (dimensions and clearances), 2.1-8.2.2.3(2)(b)(i) (inpatient bedrooms; new construction), 4.6.12.1 (corridors)	04/25/09	not necessary
Jersey Shore Hospital	28 Pa. Code § 153.1	7.7C3 (warming cabinet requirements)	04/25/09	denied
Shamokin Area Community Hospital	28 Pa. Code § 153.1	3.1.3 (examination/treatment room)	04/25/09	granted
Jefferson Regional Medical Center	28 Pa. Code § 153.1	18.2.3.3 (corridor width)	04/25/09	denied
St. Mary Medical Center	28 Pa. Code § 153.1	2.5.5 (sterilization facility)	05/09/09	granted
St. Mary Medical Center	28 Pa. Code § 153.1	3.7-2.6.3 (staff shower in outpatient surgical facility); 3.7-2.5.5 (sterilization facility)	05/09/09	granted
St. Mary Medical Center	28 Pa. Code § 153.1	3.7-2.5.7.1 (anesthesia equipment and supply storage)	05/09/09	granted
St. Mary Medical Center	28 Pa. Code § 153.1	22.4.2.1(1) (phase II recovery room)	05/09/09	granted
Magee-Womens Hospital	28 Pa. Code § 153.1	2.1.1.2 (handwashing station)	05/09/09	granted
Geisinger Medical Center	28 Pa. Code § 153.1	5.3.2.5, patient change areas 2.5.1.1 and 2.5.1.2	05/23/09	granted
Temple University Hospital—Episcopal Campus	28 Pa. Code § 153.1	10.1.4 vaccum, oxygen or air outlets	05/23/09	granted
DuBois Regional Medical Center—Charles Medical Center	28 Pa. Code § 153.1	3.1; 5.2.11 corridor width; 3.1; 2.1.1.1.1(1) minimum floor area	05/23/09	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
DuBois Regional Medical Center—Brookville Family Medical Practice	28 Pa. Code § 153.1	3.1-5.2.11 corridor width; 3.1-2.1.1.1(1) minimum floor area	05/23/09	granted
Alle-Kiski Medical Center, Allegheny Valley Hospital	28 Pa. Code § 153.1	2.4.3.2.1 (activities for daily living unit)	05/23/09	granted
St. Mary Medical Center	28 Pa. Code § 153.1	(2.1-space in patient care area 3.4.2.1(b))	06/13/09	granted
The Western Pennsylvania Hospital—West Penn Allegheny Oncology Network Cercone Practice Site	28 Pa. Code § 153.1	3.1; 5.2.1.1(1) corridor width	06/13/09	granted
Milton S. Hershey Medical Center	28 Pa. Code § 153.1	5.3.1.2; layout; room(s); post 5.3.2.2; anesthetic care units 5.3.3.2; 5.3.5; (PACUs); support areas for surgical suite	06/20/09	granted w/conditions
Milton S. Hershey Medical Center	28 Pa. Code § 153.1	5.3.5.11; anesthesia workroom, staff; 5.3.6.2; 2.1.5 clothing change areas; station outlets for oxygen, vacuum (suction) and medical air systems in hospitals	06/20/09	granted w/conditions
DuBois Regional Medical Center	28 Pa. Code § 153.1	2.1-2.2.1 toilet rooms; 2.1-3.1.1.3 windows; 2.1-3.1.5.9 patient bathing facilities	06/27/09	granted w/conditions
UPMC Presbyterian Shadyside	28 Pa. Code § 153.1	3.1-5.2.1.1(1) public corridors; 3.1-1.1.1.1(2) clearance	06/27/09	granted w/conditions
Milton S. Hershey Medical Center	28 Pa. Code § 153.1	Table 2.1-station outlets for oxygen, 5.3.2.2 vacuum and medical air systems	07/11/09	granted
Elk Regional Health Center	28 Pa. Code § 153.1	5.2.1.1 Corridor	07/11/09	granted
American Access Care of Pennsylvania, Inc.	28 Pa. Code § 153.1	3.7-2.7.1 (outpatient surgical facilities pre op area 3.7-2.4.2.1 (phase II recovery)	07/25/09	granted
