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# PENNSYLVANIA BULLETIN

Volume 40

Number 16

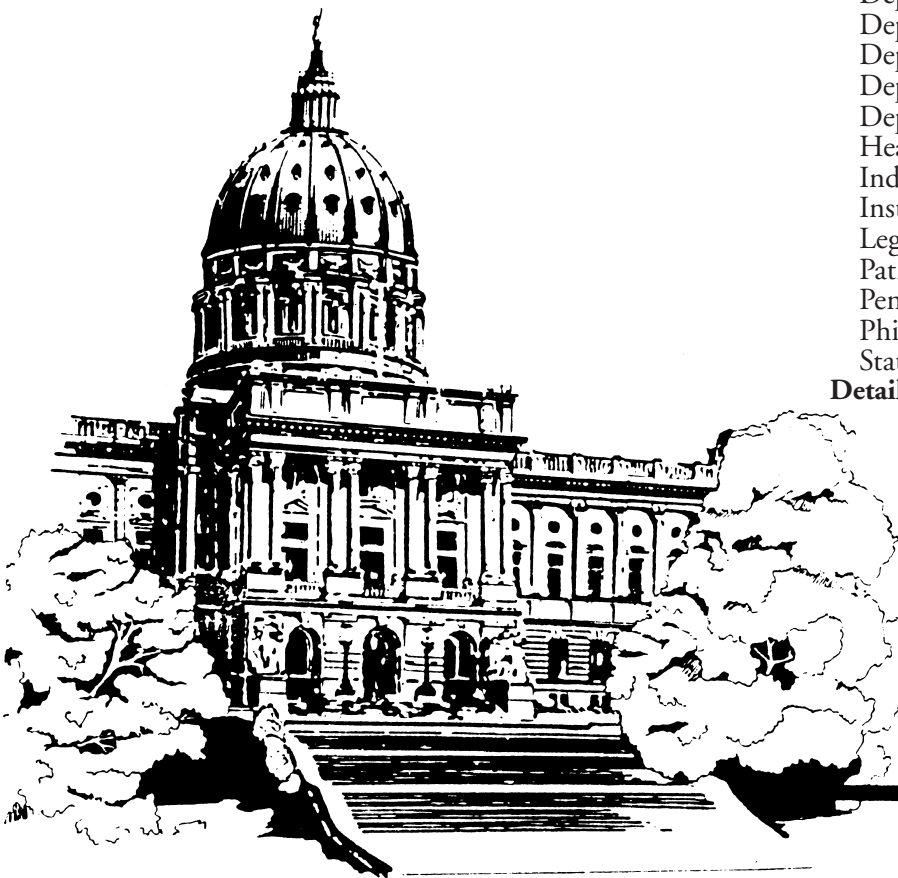
Saturday, April 17, 2010 • Harrisburg, PA

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2010.

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[ 204 PA. CODE 221 ]

#### Court Interpreters for Persons with Limited English Proficiency and for Persons Who Are Deaf or Hard of Hearing

In accordance with the Judicial Code, 42 Pa.C.S. §§ 4411 and 4431, the following regulations and the comments and schedules thereto have been approved by the Court Administrator of Pennsylvania and shall be effective May 1, 2010. The regulations, comments and schedules can also be found on the interpreter certification web page located at [www.pacourts.us/t/aopc/courtinterpreterprog](http://www.pacourts.us/t/aopc/courtinterpreterprog).

Filed in the Administrative Office of Pennsylvania Courts on April 1, 2010.

ZYGMONT A. PINES,  
*Court Administrator of Pennsylvania*

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

#### CHAPTER 221. COURT INTERPRETERS FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY AND FOR PERSONS WHO ARE DEAF OR HARD OF HEARING

##### Subchapter 1. GENERAL PROVISIONS

#### § 101. Scope.

These regulations are enacted pursuant to 42 Pa.C.S. §§ 4411 and 4431 and shall govern the appointment and use of interpreters for persons with limited English proficiency and persons who are deaf or hard of hearing in all court proceedings within the Unified Judicial System.

#### § 102. Definitions.

For purposes of these regulations:

(a) *Appellate Court Prothonotary* means the prothonotary responsible for the appellate court in which the judicial proceeding is conducted or his or her designee.

(b) *Certified Interpreter* means a person who is certified in accordance with the guidelines established by the Court Administrator for the certification and appointment of interpreters.

(c) *Court Administrator* means the Court Administrator of Pennsylvania.

(d) *Deaf or hard of hearing* means an impairment of hearing or speech which creates an inability to understand or communicate the spoken English language.

(e) *Direct victim* means an individual against whom a crime has been committed or attempted.

(f) *District Court Administrator* means the court administrator responsible for the administration of the courts of the judicial district in which the judicial proceeding is conducted or his or her designee.

(g) *Immediate family member* means a spouse, child, parent or an individual who stands in *loco parentis* to a child in a proceeding pursuant to 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

(h) *Interpret* means either:

(1) within the context of court interpreters for persons with limited English proficiency, to convey spoken and written English into the language of the person with limited English proficiency and to convey spoken and written statements by that person into spoken English; or

(2) within the context of court interpreters for persons who are deaf or hard of hearing, to convey spoken English in a manner understood by the deaf or hard of hearing person through, but not limited to, American Sign Language and transliteration or any other process, procedure, or means of communication used to convey the communications made by the deaf or hard of hearing person into spoken English.

(i) *Interpreter* includes both a certified interpreter and an otherwise qualified interpreter for persons with limited English proficiency and the deaf or hard of hearing.

(j) *Judicial proceeding* means an action, appeal or proceeding in any court of the Commonwealth of Pennsylvania and includes any proceeding conducted by a presiding judicial officer as defined by § 102(n).

(k) *Otherwise qualified interpreter* means a person who meets the pertinent requirements of the guidelines established by the Court Administrator for qualification and appointment of interpreters.

(l) *Person who is deaf or hard of hearing* means a principal party in interest or a witness who is deaf.

(m) *Person with limited English proficiency* means a principal party in interest or a witness who speaks exclusively or primarily a language other than English and is unable to sufficiently speak and understand English so as to fully participate and be understood in a judicial proceeding.

(n) *Presiding judicial officer* includes justices, judges, magisterial district judges, and appointive judicial officers such as arbitrators, masters and other like officers.

(o) *Principal party in interest* means a person involved in a judicial proceeding who is a plaintiff or defendant in a proceeding pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse); a defendant, parent of a defendant or direct victim in a proceeding pursuant to 42 Pa.C.S. Ch. 63 (relating to juvenile matters); a defendant or direct victim in a criminal proceeding; a person who is a named party in any other judicial proceeding; or a person who brings an action on behalf of a minor or incompetent person.

(p) *Roster* means the list of certified and otherwise qualified interpreters maintained and distributed by the Court Administrator.

(q) *Staff Interpreter* means a certified or otherwise qualified interpreter who is an employee of the appellate court or judicial district and whose duties include providing services as an interpreter and functions related to interpreting.

(r) *Transliteration* means to convey spoken or written English in an English-based sign system and the process of conveying an English-based sign system in spoken or written English.

(s) *Witness* means a person who testifies in a judicial proceeding.

#### Comment

The definition of "Certified Interpreter" set forth in subsection (b) contains the requirement that the interpreter be certified by the Court Administrator. An interpreter who is certified pursuant to another jurisdiction or organization's policies is nonetheless not a certified interpreter under these regulations if that individual has not been certified by the Court Administrator. Therefore, persons charged with applying these regulations should take care to confirm that an interpreter who purports to be certified has in fact been certified by the Court Administrator. A "Staff Interpreter" pursuant to subsection (q) is a full-time employee of the appellate court or judicial district whose duties include providing interpretation services. Persons employed as staff interpreters—even those employed as such on or before the date of the enactment of these regulations—will be required to be certified in their language of expertise by the Court Administrator in order to attain certified status under these regulations, if such certification is available.

These regulations are not intended to restrict a deaf or hard of hearing person's ability pursuant to the Americans With Disabilities Act (ADA), 42 U.S.C. §§ 12101 *et seq.*, to request a process, procedure or means of communication other than an interpreter. Under the ADA and its regulations, a deaf or hard of hearing person may request a specific auxiliary aid and the public entity must give primary consideration to that choice unless another effective means of communication exists or it can demonstrate that doing so would fundamentally alter the nature of the service, program or activity or result in undue financial hardship. 28 CFR 35.160; 35.164; 28 CFR Pt. 35, App. A.

#### § 103. Confidentiality of Communications.

As provided in 42 Pa.C.S. §§ 4415 and 4436, an interpreter appointed pursuant to these regulations shall not be permitted or compelled to testify in any judicial proceeding as to any interpreted statements made by the person for whom he or she is interpreting when that person is engaged in a confidential communication as provided by any statute or general rule, including, but not limited to:

(a) 42 Pa.C.S. § 5916 (relating to confidential communications to attorney);

(b) 42 Pa.C.S. § 5928 (relating to confidential communications to attorney);

(c) 42 Pa.C.S. § 5942 (relating to confidential communications to news reporters);

(d) 42 Pa.C.S. § 5943 (relating to confidential communications to clergymen);

(e) 42 Pa.C.S. § 5944 (relating to confidential communications to psychiatrists or licensed psychologists);

(f) 42 Pa.C.S. § 5945 (relating to confidential communications to school personnel);

(g) 42 Pa.C.S. § 5945.1 (relating to confidential communications with sexual assault counselors);

(h) 42 Pa.C.S. § 5945.2 (relating to confidential communications to crime stopper or similar anticrime program); and

(i) 23 Pa.C.S. § 6116 (relating to confidential communications to domestic violence counsel/advocates).

#### § 104. Remote Interpretation.

(a) Simultaneous audiovisual technology.—In the event that a certified or otherwise qualified interpreter for persons with limited English proficiency or who are deaf or hard of hearing cannot be found to interpret in person, one may be appointed to interpret via remote technology allowing for two-way simultaneous communication of image and sound such as video-conferencing, closed-circuit television, or web-based camera, provided that the judicial proceeding: is expected to be no more than 30 minutes in duration; is non-evidentiary; and does not involve more than one interpreter. Prior to utilizing the interpreter, the court must conduct a *voir dire* to determine his or her qualifications, unless the interpreter has been previously used by, and his or her qualifications are known to, the court.

(b) Telephonic interpretation.—If neither a certified nor otherwise qualified interpreter can be found to interpret in person or by remote technology allowing for two-way simultaneous communication of image and sound, one may be appointed to interpret remotely via telephone provided the judicial proceeding: is expected to be no more than 30 minutes in duration; is non-evidentiary; and does not involve more than one interpreter. If neither a certified nor otherwise qualified interpreter can be found to interpret via telephone, the court may utilize a telephone interpreter provided by a commercial telephone interpreter service. Prior to utilizing any telephonic interpreter, the court must conduct a *voir dire* to determine his or her qualifications, unless the interpreter has been previously used by, and his or her qualifications are known to, the court.

(c) Exceptions.—Preliminary arraignments pursuant to Rule of Criminal Procedure 540 and proceedings for emergency orders under the Protection from Abuse Act (23 Pa.C.S. § 6101 *et seq.*) and the Older Adults Protective Services Act (35 P.S. § 10225.101 *et seq.*) may be conducted via remote technology without regard to subsections (a) and (b) above, except that a *voir dire* still must be conducted to determine the interpreter's qualifications, unless the interpreter has been previously used by, and his or her qualifications are known to, the court.

#### Comment

Although this regulation allows for remote interpretation under certain limited circumstances, interpretation in person is strongly preferred. Pursuant to subsections (a) and (b), if an interpreter cannot be found to interpret in person, the next step should be to find one to interpret via remote means that allow for two-way simultaneous communication of image and sound. It is only after determining that an interpreter cannot be found to interpret via two-way simultaneous communication of image and sound that the court should consider an audio-only device such as a telephone.

#### § 105. Waiver of Interpreter.

(a) Waiver by a party.—A party with limited English proficiency or party who is deaf or hard of hearing may waive the right to an interpreter provided the waiver is conducted in the presence of the presiding judicial officer and the party seeking to waive is represented by counsel or has knowingly waived the right to counsel. The presiding judicial officer shall ascertain from the party with limited English proficiency or party who is deaf or hard of hearing whether the waiver is knowing, voluntary and intelligent. If the judicial proceeding is conducted in

a court of record, the foregoing determination shall be made on the record. The party with limited English proficiency or party who is deaf or hard of hearing must be provided with an interpreter during the waiver process. In addition, the waiver shall be in writing signed by the party with limited English proficiency or party who is deaf or hard of hearing, with a representation that the party was told of the right to an interpreter and that the party chose not to have an interpreter at the judicial proceeding. The written waiver shall be on the form provided by the Court Administrator for this purpose and shall be made part of the record of the judicial proceeding.

(b) Waiver by a non-party.—When a non-party who is entitled to an interpreter under these regulations seeks to waive the right to an interpreter the provisions of subsection (a) above should be followed with the exception that counsel need not be present.

#### Comment

When persons with limited English proficiency or persons who are deaf or hard of hearing waive their right to an interpreter pursuant to § 105 they are divesting themselves of an important due process safeguard. For this reason, the presiding judicial officer should take great care to ensure that the person's waiver is knowing, voluntary and intelligent. When deciding whether to permit waiver the presiding judicial officer should consider not only the needs of the person with limited English proficiency or person who is deaf or hard of hearing but also the needs of the presiding judicial officer and others involved in the proceedings to accurately understand that person. If the presiding judicial officer feels that the interpreter is necessary for the presiding judicial officer or others involved in the proceedings to accurately understand the person with limited English proficiency or person who is deaf or hard of hearing, the waiver request should be denied.

#### § 106. Oath for Interpreters.

Before commencement of interpreter duties, an interpreter shall take the following oath:

Do you solemnly swear or affirm that you will make an accurate, complete and impartial interpretation from the English language into the (target language), and vice-versa, of all communication during this proceeding using your best skill, judgment and ability and that you will abide by the Rules of Professional Conduct for Judiciary Interpreters, and so you do swear or affirm?

Once the oath is administered, the interpreter becomes an officer of the court for the duration of his or her appointment.

#### § 107. Cost of Providing Interpreters for Persons with Limited English Proficiency.

(a) General rule.—An interpreter appointed pursuant to § 203 is entitled to a reasonable fee for interpreter services and shall be reimbursed for actual and reasonable expenses in accordance with the compensation schedule approved by the Court Administrator pursuant to 42 Pa.C.S. § 4411(d).

(b) Principal party in interest.—If the person with limited English proficiency is a principal party in interest, the payment of the cost of providing the interpreter shall be the responsibility of the county of the court or the appellate court that has jurisdiction over the judicial proceeding for which the interpreter was appointed.

(c) Witness.—If the person with limited English proficiency is compelled to appear as a witness in a judicial proceeding for a criminal matter or juvenile proceeding pursuant to 42 Pa.C.S. Ch. 63 (relating to juvenile matters), the payment of the cost of providing the interpreter shall be the responsibility of the county of the court that has jurisdiction over the judicial proceeding for which the interpreter was appointed.

(d) Assignment of costs.—Except as provided in subsections (b) and (c), disposition of all or part of the cost of providing interpreter services shall be in the discretion of the presiding judicial officer and in accordance with the compensation schedule established by the Court Administrator, unless the principal party in interest is indigent. If the principal party in interest is indigent, the cost of providing interpreter services shall be the responsibility of the county of the court or the appellate court that has jurisdiction over the judicial proceeding for which the interpreter was appointed. Except as provided in subsections (b) and (c), the presiding judicial officer may order reimbursement to the county of the court or the appellate court that has jurisdiction over the judicial proceeding for which the interpreter was appointed for its responsibilities under this chapter. In determining the amount of actual and reasonable expenses to be paid to the interpreter, the presiding judicial officer shall follow the fee schedule for interpreters established by the Court Administrator.

#### Comment

The compensation schedule referred to in subsection (a) will be published in the *Pennsylvania Bulletin* and the official web site of the Administrative Office of Pennsylvania Courts and will be subject to periodic review. In a judicial district comprised of more than one county, the county of the court that has jurisdiction over the judicial proceedings is the county in which the cause of action arose.

#### § 108. Costs of Providing Interpreters for Persons who are Deaf or Hard of Hearing.

(a) General rule.—Except as provided in subsection (b), an interpreter appointed in accordance with § 203 is entitled to a reasonable fee for his or her services and shall be reimbursed for actual and reasonable expenses by the county of the court that has jurisdiction over the judicial proceeding in accordance with the compensation schedule approved by the Court Administrator pursuant to 42 Pa.C.S. § 4431(d). Except as provided in subsection (b), expenses related to interpreters appointed for appellate judicial proceedings shall be the responsibility of the appellate court. In no event shall the cost of providing interpreter services be the responsibility of the person who is deaf or hard of hearing.

(b) Payment determination of costs related to appointment of interpreters for immediate family members.—Disposition of all or part of the cost of providing an interpreter appointed in accordance with § 203(d) (interpreter for immediate family members) shall be in the discretion of the court that has jurisdiction over the judicial proceeding and in accordance with the compensation schedule approved by the Court Administrator. If the principal party in interest is indigent, the cost of providing interpreter services shall be the responsibility of the county of the court or the appellate court that has jurisdiction over the judicial proceeding for which the interpreter was appointed. The presiding judicial officer may order reimbursement to the county or the appellate court for its responsibilities under this chapter. In no



event shall the cost of providing interpreter services be the responsibility of the person who is deaf or hard of hearing.

### Comment

The compensation schedule referred to in subsection (a) will be published in the *Pennsylvania Bulletin* and the official web site of the Administrative Office of Pennsylvania Courts and will be subject to periodic review. In a judicial district composed of more than one county, the county of the court that has jurisdiction over the judicial proceedings is the county in which the cause of action arose.

Subsection (b) is designed to give the court discretion in assessing the costs of providing an interpreter for immediate family members pursuant to § 203(d). This discretion, however, should never extend to requiring the person who is deaf or hard of hearing to pay the cost of the interpreter.