DuBois Regional Medical Center	28 Pa. Code § 153.1	3.1-5.2.11 (corridor width) 3.1-5.2.14 (exam room door); 3.1-2.1.1.1 (floor area requirement in exam room)	07/25/09	granted
The Western Pennsylvania Hospital	28 Pa. Code § 153.1	3.1-2.1.1.2 (hand-washing stations) and 3.1-2.1.8.1 (toilet facilities)	07/25/09	granted
Elk Regional Health Center	28 Pa. Code § 153.1	3.1-2.1.1.1 (space requirements in outpatient facilities)	07/25/09	granted
The Childrens Hospital of Philadelphia	28 Pa. Code § 153.1	2.1-10.1.2.3(4) (inpatient toilet rooms)	07/25/09	denied
UPMC Presbyterian Shadyside	28 Pa. Code § 153.1	2.1.3-2.1.3.1 (space requirements in treatment rooms)	07/25/09	granted
Children's Hospital of Allentown	28 Pa. Code § 153.1	5.3.2.1(1)(a) (space required in procedure rooms)	07/25/09	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Lancaster Regional Medical Center	28 Pa. Code § 153.1	(9.9.2(b)(1)) general purpose exam	09/26/09	granted
Kane Community Hospital	28 Pa. Code § 153.1	Table 2.1-5 medical air outlet	09/26/09	not necessary
Pottstown Memorial Medical Center	28 Pa. Code § 153.1	2.1-5.5.6.2 patient toilet	09/26/09	granted
Pottstown Memorial Medical Center	28 Pa. Code § 153.1	2.1-5.5.8.5 patient holding area	09/26/09	granted with conditions
Westmoreland Hospital	28 Pa. Code § 153.1	3.1.1.2 space requirements	10/10/09	not necessary
St. Luke's Hospital, Bethlehem	28 Pa. Code § 153.1	3.1-5.2.1.1(1) corridor width	10/10/09	granted
Warminster Surgical	28 Pa. Code § 153.1	2.4.1.1(4) recovery areas, general	10/10/09	granted
Western Pennsylvania Hospital	28 Pa. Code § 153.1	3.1-2.1.1.1(1) exam	10/10/09	granted
Western Pennsylvania Hospital	28 Pa. Code § 153.1	3.1-5.2.1.1(1) corridor width	10/10/09	granted
DuBois Regional Medical Center	28 Pa. Code § 153.1	3.1-5.2.1.1 corridor width	10/24/09	granted
The Children's Institute	28 Pa. Code § 153.1	3.1-2.1.1.3 documentation space; 3.1-2.1.7.5 soiled holding; 3.1-2.2 and 2.3 imaging and laboratory services; 3.1-4.1.7 wheelchair storage	11/14/09	granted
UPMC Presbyterian Shadyside	28 Pa. Code § 153.1	2.1-3.1.1.2(2) dimensions and clearances; 2.3-2.1.1.5(1) toilet room	11/14/09	granted
Abington Health Lansdale Hospital	28 Pa. Code § 153.1	NFPA 101-18.2.5.10 dead end corridor	11/14/09	granted/not necessary
Lankenau Hospital	28 Pa. Code § 153.1	5.9.4.9 soiled workrooms	12/19/09	granted
Dubois Regional Medical Center, Schmidt & Hall, Family Practice	28 Pa. Code § 153.1	3.1-2.1.1.1(1) minimum floor area for exam rooms	12/19/09	granted
Dubois Regional Medical Center, Dr. Scerbo, Internal Medicine, Suite 205	28 Pa. Code § 153.1	3.1, 5.2 general standards; 5.2.11 corridor width; 5.2.14 door width; 2.1.1.1.1(1) minimum floor area		granted
Dubois Regional Medical Center, Dr. Suvarnakar, Internal Medicine	28 Pa. Code § 153.1	3.1, 5.2.11 corridor width; 5.2.14 exam room door	12/19/09	granted
St. Mary Medical Center	28 Pa. Code § 153.1	3.4.2.1(b) clearance	12/19/09	granted
Holy Spirit Hospital	28 Pa. Code § 153.1	5.3.3.2(2) layout	12/19/09	denied
Heritage Valley Beaver	28 Pa. Code § 153.1	2.1.1.2 space requirements	12/19/09	granted

Ambulatory Surgical Facilities

McCandless Endoscopy Center LLC	28 Pa. Code § 551.3	definitions	07/25/09	granted
Drexel Center for Digestive Health	28 Pa. Code § 551.3	definitions	09/26/09	granted
Main Line Endoscopy Center South	28 Pa. Code § 551.3	definitions	10/10/09	granted
Laser Spine Surgery Center of Pennsylvania, LLC	28 Pa. Code § 551.3	definitions	11/14/09	denied

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Susquehanna Endoscopy Center, LLC	28 Pa. Code § 551.3	definitions	05/23/09	granted
Conyngham Valley Surgicenter	28 Pa. Code § 551.3	definitions	05/23/09	granted
Surgery Center of Pottsville	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	07/11/09	granted
Crossroads Surgery Center	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	07/11/09	granted
OSI Ambulatory Surgery Center surgery	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	07/25/09	denied
Northwood Surgery Center	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	08/22/09	granted
Turk's Head Surgery Center, LLC	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	08/22/09	granted
Surgery Center of Lebanon, LP	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	09/26/09	granted
Physicians' Surgery Center Lancaster General, LLC	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	09/26/09	granted
The Physicians' Surgery Center Lancaster General, LLC	28 Pa. Code § 551.21	criteria for ambulatory surgery	10/10/09	granted
The Surgery Center at Brinton Lake, LLC	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	10/10/09	granted/denied in part
Lee Ambulatory Surgery Facility	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	10/10/09	granted
The Neurospine Center	28 Pa. Code § 551.21	criteria for ambulatory surgery	10/10/09	granted
Renal Endocrine Assoc, PC	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	10/17/09	denied
Associates in Kidney Disease & Hypertension, PC	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	10/17/09	denied
Eastern Pennsylvania Nephrology Associates, PC	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	11/14/09	granted
West Shore Surgery Center	28 Pa. Code § 555.21(d)	criteria for ambulatory surgery	11/14/09	granted
Nephrology Hypertension Associates of Lehigh	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	11/21/09	granted
Hypertension Nephrology Associates, PC	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	12/19/09	granted
Delaware Valley Nephrology and Hypertension Associates, PC	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	12/19/09	granted
Surgery Center of Allentown, LP	28 Pa. Code § 551.21(d)	laparoscopic cholecystectomies		granted
Carlisle Outpatient Surgery Center	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	03/28/09	granted/denied in part
The Surgery Center of the Main Line	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	04/25/09	granted
West Shore Surgery Center	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	05/23/09	granted
Gettysburg Hospital-Wellspan Surgical Center	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	05/23/09	granted
The Neurospine Center, LP	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	06/13/09	granted/denied in part
West Shore Endoscopy Center	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	06/13/09	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Laser Spine Surgery Center of Pennsylvania, LLC	28 Pa. Code § 551.31(a)	licensure	11/14/09	granted
Gettysburg Hospital (Wellspring Surgical Center)	28 Pa. Code §§ 553.2; 553.3; 553.4; 563.2; 563.12	(ownership); (governing body resp); (other functions); (organization and staffing); (form and content of record)	04/25/09	withdrawn
Lawrence County Surgery Center of Edgewood Surgical Hospital	28 Pa. Code § 553.3	governing body responsibilities	11/14/09	granted
Gettysburg Hospital	28 Pa. Code § 553.3(8) (iii) and (v)	governing body responsibilities	05/09/09	not necessary
Lawrence County Surgery Center of Edgewood Surgical Hospital	28 Pa. Code § 553.31	administrative responsibilities	11/14/09	granted
Mount Nittany Surgical Center	28 Pa. Code § 553.31	administrative responsibilities	10/10/09	denied
East Side Surgery Center	28 Pa. Code § 553.31(a)	administrative responsibilities	10/20/07	granted
UPMC Mercy South Side Surgery Center	28 Pa. Code §§ 553.31(a); 557.4; 563.2; 567.2	administrative responsibilities; quality assurance and improvement committee; organization and staffing; committee responsibilities	04/25/09	granted/not necessary in part
Gettysburg Hospital Wellspan Surgical Center	28 Pa. Code §§ 555.1 and 555.3	medical staff	04/25/09	granted
Memorial Hospital Outpatient Endoscopy Center	28 Pa. Code § 555.2	director of nursing	04/25/09	granted
Lawrence County Surgery Center of Edgewood Surgical Hospital	28 Pa. Code § 555.3	requirements for membership and privileges	11/14/09	granted
Valley Forge Surgical Center, LP	28 Pa. Code § 555.31(a)	licensure-class A ASF	07/11/09	granted
Drexel Center for Digestive Health	28 Pa. Code § 555.31	membership and privileges	09/26/09	granted
Main Line Endoscopy Center South	28 Pa. Code § 555.31	principle	10/10/09	granted
Premier Podiatric Surgery Centerservices	28 Pa. Code § 555.31(a)	principle for anesthesia	12/19/09	granted
Wyomissing Hills Podiatric Surgical Center	28 Pa. Code § 555.31(a)	anesthesia services-propofol	12/16/06	denied
Lee Ambulatory Surgical Center	28 Pa. Code § 555.32	administration of anesthesia	09/26/09	granted
Surgery Center at Brinton Lake	28 Pa. Code § 555.32(a)	administration of anesthesia	10/17/09	granted
Hamot Surgery Center	28 Pa. Code § 555.32(a)	administration of anesthesia	11/14/09	granted
Lawrence County Surgery Center of Edgewood Surgical Hospital	28 Pa. Code	Chapter 557 quality assurance and improvement	11/14/09	granted
The Center for Spine Care at Lancaster Neurospine & Spine Associates	28 Pa. Code §§ 559.2; 553.31(a)	director of nursing and administrative responsibilities	06/20/09	granted
UPMC St. Margaret Harmor Outpatient Center	28 Pa. Code § 559.2	director of nursing	02/17/07	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Regional Ambulatory Surgical Center	28 Pa. Code § 559.2	director of nursing	02/17/07	granted
Center for Reproductive Surgery, LCC	28 Pa. Code § 559.3(b)	nursing personnel	12/19/09	denied
Abington Memorial Hospital	28 Pa. Code § 567.1	infection control	12/01/07	granted
Lawrence County Surgery Center of Edgewood Surgical Center	28 Pa. Code § 567.2	committee responsibilities	11/14/09	granted
Cornerstone Ambulatory Surgery Center	28 Pa. Code § 569.35	general safety precautions	07/11/09	granted
Hazleton Surgery Center, d/b/a Center for Advanced Surgery	28 Pa. Code § 569.35	general safety precautions	07/25/09	granted
UPMC Mercy South Side Surgery Center	28 Pa. Code § 569.35	general safety precautions	07/25/09	granted
Foundation Surgery Center of Fort Washington, LLC	28 Pa. Code § 569.35	general safety precautions	07/25/09	granted
Norwin Medical Commons	28 Pa. Code § 569.35	general safety precautions	09/26/09	granted
Eastern Pennsylvania Nephrology Associates	28 Pa. Code § 569.35(7)	general safety precautions	10/17/09	granted
Nephrology Hypertension Associates of the Lehigh Valley	28 Pa. Code § 569.35(7)	general safety precautions	10/17/09	granted
Apple Hill Surgical Center	28 Pa. Code § 569.35(7)	general safety precautions	10/17/09	granted
Hazleton General Hospital	28 Pa. Code § 569.35(7)	general safety precautions	10/17/09	granted
UPMC Monroeville Surgery Center	28 Pa. Code § 569.35	general safety precautions	12/19/09	granted
Laser Spine Surgery Center of Pennsylvania, LLC	28 Pa. Code § 569.35	general safety precautions	12/19/09	granted
Spartan Health Surgicenter	28 Pa. Code § 569.35	general safety precautions	05/09/09	granted
The Neurospine Center, LP	28 Pa. Code § 569.35	general safety precautions	06/13/09	granted
The Scranton Endoscopy Center	28 Pa. Code § 571.1	3.9-2.3.2.2 (area and dimensions)	06/13/09	granted