## Subchapter 2. PROCEDURES FOR NOTIFICATION AND DETERMINATION OF THE NEED FOR, AND FOR THE PROCUREMENT AND APPOINTMENT OF, INTERPRETERS

### § 201. Notice of Need for Interpreter; Procurement of Certified and Otherwise Qualified Interpreters.

(a) Persons required to give notice; persons to whom notice is to be given; timing of notice.—

(1) If a principal party in interest is a person with limited English proficiency or a person who is deaf or hard of hearing and is in need of an interpreter, either the principal party in interest or his or her attorney shall give notice of the need for an interpreter as soon as is practicable after learning of the need. The notice shall be made to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee and contain the information required in subsection (b)(2) of this regulation.

(2) If the person with limited English proficiency or person who is deaf or hard of hearing is a witness, notice of the need for an interpreter shall be given by the party that intends to call the person as a witness as soon as is practicable after learning of the need. The notice shall be made to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee and contain the information required in subsection (b)(2) of this regulation.

(3) If the person with limited English proficiency or person who is deaf or hard of hearing is a direct victim, notice of the need for an interpreter shall be given by the Commonwealth as soon as is practicable after learning of the need. The notice shall be made to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee and contain the information required in subsection (b)(2) of this regulation.

(4) In addition to the foregoing persons, anyone with knowledge of a principal party in interest, witness or direct victim's need for an interpreter may give notice of that need to the presiding judicial officer or the Appellate Court Prothonotary/District Court Administrator or his or her designee and contain the information required in subsection (b)(2) of this regulation.

(b) Form and content of notice.—

(1) Notice form.—The notice of need for an interpreter should be given on the form provided by the Court Administrator for this purpose, if practicable. If notice by

way of said form is not practicable, written or oral notice may be given provided it contains the information set forth in subsection (b)(2) below.

(2) Content of notice.—The notice of need for an interpreter, whether on the form specified in subsection (b)(1) or otherwise, must contain at minimum the following information:

(i) party and case identifying information; and

(ii) for a person with limited English proficiency, the language spoken (specifying any particular dialect or regional version) and the country of origin; or

(iii) for a person who is deaf or hard of hearing, the type of sign language or method of communication used, the country of origin (if a foreign sign language is used to communicate), and a description of any educational, physical, mental or other particular condition which may limit the person's ability to communicate.

(c) Procurement of certified or otherwise qualified interpreters.—

(1) Once the Appellate Court Prothonotary/District Court Administrator or his or her designee is made aware of the need for an interpreter, he or she shall procure a certified interpreter in the manner provided by the guidelines established by the Court Administrator for the appointment of certified interpreters.

(2) If the Appellate Court Prothonotary/District Court Administrator or his or her designee cannot procure a certified interpreter in the manner set forth in subsection (c)(1) above, he or she shall procure an otherwise qualified interpreter in the manner provided by the guidelines established by the Court Administrator for the appointment of otherwise qualified interpreters.

### Comment

Subsection (a) requires that notice be given as soon as practicable after learning of the need. The fact that no specific time limit is given is in recognition of the fact that situations may arise in which significant advance notice is not feasible. Nevertheless, the party responsible for giving notice under these regulations or anyone aware of the need must notify the presiding judicial officer or Appellate Court Prothonotary/District Court Administrator or his or her designee as soon as the need for an interpreter is known so as to avoid unnecessary delay.

Subsection (b)(1) makes clear that notice on the form provided by the Court Administrator is the preferred method of providing notice of need for an interpreter. If use of the Court Administrator's form is not practicable, other written or oral notice is acceptable provided it conveys the information set forth in subsection (b)(2).

The regulations do not require that only one person be designated by the District Court Administrator to handle requests for interpreters in the district. Different individuals can be assigned to handle different courts within the district. For example, the designee for common pleas interpreter requests may be the District Court Administrator while for cases in the magisterial district courts the special or minor courts administrator could be designated.

In the case of a deaf or hard of hearing juror, the District Court Administrator or his or her designee should follow the judicial district's existing policies pursuant to the Americans With Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101 *et seq.*, to ensure proper accommodation of a deaf or hard of hearing juror. Juror summonses

and/or questionnaires should advise prospective jurors to give notice of need for an accommodation prior to the date they report for jury duty.

Subsection (c)(1) requires the Appellate Court Prothonotary/District Court Administrator or his or her designee to follow the Court Administrator's guidelines for appointing a certified interpreter and to make the necessary arrangements to secure the interpreter's services for the judicial proceeding if one is found. If a certified interpreter cannot be found, subsection (c)(2) requires the Appellate Court Prothonotary/District Court Administrator or his or her designee to obtain an otherwise qualified interpreter in the manner provided in the Court Administrator's guidelines. In procuring either a certified or otherwise qualified interpreter, and when the person requiring the interpreter is a person with limited English proficiency, the Appellate Court Prothonotary/District Court Administrator or his or her designee may obtain the services of an interpreter to interpret remotely subject to the limitations of § 104. In the event that neither a certified nor an otherwise qualified interpreter can be procured, the Appellate Court Prothonotary/District Court Administrator or his or her designee shall contact the Court Administrator's office for guidance.

#### § 202. Determination of Need for Interpreter.

(a) Proceedings to determine need for an interpreter.—If, after considering the notice of need, the presiding judicial officer requires additional information in order to make the determination, he or she may request any additional filings from the parties or conduct any proceedings he or she deems necessary including, but not limited to, conducting the *voir dire* for determination of need for an interpreter for persons with limited English proficiency established by the Court Administrator. If the Appellate Court Prothonotary/District Court Administrator or his or her designee requires additional information, he or she may request additional information and may request that the presiding judicial officer conduct proceedings to determine the need for an interpreter.

(b) If, during the course of the judicial proceedings, and without regard to whether notice of need for an interpreter was given, the presiding judicial officer determines that a principal party in interest, witness, or direct victim is a person with limited English proficiency or that a principal party in interest, witness, direct victim or juror is deaf or hard of hearing and is in need of an interpreter, he or she shall give notice to the Appellate Court Prothonotary/District Court Administrator or his or her designee as provided in subsection (b) of this regulation.

#### Comment

Subsection (a) covers situations where the person notified of need for an interpreter pursuant to § 201 requires additional information. It also allows the presiding judicial officer to acquire additional information in order to make the determination of need by way of supplemental filings, hearings and any other means typically within the presiding judicial officer's power in handling the particular judicial proceeding and, in the case of persons with limited English proficiency, suggests using the *voir dire* established by the Court Administrator for assessing the level of English proficiency of the individual in question. The Appellate Court Prothonotary/District Court Administrator may request additional information but is not empowered to conduct any proceedings to gather information.

Subsection (b) is intended to clarify that even if notice of the need for an interpreter is not given by one of the

individuals required to give notice under § 201(a), the presiding judicial officer may *sua sponte* determine the need for an interpreter and thereby start the appointment process if he or she deems it appropriate to do so under these regulations.

#### § 203. Appointment of Interpreters.

(a) Appointment of a certified interpreter.—The presiding judicial officer shall appoint the certified interpreter procured pursuant to § 201(c)(1) unless a certified interpreter is unavailable.

(b) Appointment of an otherwise qualified interpreter.—

(1) An otherwise qualified interpreter shall be appointed by the presiding judicial officer if the presiding judicial officer determines that the Appellate Court Prothonotary/District Court Administrator or his or her designee made a good faith effort to procure a certified interpreter and a certified interpreter was not available and that the otherwise qualified interpreter was properly procured pursuant to § 201(c)(2). In making the foregoing determinations the presiding judicial officer shall consider the efforts made by the Appellate/District Court Administrator or his or her designee and whether these efforts complied with the requirements of § 201(c).

(i) Persons with limited English proficiency.—

Prior to the appointment of the otherwise qualified interpreter for a person with limited English proficiency, the presiding judicial officer shall determine the interpreter's qualifications by:

(A) conducting the *voir dire* for qualifying interpreters for persons with limited English proficiency recommended by the Court Administrator;

(B) ascertaining that the otherwise qualified interpreter has read, understands and agrees to abide by the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator; and

(C) verifying that the otherwise qualified interpreter is listed in the interpreter roster published by the Court Administrator.

(ii) Persons who are deaf or hard of hearing.—

Prior to the appointment of the otherwise qualified interpreter for a person who is deaf or hard of hearing, the presiding judicial officer shall determine the interpreter's qualifications by:

(A) conducting the *voir dire* for qualifying interpreters for persons who are deaf or hard of hearing recommended by the Court Administrator;

(B) ascertaining that the otherwise qualified interpreter has read, understands and agrees to abide by the National Association of the Deaf (NAD)—Registry of Interpreters for the Deaf (RID) code of professional conduct, and the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator;

(C) verifying that the otherwise qualified interpreter is listed in the interpreter roster published by the Court Administrator;

(D) verifying that the otherwise qualified interpreter is certified by the NAD or RID, by asking to see the interpreter's membership card; and

(E) that the otherwise qualified interpreter has complied with the requirements of the Sign Language Interpreter and Transliterator State Registration Act, 63 P. S. § 1725.1 *et seq.*, and is registered with the Office for the

Deaf and Hard of Hearing (ODHH) within the Department of Labor and Industry of the Commonwealth.

(2) In ascertaining whether an individual is able to interpret and should be appointed as an otherwise qualified interpreter, the presiding judicial officer shall follow the guidelines established by the Court Administrator for the appointment of otherwise qualified interpreters for persons with limited English proficiency or for persons who are deaf or hard of hearing.