Long-Term Care Nursing Care Facilities

Artman Lutheran Home	28 Pa. Code § 201.3	definitions	10/10/09	granted
Paul's Run	28 Pa. Code § 201.3	definitions	10/10/09	granted
Riverwoods	28 Pa. Code § 201.3	definitions	11/07/09	granted
Schuylkill Medical Center—South	28 Pa. Code § 201.18(e)	management	10/17/09	granted
Lutheran Community at Telford	28 Pa. Code § 205.6(a)	function of building	10/31/09	granted
Schuylkill Medical Center—South	28 Pa. Code § 205.6(a)	function of building	12/05/09	granted
Orangeville Nursing & Rehab	28 Pa. Code § 205.6(a)	function of building	12/12/09	granted
John J. Kane Regional Center	28 Pa. Code § 205.6(a)	function of building	12/19/09	granted
Hanover Hall	28 Pa. Code § 205.10(d)	doors	11/14/09	granted
Golden Living Center—Erie	28 Pa. Code § 205.19(b)	windows and windowsills	12/05/09	granted
St. Monica Manor	28 Pa. Code § 205.24(a)	dining room	07/18/09	temporarily granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Lutheran Community at Telford	28 Pa. Code § 205.25(a)	kitchen	10/31/09	granted
Lutheran Community at Telford	28 Pa. Code § 205.26(a)	laundry	10/31/09	granted
Highland Park Care Center	28 Pa. Code § 205.28(c)(1)	nurse's station	12/19/09	granted
Transitional Care Center	28 Pa. Code § 205.31	storage	10/10/09	granted
Transitional Care Center	28 Pa. Code § 205.36	bathing facilities	10/10/09	granted
Haven Convalescent Home, Inc.	28 Pa. Code § 205.36(h)	bathing facilities	11/28/09	granted
Schuylkill Medical Center—South	28 Pa. Code § 205.36(h)	bathing facilities	11/28/09	granted
Countryside Christian Community	28 Pa. Code § 205.67(j)—(k)	electrical requirements	09/26/09	granted
Lutheran Community at Telford	28 Pa. Code § 205.67(k)	electric requirements	10/31/09	granted
Schuylkill Medical Center—South	28 Pa. Code § 211.12(b)	nursing services	10/17/09	granted
Charles Cole Memorial Hospital	28 Pa. Code § 211.3(a)	oral and telephone orders	04/25/09	granted

Persons with a disability who require an alternative format of this notice, (for example, large print, audiotape, Braille), should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously-referenced address, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-615. Filed for public inspection April 2, 2010, 9:00 a.m.]

Governor's Council on Physical Fitness and Sports Committee; Public Meeting

The Governor's Council on Physical Fitness and Sports will hold a meeting on Thursday, April 22, 2010, from 9:30 a.m. to 3:30 p.m. The meeting will be held at the Giant Food Store, 3301 East Trindle Road, Camp Hill, PA 17011-4413.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodations to do so, contact Jessica Zilka, Bureau of Health Promotion & Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 787-6214, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-616. Filed for public inspection April 2, 2010, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date Of Debarment</i>
OCF Enterprises, LLC, Richard Lewis, Individually, Mary Jo Pinko, Individually and Elizabeth Isabella-Lewis, Individually	4135 Old William Penn Highway Monroeville, PA 15146	3/11/2010
Nagy Trucking and Kelli Nagy, Individually	1360 Savannah Road New Castle, PA 16101	3/11/2010

SANDI VITO,
Secretary

[Pa.B. Doc. No. 10-617. Filed for public inspection April 2, 2010, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Additional Class of Disproportionate Share Payments for Critical Access Hospitals and Qualifying Rural Hospitals

The Department of Public Welfare is announcing its intent to decrease the allocation of funding for Fiscal Year (FY) 2009-2010 for disproportionate share hospital (DSH) payments to qualifying hospitals based on the designation as a Critical Access Hospital or as a qualifying rural hospital. This decrease is a result of the mid-year spending reductions to the Commonwealth's 2009-2010 enacted budget. There will be no change in the current qualifying criteria or methodology for determining eligibility for these payments.

Fiscal Impact

For FY 2009-2010 these DSH payments will total \$9.687 million (\$4.378 million in State funds), reflecting a reduction of \$1.078 (\$0.487 million in State funds) from the amounts appropriated in Act 10-A of 2009.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

HARRIET DICHTER,
Acting Secretary

Fiscal Note: 14-NOT-636. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 10-618. Filed for public inspection April 2, 2010, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$10,000 A Month For Life Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

- Name:* The name of the game is Pennsylvania \$10,000 A Month For Life.
- Price:* The price of a Pennsylvania \$10,000 A Month For Life instant lottery game ticket is \$5.
- Play Symbols:* Each Pennsylvania \$10,000 A Month For Life instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their

captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), CASH symbol (CASH) and a Star symbol (STAR).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and LIFE (\$10K/MO/LF).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000 and \$10,000 a month for life (\$2.4 million lifetime minimum). A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 19,200,000 tickets will be printed for the Pennsylvania \$10,000 A Month For Life instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of LIFE (\$10K/MO/LF) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000 a month for life (\$2.4 million lifetime minimum) which will be paid by an initial cash payment of \$120,000 plus equal annual payments of \$120,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$2.4 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania \$10,000 A Month For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a CASH symbol (CASH), and a prize symbol of \$500 (FIV HUN) appears under the CASH symbol (CASH), on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$100 (ONE HUN) appears under the Star symbol (STAR), on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a CASH symbol (CASH), and a prize symbol of \$100 (ONE HUN) appears under the CASH symbol (CASH), on a single ticket, shall be entitled to a prize of \$200.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a CASH symbol (CASH), and a prize symbol of \$50⁰⁰ (FIFTY) appears under the CASH symbol (CASH), on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$20⁰⁰ (TWENTY) appears under the Star symbol (STAR), on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a CASH symbol (CASH), and a prize symbol of \$25⁰⁰ (TWY FIV) appears under the CASH symbol (CASH), on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Star symbol (STAR), on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol

of \$40⁰⁰ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a CASH symbol (CASH), and a prize symbol of \$20⁰⁰ (TWENTY) appears under the CASH symbol (CASH), on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star symbol (STAR), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Star symbol (STAR), on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a CASH symbol (CASH), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the CASH symbol (CASH), on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15⁰⁰ (FIFTN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a CASH symbol (CASH), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the CASH symbol (CASH), on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Any Of The Winning Numbers, Win Prize Under That Number. Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 19,200,000 Tickets:
\$5	\$5	10.53	1,824,000
\$5 w/CASH	\$10	60	320,000
\$5 × 2	\$10	60	320,000
\$10	\$10	60	320,000
\$5 × 3	\$15	150	128,000
(\$5 w/CASH) + \$5	\$15	150	128,000
\$10 + \$5	\$15	150	128,000
\$15	\$15	150	128,000
\$5 × 4	\$20	300	64,000
(\$5 w/CASH) + (\$5 × 2)	\$20	300	64,000
\$10 w/CASH	\$20	300	64,000
\$20	\$20	150	128,000
\$5 w/STAR	\$25	600	32,000
\$5 × 5	\$25	600	32,000
(\$10 w/CASH) + \$5	\$25	600	32,000
\$15 + \$10	\$25	600	32,000
\$25	\$25	600	32,000
\$5 × 8	\$40	600	32,000
(\$5 w/STAR) + \$15	\$40	600	32,000
\$10 × 4	\$40	600	32,000
\$20 w/CASH	\$40	600	32,000
\$40	\$40	600	32,000
\$5 × 10	\$50	600	32,000
\$10 w/STAR	\$50	600	32,000
\$25 w/CASH	\$50	600	32,000
(\$20 w/CASH) + \$10	\$50	600	32,000
\$50	\$50	600	32,000
\$10 × 10	\$100	1,846	10,400
\$20 w/STAR	\$100	1,846	10,400
\$25 × 4	\$100	1,846	10,400
(\$40 × 2) + \$20	\$100	1,846	10,400
\$50 w/CASH	\$100	1,846	10,400
\$100	\$100	1,846	10,400
(\$20 w/STAR) + (\$25 × 4)	\$200	24,000	800
\$20 × 10	\$200	24,000	800
\$40 × 5	\$200	24,000	800
(\$50 w/CASH) + (\$50 × 2)	\$200	24,000	800
\$100 × 2	\$200	24,000	800
\$200	\$200	24,000	800
\$50 × 10	\$500	120,000	160
\$100 w/STAR	\$500	120,000	160
(\$100 w/CASH) + (\$50 × 6)	\$500	120,000	160
\$500	\$500	120,000	160
\$100 × 10	\$1,000	60,000	320
(\$100 w/STAR) + (\$100 × 5)	\$1,000	40,000	480
\$500 w/CASH	\$1,000	40,000	480
\$1,000	\$1,000	40,000	480
\$10,000	\$10,000	960,000	20
LIFE	\$10,000/MO/LIFE	4,800,000	4