(c) Additional interpreter(s).—After consideration of the type and length of the judicial proceeding and the number of persons requiring interpreters involved, the presiding judicial officer may appoint, as provided for in subsections (a) and (b), an additional interpreter or provide for additional interpretation in a manner deemed appropriate by the presiding judicial officer. In making this determination, the presiding judicial officer shall follow the guidelines established by the Court Administrator for the appointment of additional interpreters for persons with limited English proficiency or for persons who are deaf or hard of hearing.

(d) Interpreter for immediate family.—The presiding judicial officer may appoint, as provided in subsections (a) and (b), an interpreter or provide for additional interpretation, as provided in subsection (c), for an immediate family member of a principal party in interest.

(e) Persons who are not to be appointed as interpreters.—Under no circumstances should the presiding judicial officer appoint a family member of the person with limited English proficiency or person who is deaf or hard of hearing, a witness, party, or other persons who may have an interest in the outcome of a judicial proceeding or those who may be perceived to have an interest in the outcome (i.e., police officers, sheriff's deputies, constables, etc.) to act as an interpreter for that person.

#### Comment

Subsection (a) of § 203 authorizes the presiding judicial officer to appoint a certified interpreter after the steps outlined in §§ 201 and 202 have been taken. If the judicial proceeding is conducted in a court of record, the formal appointment of either a certified interpreter or an otherwise qualified interpreter should always be done on the record at the first appearance of the interpreter at the proceeding. Subsection (c) allows for the appointment of a team of interpreters if the judicial proceeding is a jury trial, is likely to be more than two hours in duration, or, in the case of a deaf or hard of hearing person, whenever the limitations and particularities of the person's form of communication (such as when the deaf or hard of hearing person is a foreign national who does not communicate in any of the forms of sign language spoken in this country) requires it.

#### § 204. Replacement or Removal of Interpreter.

(a) The presiding judicial officer shall dismiss an interpreter and obtain the services of another interpreter in accordance with this chapter if the interpreter:

(1) fails to follow the standards prescribed by law, by the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator or the NAD-RID code of professional conduct or any other professional organization regulating the interpreter, by engaging in conduct such as, but not limited to:

(i) knowingly and willfully making false, misleading or incomplete interpretation while serving in an official capacity;

(ii) knowingly and willfully disclosing confidential or privileged information obtained while serving in an official capacity;

(iii) failing to reveal potential conflicts of interest;

(iv) misrepresenting his or her credentials; or

(v) failing to appear as scheduled without good cause.

(2) is unable to effectively communicate with the presiding judicial officer or the person with limited English proficiency or the person who is deaf or hard of hearing, including where the interpreter self-reports such inability.

(b) In the event a presiding judicial officer removes an interpreter for the grounds specified in subsection (a)(1) he or she shall notify the Court Administrator.

#### Comment

Subsection (b) requires that a presiding judicial officer inform the Court Administrator whenever an interpreter has to be removed for failing to follow standards prescribed by law or the Rules of Professional Conduct for Judiciary Interpreters established by the Court Administrator, the NAD-RID code of professional conduct or any other professional organization regulating the interpreter. This mandatory reporting requirement allows the Court Administrator to enforce the applicable standards and Rules of Professional Conduct for Judiciary Interpreters. In addition to reporting violations resulting in removal of a court interpreter, the presiding judicial officer is encouraged to report any other suspected violations of legal standards, the Rules of Professional Conduct for Judiciary Interpreters, failure to follow Interpreter Certification Program guidelines, the Sign Language Interpreter and Transliterator State Registration Act, 63 P. S. § 1725.1 *et seq.*, and the standards of the Department of Labor and Industry's Office of the Deaf and Hard of Hearing (ODHH), even if the suspected violations are not sufficient to cause the presiding judicial officer to remove the interpreter.

### Subchapter 3. CERTIFICATION REQUIREMENTS

#### § 301. Interpreter Certification Requirements.

To become certified or otherwise qualified, interpreters shall meet the requirements set forth in this chapter.

#### § 302. Registration.

All interpreters must register with the Interpreter Certification Program (ICP) by completing a registration form. Registration is free and indicates the interpreter's willingness to become certified according to program guidelines. Sign language interpreters must also register with the Office for the Deaf and Hard of Hearing (ODHH) within the Department of Labor and Industry of the Commonwealth as required by the Sign Language Interpreter and Transliterator State Registration Act, 63 P. S. § 1725.1 *et seq.* if they hold a Registry of Interpreters for the Deaf (RID) or National Association of the Deaf (NAD) certificate.

#### Comment

As of January 1, 2010, only registered interpreters who have attended an orientation workshop, passed the written examination and passed the simultaneous part of the oral examination, can work in the Unified Judicial System pending the outcome of their certification process. Registration forms are available on the ICP web site: [www.pacourts.us/t/aopc/courtinterpreterprog](http://www.pacourts.us/t/aopc/courtinterpreterprog).



### § 303. Orientation Workshop.

Interpreters must attend a two-day orientation workshop sponsored by the ICP. Schedule A of these regulations contains a list of the topics covered by the orientation workshop.

### § 304. Examinations.

(a) Written examination.—After completing the orientation workshop, interpreters are eligible to take the written examination. The written exam is designed to measure the interpreter's general English language proficiency and usage, knowledge of court-related terms, and familiarity with ethical and professional conduct.

(1) Multiple choice.—The first part of the written examination consists of multiple-choice questions. All interpreters, regardless of the language they interpret, must take the multiple choice part of the examination. Schedule B of these regulations discusses the number of questions on the multiple choice portion of the examination and the minimum number of questions that must be answered correctly for an interpreter to pass.

(2) Foreign Language Assessment Exercise.—Interpreters who interpret languages for which there is a full or abbreviated oral proficiency examination must also take and pass a foreign language assessment exercise. Interpreters who interpret in more than one language for which a full or abbreviated oral examination exists must take the foreign language assessment exercise for each language. Interpreters must pass both the multiple-choice examination and the foreign language assessment exercise.

If no full or abbreviated oral exam exists in any of an interpreter's working languages, he or she is not required to take the foreign language assessment exercise. Sign language interpreters are exempt from taking the foreign language assessment exercise.

#### Comment

Interpreters are advised to take the foreign language assessment exercise in the language in which they are most fluent first. Subsequently, when attempting to become certified in a second language they must take the foreign language assessment exercise for that language before taking the oral exam. Schedule B of these regulations discusses the content, passing requirements and time allotted for the foreign language assessment exercise. Schedule C contains a list of languages for which full or abbreviated oral proficiency examinations exist.

(b) Oral proficiency examination.—

(1) Foreign language interpreters.—Interpreters who pass the written examination must next take an oral proficiency examination. The type and format of the proficiency examination depends on the language interpreted and whether there is a full or abbreviated proficiency examination available in that language. Interpreters who interpret more than one language must be certified in each language.

(i) Languages for which there is a full or abbreviated oral proficiency examination.—Interpreters who interpret languages for which there is a full or abbreviated oral proficiency examination must take and pass all available parts in order to become certified. Where there is only an abbreviated examination, the interpreter must pass the available parts and agree to take the remaining parts when available in order to remain certified. Schedule C of these regulations details the contents of the full oral

proficiency examination and provides lists of languages for which there is a full or abbreviated oral proficiency examination.

(ii) Languages for which there is no oral proficiency examination.—To demonstrate linguistic proficiency, interpreters of languages for which there is no full or abbreviated oral performance examination must comply with one or more of the following requirements:

(A) pass an oral proficiency interview in their foreign language in which the interpreter's foreign language skills are evaluated by expert raters during the course of a telephone-based interview session. Details of the oral proficiency interview are contained in Schedule C of these regulations;

(B) pass an oral English proficiency interview and/or Test of English as Foreign Language (TOEFL). When an interpreter's English language skills are deemed insufficient, he or she may be asked to take and pass an English proficiency interview at the superior level and/or a TOEFL at the discretion of the ICP; or

(C) agree to take a full or abbreviated test when available.

(iii) Administration of oral proficiency examinations.—The oral proficiency examination must be taken and passed in the manner, and within the time periods, described in Schedule C of these regulations.

(iv) Retaking the oral proficiency examination.—Interpreters who fail any portion of the oral proficiency examination may retake it in the manner described in Schedule C of these regulations.

(2) Sign language interpreters.—After attending the orientation workshop and passing the multiple-choice part of the written exam, sign language interpreters must comply with the following requirements in lieu of an oral examination:

(i) be certified by RID or NAD;

(ii) provide proof of RID or NAD certifications (proof shall consist of a copy of the interpreter's certificates and a valid active membership card, or a letter from RID or NAD certifying the results of the proficiency examination and status); and

(iii) hold a relevant RID or NAD certificate for legal interpretation as determined by the Court Administrator. A list of relevant RID or NAD certificates for legal interpretation can be found in Schedule C of these regulations.

### § 305. Criminal Background Check.

All interpreters who have satisfactorily completed the oral proficiency requirements shall be subject to a criminal background check performed through the Administrative Office of Pennsylvania Courts. The following constitute grounds for failing the background check:

(a) conviction of any type of felony or a misdemeanor involving fraud, dishonesty, corruption, moral turpitude or false statements; or

(b) any conviction related to ethical violations and the functions and duties of a court interpreter.

### § 306. Interpreter Classification.

In general, there are two broad categories of interpreters: certified and otherwise qualified. For certification purposes, interpreters are divided into three groups: (1) those who interpret in a language for which a full or abbreviated oral proficiency examination exists; (2) those

who interpret in a language for which there is no oral proficiency examination; and (3) sign language and deaf interpreters. The classifications and certification criteria are subject to modification, revision and change. Schedule D of these regulations contains tables detailing the current classification of the three certification groups.

#### Comment

The classifications and certification criteria are subject to modification, revision and change based on developments such as the availability of new performance tests, the effectiveness or development of evaluation tools, reconsideration of the skill level represented by the various categories and other related factors. Therefore, these classifications should not be viewed as definitive or permanent, especially for those in the otherwise qualified category.

#### § 307. Interpreter Rules of Professional Conduct.

All interpreters must sign a statement that they will abide by the Rules of Professional Conduct for Judiciary Interpreters.

#### Comment

A copy of the Pennsylvania Rules of Professional Conduct for Judiciary Interpreters may be found in Schedule F of these regulations.

#### § 308. Age Requirement.

To be certified, an interpreter must be at least 18 years of age and agree to provide proof of age if requested by any court official or member of the ICP.

#### § 309. Fees.

Interpreters shall pay all fees required during the certification process and in the future for the renewal of their certification status, and any other fees imposed for the completion of any mandated program requirements. Fees will be waived for staff interpreters employed full time by any judicial district in Pennsylvania. Schedule E of these regulations contains a table of the current ICP fees.

#### § 310. Renewal of Certification.

All interpreters must renew their certification every two years, from the date the interpreter was placed on the roster, by doing all of the following:

(a) Complete 16 continuing education (CE) units within the two-year compliance period. CE credits may be obtained by: taking training or skill development workshops sponsored by institutes and professional organizations; taking academic courses in accredited colleges or universities in areas relevant to court interpreting; presenting as faculty in courses, workshops or seminars on topics related to interpreting such as skill building, ethics and professional issues; or teaching an academic course in an accredited college or university on a subject related to courts, legal interpreting or their language of expertise. All CE units must be approved in advance by the program administrator.

(b) Be free of any revocation or suspension under § 402 of these regulations or any similar sanction in any other jurisdiction.

(c) Undergo a new criminal background check when applying for renewal. Interpreters who have been found guilty of a major felony or crime will be denied renewal of their credentials. Misdemeanor offenses will be evaluated

on a case-by-case basis to determine if they constitute a violation of the Rules of Professional Conduct for Judiciary Interpreters.

(d) Pay the renewal fee.

#### § 311. Waiver and Reciprocity of Examination Requirements.

(a) Interpreters certified in another Consortium member state.—Any interpreter who has successfully completed all the requirements of the oral proficiency examination administered in accordance with the standards of the Consortium for State Court Interpreter Certification in another Consortium member state may apply for reciprocity. The interpreter must have obtained a minimum of 70 percent of all parts of the oral proficiency examination and obtain a letter from the State's program manager certifying the results. These interpreters must also comply with all additional program requirements.

(b) Interpreters holding Federal or NAJIT certifications.—Interpreters holding either the Federal Court Interpreter credential or the National Association of Judiciary Interpreters and Translators (NAJIT) certification will be granted reciprocity under the same conditions explained above with regard to other Consortium member states. These interpreters must also comply with all additional program requirements.

### Subchapter 4. DISCIPLINARY PROCEDURES

#### § 401. Scope.

These procedures apply only to interpreters who are included on the roster maintained by the Interpreter Certification Program (ICP). Staff interpreters who are employees of their respective judicial districts may also be subject to additional personnel and human resources policies in the districts where they are employed.

These procedures apply to complaints about roster interpreters who have allegedly engaged in unethical or unprofessional conduct in the course of performing their interpreter duties and, in some instances, of unethical conduct outside the scope of interpreting.

#### § 402. Suspension or Revocation of Certification and Roster Status.

The following shall constitute grounds for disciplinary action against interpreters registered with the ICP. Certified, otherwise qualified or registered status may be suspended or revoked for any of the following reasons:

(a) violation of the Rules of Professional Conduct for Judiciary Interpreters;

(b) conviction of a felony or misdemeanor involving moral turpitude, dishonesty or false statements;

(c) fraud, dishonesty, or corruption related to the functions and duties of a court interpreter;

(d) knowing misrepresentation of court certification or roster status;

(e) knowing and willful disclosure of confidential or privileged information obtained while serving in an official capacity as a court interpreter;

(f) unprofessional or unethical conduct;

(g) fraud or misrepresentation in obtaining or renewing certification status;

(h) non-compliance with continuing education requirements;

- (i) non-payment of renewal fees; or
- (j) disciplinary action taken in conjunction with the interpreter's services in another jurisdiction.

#### § 403. Reporting of Arrest or Discipline.

An interpreter who is arrested in any jurisdiction or has been disciplined by the interpreter program of any other jurisdiction shall report the arrest or discipline to the ICP within forty-eight hours of the arrest or receiving notification of the discipline and shall provide, upon request of the ICP, any pertinent information related to the arrest or discipline.

#### § 404. Disciplinary Procedures.

(a) Lodging a complaint against an interpreter subject to these procedures.—A complaint must be submitted to the ICP in writing on a standard complaint form signed by the complainant. The complaint shall include a description of the alleged improper activity and the identity of any witnesses. Any person, including the ICP Administrator, may initiate a complaint.

(b) Review of Complaint.—The ICP Administrator will review the complaint and determine whether the allegations, if true, constitute grounds for disciplinary action pursuant to § 402 of these regulations. If the ICP Administrator determines that the complaint does not allege conduct that constitutes grounds for discipline, the complaint shall be dismissed and both the complainant and the interpreter will be notified. If the ICP Administrator determines that sufficient grounds for discipline exist, a copy of the complaint will be sent to the interpreter.

(c) Response.—Upon receipt of a copy of the complaint, the interpreter may submit a written response to the ICP Administrator within 20 days. Failure to respond will be deemed an admission of the violations alleged in the complaint. The ICP Administrator will then apply whatever sanctions are considered to be appropriate.

(d) Investigation.—When the interpreter submits a timely response to the complaint, the ICP Administrator shall conduct an investigation. The ICP Administrator may contact the interpreter, the complainant and any other person deemed to have relevant information, and use any reasonable means necessary to ascertain the facts and investigate the allegations. The ICP Administrator may also meet with the parties in an attempt to resolve the matter informally. Such a resolution may or may not include sanctions as agreed to by the parties.

(e) Determination.—If, at the conclusion of the investigation, the ICP Administrator determines that no conduct occurred that constitutes ground for discipline, the complaint shall be dismissed and both the complainant and the interpreter shall be notified. The notification shall include an explanation of the reason(s) for the ICP Administrator's determination.

When, after an investigation, the ICP Administrator determines that a violation of the Rules of Professional Conduct for Judiciary Interpreters has occurred and that sufficient grounds exist to support the allegations in the complaint, the ICP Administrator will submit a report of the findings in writing to the complainant and the interpreter including which policies have been violated and whatever sanctions are considered to be appropriate.

(f) Petition for review.—If the interpreter disagrees with the ICP Administrator's findings and proposed sanctions and wants to contest them, the interpreter shall submit a petition for review in writing to the Court

Administrator within 20 days of receiving the ICP Administrator's report and proposed sanctions. The petition shall briefly state the facts that form the basis for the initial complaint and the interpreter's reasons for disagreeing with the ICP Administrator's findings or proposed sanctions. A copy of the petition shall be provided to the ICP Administrator. Failure to file a petition for review in a timely manner will be deemed an admission of the violations alleged in the complaint and the ICP Administrator will implement the recommended sanctions.

(g) Hearing.—If the interpreter contests the findings of the ICP Administrator's report or disagrees with the recommended sanctions and submits a timely petition for review as provided in § 404(f), the interpreter may request, and shall be given, a hearing before a hearing officer designated by the Court Administrator. A request for a hearing must be included in the petition for review.

If the interpreter requests a hearing in a timely manner, the hearing shall be held within 60 days from the date on which the petition is received by the Court Administrator. The following conditions will apply at the hearing.

(i) Legal representation.—The interpreter may be represented by counsel. The interpreter shall be responsible for all of his or her costs and expenses including attorney's fees.

(ii) Pre-hearing discovery.—Pre-hearing discovery shall not be permitted unless expressly authorized by the hearing officer in response to a written request.

(iii) Rules of evidence.—Strict rules of evidence shall not apply. The hearing officer may, in his or her discretion, consider any evidence presented, including affidavits, and give such evidence the weight he or she deems appropriate.

(iv) Reporting of hearings.—A record of the hearing shall be made.

(v) Confidentiality.—Hearings shall be private and confidential, except upon request of the interpreter facing the allegations. Complainants, however, shall be entitled to attend the hearing.