Get a "CASH" (CASH) symbol, win double the prize under that symbol.
 Get a "STAR" (STAR) symbol, win 5 times the prize under that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$10,000 A Month For Life instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$10,000 A Month For Life, prize money from winning Pennsylvania

\$10,000 A Month For Life instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$10,000 A Month For Life instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State

Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$10,000 A Month For Life or through normal communications methods.

C. DANIEL HASSELL,
Acting Secretary

[Pa.B. Doc. No. 10-619. Filed for public inspection April 2, 2010, 9:00 a.m.]

Pennsylvania \$250,000 A Year For Life Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$250,000 A Year For Life.

2. *Price:* The price of a Pennsylvania \$250,000 A Year For Life instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania \$250,000 A Year For Life instant lottery game ticket will contain one play area featuring a “MONEYBAG NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “MONEYBAG NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), CASH symbol (CASH), \$100 Burst symbol (BURST) and a Star symbol (STAR).

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$25,000 (TWYFIVTHO), \$250,000 (TWHNFYTH) and LIFE (\$250K/YR/LF).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$25, \$40, \$50, \$100, \$250, \$500, \$1,000, \$25,000, \$250,000 and \$250,000 a year for life (\$5 million lifetime minimum). A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 15,600,000 tickets will be printed for the Pennsylvania \$250,000 A Year For Life instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of LIFE (\$250K/YR/LF) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250,000 a year for life (\$5 million lifetime minimum) which will be paid by an initial cash payment of \$250,000 plus equal annual payments of \$250,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$5 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania \$250,000 A Year For Life prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CASH symbol (CASH), and a prize symbol of \$25,000 (TWYFIVTHO) appears under the CASH symbol (CASH), on a single ticket, shall be entitled to a prize of \$25,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star symbol (STAR), and a prize symbol of \$50⁰⁰ (FIFTY) appears in ten of the “prize” areas, and a prize symbol of \$100 (ONE HUN) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CASH symbol (CASH), and a prize symbol of \$500 (FIV HUN) appears under the CASH symbol (CASH), on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star symbol (STAR), and a prize symbol of \$25⁰⁰ (TWY FIV) appears in ten of the “prize” areas, and a prize symbol of \$50⁰⁰ (FIFTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the

“MONEYBAG NUMBERS” play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star symbol (STAR), and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the “prize” areas, and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$250.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star symbol (STAR), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the “prize” areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$100 Burst symbol (BURST), on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CASH symbol (CASH), and a prize symbol of \$50⁰⁰ (FIFTY) appears under the CASH symbol (CASH), on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize

symbol of \$25⁰⁰ (TWY FIV) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CASH symbol (CASH), and a prize symbol of \$25⁰⁰ (TWY FIV) appears under the CASH symbol (CASH), on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CASH symbol (CASH), and a prize symbol of \$20⁰⁰ (TWENTY) appears under the CASH symbol (CASH), on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of \$15⁰⁰ (FIFTN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a CASH symbol (CASH), and a prize symbol of \$15⁰⁰ (FIFTN) appears under the CASH symbol (CASH), on a single ticket, shall be entitled to a prize of \$15.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “MONEYBAG NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Of The Moneybag Numbers, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 15,600,000 Tickets:</i>
\$5 × 2	\$10	15	1,040,000
\$10	\$10	15	1,040,000
\$5 × 3	\$15	60	260,000
\$10 + \$5	\$15	60	260,000
\$15 w/CASH	\$15	60	260,000
\$15	\$15	60	260,000
\$5 × 4	\$20	300	52,000
(\$5 × 2) + \$10	\$20	200	78,000
\$15 + \$5	\$20	300	52,000
\$10 × 2	\$20	200	78,000
\$20 w/CASH	\$20	120	130,000
\$20	\$20	120	130,000
\$5 × 5	\$25	300	52,000

Powerball

In accordance with 61 Pa. Code § 871.22(3)(viii) (relating to changes to Powerball), the Secretary of Revenue (Secretary) announces the following Powerball special promotion, a power play multiplier of 10.

In accordance with 61 Pa. Code § 871.5 (relating to ticket price), the power play option may be exercised at the discretion of the player for an additional \$1 per play.