(vi) Hearing procedure.—At the hearing, both the ICP Administrator and the interpreter shall be afforded the opportunity to introduce documents and other relevant evidence and to elicit sworn testimony. The hearing officer may, at his or her discretion, call witnesses, and consider or clarify evidence presented, giving such evidence the weight he or she deems appropriate.

(h) Decision.—Within 60 days after the hearing, the hearing officer shall advise the interpreter and the complainant via certified United States mail of his or her action on the complaint. If the hearing officer's action includes sanctions, the hearing officer shall specifically enumerate the sanctions, the reason for such sanctions, and the interpreter's right to appeal. If the sanctions include suspension or revocation of the interpreter's certification or roster status or placing the interpreter in a lower qualification or skill level on the roster, the hearing officer shall specify the conditions and time frame within which the interpreter may apply for reinstatement of his or her prior certification or roster status and any conditions that must be met.

#### § 405. Disciplinary Dispositions.

(a) Burden of Proof.—If the hearing officer finds that there is clear and convincing evidence that the inter-



preter has violated the interpreter Rules of Professional Conduct for Judiciary Interpreters, or that there are any other grounds for discipline as stated in § 402 of these regulations, the hearing officer shall impose such discipline or sanctions as he or she may deem appropriate. In determining the type of sanction, the hearing officer shall consider the nature and seriousness of the violation, any pattern of improper activity, the effect of the improper activity on the court system and/or the complainant, the amount of experience of the interpreter, and any other mitigating or aggravating information presented.

(b) Notification.—All decisions of the hearing officer shall be in writing and maintained on file with the ICP and, if adverse to the interpreter, shall contain factual findings supporting the decision. A copy of the decision shall be sent to the interpreter via certified United States Mail to the latest address listed with the ICP and by mail to the complainant.

(c) Sanctions.—Sanctions may consist of, but are not limited to, one or more of the following:

- (i) issuing a private or public reprimand;
- (ii) requiring that specific remedial education courses be taken;
- (iii) requiring that one or more portions of the certification examination or the certification requirements be successfully taken or retaken;
- (iv) requiring that the interpreter's work be supervised;
- (v) limiting the scope of practice or services the interpreter can provide;
- (vi) placing the interpreter at a lower qualification or skill level on the roster;
- (vii) requiring restitution, costs or expenses to be paid;
- (viii) suspension of certification and/or roster status for a period not to exceed one year; or
- (ix) revocation of certification or roster status.

#### § 406. Reinstatement.

An interpreter whose certification or roster status has been suspended for a period exceeding one year, or whose certification or roster status has been revoked, may not resume work in any area related to legal interpreting within the Unified Judicial System without first applying for reinstatement.

(a) Time for filing application for reinstatement.—An interpreter whose certification or roster status has been revoked may not apply for reinstatement until the expiration of at least two years from the effective date of revocation of his or her certification or roster status, or any other specific time frame established by the revocation decision. An interpreter whose certification or roster status has been suspended may apply for reinstatement no earlier than ninety days before the end of the suspension period. An interpreter whose certification or roster status is suspended or revoked based on disciplinary action imposed by a foreign jurisdiction may apply for reinstatement at any earlier date on which reinstatement may be sought in the jurisdiction of initial discipline.

(b) Form and content of the application for reinstatement.—The application for reinstatement shall be in writing and addressed to the ICP Administrator. The application shall explain why the interpreter believes that he or she should be reinstated and shall include proof of compliance with any conditions imposed as a condition for reinstatement.

(c) Disposition of the application for reinstatement.—Within 60 days of receiving the application for reinstatement, and after reviewing and analyzing the merits of the case, the ICP Administrator shall make a recommendation to the Court Administrator on whether or not the interpreter should be reinstated. The recommendation should explain the basis for the recommendation. The decision to grant or deny such a request shall be at the sole discretion of the Court Administrator who can impose any additional conditions upon reinstatement as he or she may deem appropriate.

#### § 407. Confidentiality.

(a) When a disciplinary proceeding is either dismissed or results in a private reprimand, all records of the proceeding shall remain confidential unless otherwise provided for in this chapter. Otherwise, all such records shall become public whenever the decision becomes final.

(b) Complaints submitted to the ICP Administrator shall be confidential unless they result in formal disciplinary action.

(c) All communications to the Court Administrator, ICP Administrator, hearing officers, attorneys or counsel for the parties and staff, and all testimony given during a hearing pursuant to this disciplinary procedure relating to conduct for which an interpreter could be suspended, have his or her certification revoked or be otherwise disciplined, shall be privileged.

#### Schedule A

##### Interpreter Orientation Workshop

##### Topics Covered by the Interpreter Orientation Workshop.

1. Interpreting as a Profession.
2. Description of the Pennsylvania Judicial System.
3. Ethics and Professional Development.
4. Interpreting Skills and Modes of Interpretation.
5. Preparing for the Written and Oral Examinations.

Interpreters will also receive training materials, information about resources, legal glossaries and study tips at the Interpreter Orientation Workshop.

##### Faculty for the Interpreter Orientation Workshop

The Interpreter Orientation workshops will be taught by qualified professional trainers who are Federally and RID certified interpreters and possess vast experience in the field of legal interpreting.

#### Schedule B

##### Written Interpreter Certification Examination

##### Multiple Choice: questions; passing requirements; time allotted.

The first part of the written examination consists of 135 multiple-choice questions. In order to pass the multiple-choice part, 80 percent (108 questions) must be answered correctly. Examinees are allotted two hours and fifteen minutes to complete the multiple-choice part of the test.

##### Foreign Language Assessment Exercise: questions; passing requirements; time allotted.

For the Foreign Language Assessment Exercise, the interpreter must translate ten items from English into the target language. The foreign language assessment will be administered the same day, immediately after the

multiple-choice part of the examination, and will be rated on a pass/not pass basis. Examinees will have 45 minutes to translate the ten items.

### Schedule C

#### Oral Proficiency Examination

##### Content of the Full Oral Proficiency Examination.

The full oral proficiency exam consists of three parts: simultaneous interpretation, consecutive interpretation, and sight translation. For languages in which there is only an abbreviated exam, one or more of these segments has not yet been developed.

1. **Simultaneous interpreting.** The interpreter listens through headphones to a CD recording of a simulated attorney's opening or closing statement to a judge or jury, a judge instructing a jury or the cross-examination of a witness. The interpreter interprets aloud what he or she hears over the headset. This mode of interpreting simulates many situations interpreters encounter in courtrooms while interpreting for defendants during procedural hearings and trials. The statement is approximately 800 to 850 words in length, is recorded at an approximate speed of 120 words per minute, and is about seven minutes long.
2. **Consecutive interpreting.** The interpreter interprets English language statements into the foreign language and foreign language responses into English. In consecutive interpreting the interpreter must wait until the speaker finishes the utterance before beginning to deliver the interpretation. This is the appropriate type of interpreting for non-English speaking witnesses, and other question-and-answer situations involving limited English proficient persons. The segments are pre-recorded on a CD and the interpreter may ask to have two of the segments repeated.
3. **Sight translation.** The interpreter is asked to interpret one document from English into the foreign language and another from the foreign language into English. Each document is approximately 225 words in length and the interpreter is allowed six minutes to interpret each document.

#### Languages for which there are Full or Abbreviated Oral Proficiency Examinations.

1. **Full examination:** Arabic (Modern Standard), Cantonese, French, Haitian Creole, Hmong, Ilocano, Italian, Korean, Laotian, Mandarin, Marshallese, Polish, Portuguese, Russian, Somali, Spanish and Vietnamese
2. **Abbreviated examination:** Arabic (Egyptian Colloquial), Bosnian, Chuukese, Croatian, German, Serbian and Turkish

#### Oral Proficiency Interview for Languages in Which There is no Full or Abbreviated Oral Proficiency Examination.

Oral proficiency interviews were developed by the American Council on the Teaching of Foreign Languages (ACTFL) for evaluating the language communication skills of speakers of foreign languages and are administered by Language Testing International (LTI). There are over 50 languages available and the interpreter must perform at the superior level to pass. The interpreter travels to a location with secure access to a phone line and, after providing a valid picture ID and other verifying information, the interpreter is placed in a room where the

interview is administered over the telephone. The results are reported to the ICP and the interpreter.

#### Administration of Oral Proficiency Examinations.

1. **Full oral proficiency examination.** Interpreters in languages for which there is a full oral proficiency exam will first be given the simultaneous part of the examination. After passing the simultaneous part, they will sit for the consecutive and sight portions at a subsequent date. The consecutive and the sight portions of the examination must be completed within one year from the date on which they took and passed the simultaneous portion. Interpreters will be allowed to carry forward the score of any portions they have passed for a maximum of two years. The same version of the examination can be taken a maximum of two times and the examination cannot be repeated more than once in a ten-month period.
2. **Abbreviated oral proficiency examination.** Interpreters in languages for which only an abbreviated examination exists will be given the simultaneous portion first, if there is one. If no simultaneous part exists, they will take whatever portions are available, either the consecutive part, the sight part, or both. The scores of any portion passed can be carried forward for a maximum of two years. The same version of the examination can be taken a maximum of two times and the examination cannot be repeated more than once in a ten-month period.