The promotional multiplier of 10 shall be available for power play drawings conducted in association with the Powerball game from May 1, 2010, through May 29, 2010. If a multiplier of 10 is not drawn during this period then the promotion will continue until a multiplier of 10 is drawn. Except as otherwise provided, during this promotional period all power play set prizes shall be paid in single, lump-sum payments determined by multiplying the Powerball set prize by the number selected in the power play drawing as follows:

Prize Level	Powerball Set Prize Amount	Power Play Multiplier and Set Prize Amount				
		10	5	4	3	2
Second Prize	\$200,000	\$2,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Third Prize	\$10,000	\$100,000	\$50,000	\$40,000	\$30,000	\$20,000
Fourth Prize	\$100	\$1,000	\$500	\$400	\$300	\$200
Fifth Prize	\$100	\$1,000	\$500	\$400	\$300	\$200
Sixth Prize	\$7	\$70	\$35	\$28	\$21	\$14
Seventh Prize	\$7	\$70	\$35	\$28	\$21	\$14
Eighth Prize	\$4	\$40	\$20	\$16	\$12	\$8
Ninth Prize	\$3	\$30	\$15	\$12	\$9	\$6

During this promotion the power play drawing will use the following series of numbers: 2, 2, 2, 2, 3, 3, 3, 3, 4, 4, 4, 4, 5, 5, 5 and 10. The power play odds including the promotional multiplier of 10 are as follows.

Power Play Multiplier with Promotional 10 Multiplier	Odds
10x	1:16
5x	1:5.33
4x	1:4
3x	1:4
2x	1:4

C. DANIEL HASSELL,
Acting Secretary

[Pa.B. Doc. No. 10-621. Filed for public inspection April 2, 2010, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Meetings Scheduled for 2010

State Transportation Advisory Committee Meeting

The State Transportation Advisory Committee will hold a meeting on Thursday, April 8, 2010, from 10 a.m. to 12 p.m. in Conference Room 8N1 on the 8th Floor of the Commonwealth Keystone Building, Harrisburg, PA. For more information contact Nolan Ritchie at (717) 787-2913 or nritch@state.pa.us.

Rail Freight Advisory Committee Meeting

The Rail Freight Advisory Committee will hold a meeting on Wednesday, April 28, 2010, from 1 p.m. to 3 p.m. in Conference Room 8N1 on the 8th Floor of the Commonwealth Keystone Building, Harrisburg, PA. For more information contact Nolan Ritchie at (717) 787-2913 or nritch@state.pa.us.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 10-622. Filed for public inspection April 2, 2010, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The following meetings of the Health Care Cost Containment Council (Council) have been scheduled: Tuesday, April 13, 2010, 10 a.m. Act 3 Review Committee, Monday, April 26, 2010, 2 p.m. Technical Advisory Group Conference Call, Wednesday, May 5, 2010, 10 a.m. Data Systems Committee and 1 p.m. Education Committee; Thursday, May 6, 2010, 10 a.m. Council Meeting and 1 p.m. Payment Data Advisory Group. The meetings will be either held or accessible from the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodations due to a disability who want to attend the meetings should contact Renee Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 10-623. Filed for public inspection April 2, 2010, 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 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 agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-108	Pennsylvania Gaming Control Board Principal Licensing Amendments 40 Pa.B. 434 (January 16, 2010)	2/16/10	3/18/10

**Pennsylvania Gaming Control Board
Regulation #125-108 (IRRC #2814)
Principal Licensing Amendments
March 18, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the January 16, 2010 *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 Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Section 433a.2. Officers and directors of licensees.—Reasonableness; Economic impact.

Shuffle Master, Inc. commented that the 30-day time period in Subsection (e) is unduly burdensome and is not enough time to accurately complete the amount of information required by the designated disclosure forms. In addition, Shuffle Master, Inc. suggests allowing time extensions. The Board should review the required time period of 30 days, explain why 30 days is reasonable and also consider allowing extensions on a case-by-case basis.

2. Section 433a.4. Interests in licensees held by entities.—Clarity.

Subsection (c) states “[A]n entity that has acquired an interest or right . . . prior to being licensed, whose application is denied or withdrawn shall divest his interest or right.” However, Subsection (c) does not provide a process or time frame to accomplish this divestiture.

Divestiture of a disqualifying applicant is explained in statute at 4 Pa.C.S. § 1312. We note that the statute

includes other requirements such as a process to approve the terms and conditions of a divestiture. Also, the Board’s regulation at 58 Pa. Code § 441a.8 describes divestiture in detail for a slot machine license, including a 120-day time period to divest. We recommend that the regulation provide more detail on how to accomplish divestiture, including a time frame to accomplish divestiture, similar to 58 Pa. Code § 441a.8.

3. Section 433a.5. Institutional investors.—Reasonableness; Clarity.

Shuffle Master, Inc.’s comments request that the final-form regulation include a specific time frame for filing the required documents under this section and allow an extension of time to file the documents. We agree that a time frame to file the documents is needed in section 433a.5 and recommend adding one. The Board should also consider whether a time extension provision is needed.

4. Section 433a.6. Lenders and underwriters.—Economic impact; Reasonableness.

The Washington Trotting Association, Inc. (WTA) commented that the amendments to this section are contrary to the Board’s intention to eliminate or reduce the requirements to obtain a principal license. WTA believes that the amendments will cause more entities and lenders to file for licensure as a principal. We request that the Board explain how the proposed amendments will eliminate or reduce the requirement to obtain a principal license.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-624. Filed for public inspection April 2, 2010, 9:00 a.m.]

Notice of Filing of Final Rulemaking

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, in 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 on the web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Public Received Meeting</i>
10-181	Department of Health School Immunizations; Communicable and Noncommunicable Diseases	3/22/10 4/22/10

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-625. Filed for public inspection April 2, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PPL Electric Utilities Corporation

A-2010-2164476. PPL Electric Utilities Corporation. Application of PPL Electric Utilities Corporation for the siting and construction of the Appenzell No. 1 and No. 2 138 kV Taps in Jackson Township, Monroe County, PA.

P-2010-2163925. PPL Electric Utilities Corporation. Petition of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the Appenzell 138-12 kV substation to be constructed in Jackson Township, Monroe County, PA is reasonably necessary for the convenience or welfare of the public.

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 5, 2010. The documents filed in support of the application and petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18106

Christopher T. Wright, Esquire, John H. Isom, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. McNULTY,
Secretary

Notice

This is to inform you that an initial prehearing conference on the previously-captioned case will be held as follows:

Type: Initial Prehearing Conference

Date: Wednesday, May 12, 2010

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) 783-5452
Fax: (717) 787-0481

Presiding: Administrative Law Judge Ember S. Jandebeur
Room 317
Scranton State Office Building
100 Lackawanna Avenue
Scranton, PA 18503
Telephone: (570) 963-4818
Fax: (570) 963-3310

For persons with a disability who wish to attend the hearing, the Pennsylvania Public Utility Commission (Commission) may be able to make arrangements for

their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For those who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 10-626. Filed for public inspection April 2, 2010, 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 19, 2010. 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-2010-2165808. Caribbean Car and Limousine Services, LLC, t/a Caribbean Car Service & Limousine (2034 Franklin Place, Wyomissing, Reading County, PA 19610)—persons, upon call or demand, in the County of Berks.

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-2010-2164865. J & J Leasing & Rentals, Inc., d/b/a Anytime-Airport-Taxi by J & J Luxury Transportation (445 Business Park Lane, Allentown, PA 18109) a corporation of the Commonwealth, for the additional right to begin to transport, as a common carrier, by motor vehicle, persons, upon call or demand, to and or from points within Lehigh and Northampton Counties.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-2010-2165282. Brandon M. Hescoc, d/b/a Hescoc Moving Services (801 North 6th Street, Bellwood, PA 16617) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in the Counties of Blair and Centre, and from

points in said Counties, to points in Pennsylvania: *So As To Permit* the transportation of household goods in use: between points within the Counties of Blair and Centre, and from points within Blair and Centre Counties to points in Pennsylvania, and vice versa.

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-2010-2165273. Gene Leman, t/a Slate Belt Transit (660 Ridge Road, Bangor, Northhampton County, PA 18013) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in paratransit service, from points in the Borough of Bangor, Northhampton County, to points in Pennsylvania, and return.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Tangara, Inc.;
Doc. No. C-2010-2155421

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 Tangara, Inc., respondent, maintains its principal place of business at 3360 Chichester Avenue, Apt. P 10, Boothwyn, PA 19061.
2. That Respondent was issued Certificates of Public Convenience by this Commission on December 6, 1995, at Application Docket No. A-00112471, F.1, on August 18, 1998, at Application Docket No. A-00112471, F.2, and on December 4, 2001, at Application Docket No. A-00112471, F.5.
3. That on December 20, 2007, Respondent received an initial assessment of \$72.00. On August 1, 2008, the Commission waived \$24.00 of Respondent's initial assessment. On August 29, 2008, Respondent received an initial assessment of \$74.00, and on September 9, 2009, Respondent received an initial assessment of \$59.00. Respondent failed to pay these assessments, as well as the remainder of its 2007 assessment; therefore, a balance was due in the amount of \$181.00.
4. That Respondent has an outstanding assessment of \$181.00.
5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).
6. That Respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless Respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificates of Public Convenience issued to Respondent, notifies the Department of Revenue that Respondent's Certificates of Public Convenience have been revoked, notifies Respondent's insurance carrier that Respondent's Certificates of Public Convenience have been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, 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 to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
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). 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:

James J. McNulty, 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 an Order 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 Certificates of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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 an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificates 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 Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at (717) 787-1227.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-627. Filed for public inspection April 2, 2010, 9:00 a.m.]