#### Retaking Part of the Oral Proficiency Examination.

Interpreters who fail the simultaneous part may retake the examination again at any time. However, it is recommended that they allow themselves at least six to eight months to practice and develop their skills before attempting to retake the examination. If after passing the simultaneous part the interpreter fails either the consecutive or the sight portions, they must retake and pass whichever part they failed within one year. This is because interpreters must pass all three parts of the oral proficiency examination within one testing cycle, which consists of two years. The testing cycle requirement is not triggered until the interpreter passes the simultaneous portion.

Interpreters of languages for which there is only an abbreviated oral proficiency examination must also complete the remaining parts within one testing cycle after passing the simultaneous part, if there is one. If no simultaneous part exists, the interpreter must take whatever parts are available within one testing cycle. The testing cycle requirement is not triggered until the interpreter passes at least one part of the available parts of the oral proficiency examination that are available.

#### RID or NAD Certificates for Legal Interpretation.

- Specialist Certificate-Legal (SC-L).
- Combined Certificate of Interpretation and Transliteration (CI/CT).
- Comprehensive Skills Certificate (CSC).
- National Interpreter Certification (NIC).
- Certified Deaf Interpreter (CDI).
- Conditional Legal Interpreting Permit-Relay (CLIP-R).
- Individual CI or CT.
- NAD V Master.
- NAD IV Advanced.

## Schedule D

## Interpreter Classification Tables

**1. Interpreters Working in a Foreign Language for Which There is a Full or Abbreviated Oral Proficiency Examination.**

CRITERIA	CLASSIFICATION			
	Certified		Otherwise Qualified	
	Master	Certified	Qualified	Conditional
Written Exam	85% or higher	80% or higher	80% or higher	80% or higher
Simultaneous	85% or higher	70% or higher	60% or higher	50% or higher
Consecutive	85% or higher	70% or higher	60% or higher	50% or higher
Sight (Eng./FL)	85% or higher average but no lower than 80% in each part	70% or higher average but no lower than 65% in each part	60% or higher average but no lower than 55% in each part	50% or higher
Sight (FL/Eng.)	85% or higher average but no lower than 80% in each part	70% or higher average but no lower than 65% in each part	60% or higher average but no lower than 55% in each part	50% or higher

**2. Interpreters Working in a Foreign Language for Which There is no Full or Abbreviated Oral Proficiency Examination.**

CRITERIA	CLASSIFICATION	
	Otherwise Qualified	
	Registered	Conditional
Written Exam	80% or higher	80% or higher
Oral Proficiency Interview	Superior Level	No Oral Proficiency Interview available
English Oral Proficiency Test	Superior Level (if necessary)	Superior Level (if necessary)
TOEFL (written test)	Pass (if necessary)	Pass (if necessary)
Other	Pass oral proficiency test in their language when available	Pass oral proficiency test in their language when available

**3. Sign Language Interpreters and Interpreters for the Deaf.**

CRITERIA	CLASSIFICATION			
	Certified		Otherwise Qualified	
	Master	Certified	Qualified	Registered
Written Exam	85% or higher	80% or higher	80% or higher	80% or higher
RID Certification	SC/L	CI/CT, CDI, CLIP-R, CSC, NIC	CI or CT, or any other relevant	Any other relevant RID certificate
NAD Certification	None	NAD V	NAD IV	Any other relevant NAD certificate
Register with ODHH	Yes	Yes	Yes	Only if holding a RID certificate
Attempt to obtain relevant legal certificate	Not applicable	As necessary	As necessary	As necessary
Provide evidence of certification	Yes	Yes	Yes	Yes

**Schedule E**  
**Interpreter Certification Program Fees**

<i>Event</i>	<i>Applies To</i>	<i>In-State</i>	<i>Out-of-State</i>
Registration	All interpreters	No charge	No charge
Orientation Workshop	All interpreters	\$150	\$175
Written Examination	All interpreters (except those qualifying for reciprocity)	\$50	\$75
Oral Exam—Simultaneous	Interpreters in languages with a full or abbreviated test (except those who qualify for reciprocity)	\$100	\$125
Oral Exam—Consecutive and Sight	Interpreters in languages with a full or abbreviated test (except those who qualify for reciprocity)	\$150	\$175
Oral Proficiency Interview	Interpreters of languages for which there is no Consortium full or abbreviated oral exam	\$143	\$143
Registration of RID or NAD certifications	Sign language interpreters only	\$25	\$25
Background check	All interpreters	No charge	No charge
Registration of out-of-state certification	Interpreters applying for reciprocity	\$25	\$25
Renewal of certification (every two years)	All interpreters	\$25	\$25

**Schedule F**

**Pennsylvania Rules of Professional Conduct for  
Judiciary Interpreters**

**Legal Authority**

In accordance with Act 172 of 2006 (42 Pa.C.S. §§ 4411(e) and 4431(e)), the Court Administrator of Pennsylvania hereby establishes these Rules of Professional Conduct for Judiciary Interpreters in the Unified Judicial System of Pennsylvania.

**Preamble**

Many persons who come before the courts are partially or completely excluded from full participation in the proceedings due to limited English proficiency (LEP) or a speech or hearing impairment. It is the Court's intention to remove this communication barrier in order to provide equal access and due process so that these persons are placed in the same position as similarly situated persons for whom there is no such impediment. As officers of the court, interpreters help assure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice. In their capacity as officers of the court, court interpreters are bound by rules of professional conduct.

**Applicability and Enforcement**

These rules shall guide and be binding upon all persons, agencies and organizations who administer, supervise, deliver, or attempt to become certified to deliver, interpreting services to the Judiciary. It shall govern the

conduct of persons who are employed, under contract or otherwise appointed by the Judiciary to interpret, transcribe, translate or deliver foreign and sign language interpreting services to the judicial system. This shall include persons who offer their services free of charge or on a volunteer basis.

Violations of these rules may result in the interpreter being removed from a case, being suspended, being denied future appointments by the courts, losing certification if the interpreter has been certified pursuant to Act 172 and the Administrative Regulations Governing Court Interpreters for Persons with Limited English Proficiency and for Persons who are Deaf or Hard of Hearing or any other sanctions deemed appropriate by the Court Administrator of Pennsylvania. The Court Administrator is authorized to adopt policies and procedures necessary to enforce these rules.

**RULE 1: REPRESENTATION OF QUALIFICATIONS.**

**Interpreters shall accurately and completely represent their certifications, training and pertinent experience.**

**Comment**

Acceptance of a case by an interpreter conveys linguistic competency in legal settings. Withdrawing or being asked to withdraw from a case after it begins causes a disruption of court proceedings and is wasteful of scarce public resources. It is therefore essential that interpreters present a complete and truthful account of their certification, training and experience prior to appointment so the officers of the court can fairly evaluate their qualifications for delivering interpreting services.



**RULE 2: ACCURACY AND COMPLETENESS.**

**Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting or adding anything to what is stated or written, and without embellishment or explanation.**

**Comment**

The interpreter has a twofold duty: (1) to ensure that the proceedings in English reflect precisely what was said by the limited English proficient (LEP) person or speech or hearing impaired person; and (2) to place the LEP or speech or hearing impaired person on an equal footing with those who understand English. This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language.

Therefore, interpreters are obligated to apply their best skills and judgment to preserve faithfully the meaning of what is said in court, including the style and register of speech. Verbatim or literal oral interpretations are not appropriate when they distort the meaning of the source language, but every spoken statement, even if it appears non-responsive, obscene, rambling or incoherent should be interpreted. This includes apparent misstatements.

Interpreters should never interject their own words, phrases or expressions. They should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker's emotions or dramatic gestures.

Sign language interpreters, however, *must* employ all of the visual cues that the language they are interpreting for requires—including facial expressions, body language and hand gestures. Sign language interpreters, therefore, should ensure that court participants do not confuse these essential elements of the interpreted language with inappropriate interpreter conduct.

The obligation to preserve accuracy includes the interpreter's duty to correct any error of interpretation discovered by the interpreter during the proceeding. Interpreters should also demonstrate their professionalism by objectively analyzing any challenge to their performance.

**RULE 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST.**

**Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias or favoritism. Interpreters shall disclose any real or perceived conflict of interest.**

**Comment**

Interpreters serve as officers of the court and their main duty in court proceedings is to serve the court. This is true regardless of whether the interpreter is publicly retained at government expense or retained privately at the expense of one of the parties.

Interpreters should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with their clients and should not take an active part in any of the proceedings. The interpreter should discourage an LEP or speech or hearing impaired party's personal dependence.

During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys or with friends or relatives of any party, except in the discharge of their official functions. It is especially important that interpreters, who are often familiar with

attorneys, courtroom staff and law enforcement officers, refrain from casual and personal conversations with anyone in court that may convey an appearance of a special relationship or partiality to any of the court participants.

The interpreter should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions or opinions should be avoided at all times.

Should the interpreter become aware that a proceeding participant views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the appropriate judicial authority and counsel.

Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest. Before providing professional services in a matter, interpreters must disclose to all parties any prior involvement, whether personal or professional, that could be reasonably construed as a conflict of interest. This disclosure should not include privileged or confidential information. The following circumstances are presumed to create actual or apparent conflicts of interest for interpreters and should preclude them from serving in any proceeding in which:

1. They are a friend, associate or relative of a party or counsel for a party involved in the proceedings;
2. They, their spouse, child or relative is a party to the proceeding or have a financial interest or any other interest that would be affected by the outcome of the proceeding;
3. They have been previously retained by a law enforcement agency to assist in the preparation of the criminal case at issue or have served in an investigative capacity for any party involved in the case; and
4. They have been involved in the choice of counsel or law firm for that case.

Interpreters should also disclose to the court and other parties when they have previously been retained for private employment by one of the parties in the case and should not serve in any matter in which payment for their services is contingent upon the outcome of the case.

An interpreter who is also an attorney should not serve in both capacities in the same matter. Similarly, attorneys, probation officers, investigators, police officers, sheriffs, therapists, social workers, advocates and other professionals should not interpret in any judicial proceeding or any court support service in which they are professionally involved with a party to the matter.

**RULE 4: PROFESSIONAL Demeanor.**

**Interpreters shall conduct themselves in a manner consistent with the dignity of the court and shall be as unobtrusive as possible.**

**Comment**

Interpreters should know and observe established protocol, rules and procedures for delivering interpreting services. They should speak at a rate and volume that enables them to be heard and understood throughout the courtroom, but their presence should otherwise be as unobtrusive as possible. They should not draw undue or inappropriate attention to themselves and should dress in a manner that is consistent with the dignity of the proceedings and the court. Interpreters are encouraged to avoid personal or professional conduct that could discredit or be embarrassing to the court.

**RULE 5: CONFIDENTIALITY.**

**Interpreters shall protect the confidentiality of all privileged and other confidential information.**

**Comment**

Interpreters must protect and uphold the confidentiality of all privileged information obtained during the discharge of their duties. Privileged information refers to confidential information that is protected from disclosure by law or statute, as listed in 42 Pa.C.S. §§ 4415 and 4436 and § 103 of these Regulations. They must be familiar with and understand the rules applicable to the handling of privileged and confidential information. It is especially important that interpreters understand and uphold the attorney-client privilege, which requires confidentiality with respect to any communication between attorney and client. Interpreters must also refrain from repeating or disclosing information obtained in the course of their employment that may be relevant to the legal proceeding.

In the event that an interpreter becomes aware of information that suggests imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to an appropriate authority within the judiciary who *is not* a party in the proceeding and seek advice in regard to the potential conflict in professional responsibility.

**RULE 6: RESTRICTION FROM PUBLIC COMMENT.**

**Interpreters shall not publicly discuss, report or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential.**

**Comment**

Even when communications are not privileged, interpreters should be mindful not to discuss a case while it is pending. An exemption to this rule would be if the interpreter is called upon to testify as a language expert. In such instances the interpreter should limit his or her opinion to strict matters of linguistic expertise such as the meaning and usage of specific words or culturally bound terms. When called upon to testify in court, the interpreter should request a ruling by the court upon the propriety of testimony on confidential matters. Also, if a disciplinary complaint or lawsuit arising out of interpretation services is filed against an interpreter, he or she may testify about relevant communications.

**RULE 7: SCOPE AND LIMITATIONS OF PRACTICE.**

**Interpreters shall limit themselves to interpreting, transliterating or translating and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting, transliterating or translating while serving as an interpreter.**

**Comment**

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to the activity of interpreting, transliterating or translating only. They should not take a primary role in such communications and may take a secondary role only as

necessary for assuring an accurate and faithful interpretation, transliteration or translation.

Interpreters may assume a secondary role when they find it necessary to speak directly to the court to seek assistance in performing their duties, e.g., requesting that speakers moderate their rate of communication or repeat or rephrase a statement, correcting an interpreting error, or notifying the court of their reservations about their ability to satisfy an assignment competently.

Interpreters should avoid activities that may be reasonably construed to constitute the practicing of law, e.g., giving legal advice or answering parties' questions that would ordinarily be answered by an attorney. An interpreter may convey legal advice from an attorney to a person only while the attorney giving it is present.

Interpreters should not explain the purpose of forms and services or otherwise act as counselors, advisors or advocates unless they are interpreting for someone who is acting in that official capacity. The interpreter may translate language on a form for a person who is filling out the form, but may not explain the form or its purpose for such a person.

Interpreters should not personally serve to perform official acts that are the official responsibility of other court officials including, but not limited to, court clerks, pretrial release investigators, interviewers, probation officers, hearing officers or counselors.

**RULE 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE.**

**Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the court or other appropriate judicial authority.**

**Comment**

Interpreters should immediately notify the court if the communication mode or language of the LEP person cannot be readily interpreted or if the interpreter's language of expertise does not match that of the LEP person. They should also notify the court of any environmental or physical limitation that impedes or hinders their ability to deliver interpreting services adequately (e.g., too much noise in the courtroom, inability to hear the speaker or be heard by the LEP person, more than one person speaking at a time or principals and witnesses speaking at a high rate of speed).

Sign language interpreters must ensure that they can both see and convey the full range of visual language elements necessary for communication, including facial expressions and body movement, as well as hand gestures.

Interpreters should inform the presiding officer of the need to take periodic breaks in order to maintain mental and physical alertness and prevent interpreter fatigue. They should also recommend and encourage the use of team interpreting whenever necessary.

Interpreters should refrain from accepting a case if they feel the language and subject matter is likely to exceed their skills or capacities. Even competent and experienced interpreters may encounter cases in which routine proceedings suddenly involve technical or specialized terminology unfamiliar to them. Interpreters should feel no compunction about notifying the presiding officer if they feel unable to perform competently, due to lack of

familiarity with terminology, preparation or difficulty in understanding a witness or defendant.

Finally, interpreters should notify the court of any personal bias they may have involving any aspect of the proceedings which may prevent them from performing their duties according to these rules. For example, an interpreter who has been the victim of a sexual assault may wish to be excused from interpreting in cases involving similar offenses.

**RULE 9: DUTY TO REPORT ETHICAL VIOLATIONS.**

**Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of these rules, or any other official policy governing court interpreting and legal translating.**

**Comment**

Because users of interpreting services frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of these rules or other laws, regulations, or policies governing court interpreting. It is incumbent upon the interpreter to inform such persons of the interpreter's professional obligations. If after having been apprised of these obligations, the person persists in demanding that the interpreter violate them, the interpreter should inform a supervisor, the judge, the court or another official with jurisdiction over interpreter matters to resolve the situation. Interpreters should report any solicitation or effort by another to induce or encourage them to violate any law, any provision of these rules, or any other standard governing interpreting, transliteration or translating promulgated by the Judiciary.

**RULE 10: ACCEPTANCE OF COMPENSATION.**

**Interpreters shall accept no remuneration, gifts, gratuities or any other valuable consideration in excess of their authorized compensation in the performance of their official interpreting duties.**

**Comment**

Interpreters should never accept any type of gifts, payment or compensation other than their due payment for services rendered. They should reject any offers of favors, presents, tips (monetary or otherwise), or other acknowledgement as a "thank you" for services rendered. Neither should they accept invitations to events where their presence, admission, or participation can be construed as remuneration for professional services or assistance rendered in the course of the discharge of their duties. Interpreters should never be perceived as taking advantage of knowledge or information obtained in the performance of their official duties, or by their access to court records, facilities or privileges, for their own or another's personal gain.

**RULE 11: PROFESSIONAL DEVELOPMENT.**

**Interpreters shall continually improve their skills and knowledge and advance the profession through activities such as professional training and education, and interaction with colleagues and specialists in related fields.**

**Comment**

Interpreters must continually strive to increase their knowledge of the languages they work professionally, including past and current trends in technical, vernacular and regional terminology as well as their application

within court proceedings. They should also keep abreast of all statutes, rules of court and policies of the judiciary that relate to the performance of their professional duties.

An interpreter should seek to continually elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues and reading current literature in the field.

**RULE 12: AGREEMENT TO ABIDE BY THESE RULES.**

**Interpreters, transliterators and translators working for the Unified Judicial System of Pennsylvania accept and agree to be bound by these rules, and understand that appropriate sanctions may be imposed by the ICP Administrator, hearing officer or Court Administrator for willful violations.**

**Comment**

Upon completion of all certification requirements, interpreters shall be sworn in and issued a certificate attesting that they have successfully completed all program requirements. At the same time they will be asked to sign a copy of these rules of conduct which will then be placed in their permanent file. They will also receive a copy of the program's disciplinary policy.

[Pa.B. Doc. No. 10-679. Filed for public inspection April 16, 2010, 9:00 a.m.]

**Title 234—RULES OF CRIMINAL PROCEDURE**

[ 234 PA. CODE CH. 10 ]

**In Re: Amendment of Rule 1003 of the Rules of Criminal Procedure; Criminal Procedural Rules; No. 390**

**Order**

*Per Curiam:*

And Now, this 5th day of April, 2010, the proposal having been made without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1003 of the Pennsylvania Rules of Criminal Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 7, 2010.

PATRICIA NICOLA,  
*Chief Clerk*

*Supreme Court of Pennsylvania*

**Annex A**

**TITLE 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 10. RULES OF CRIMINAL PROCEDURE  
FOR THE PHILADELPHIA MUNICIPAL COURT  
AND THE PHILADELPHIA TRAFFIC COURT**

**Rule 1003. Procedure in Non-Summary Municipal Court Cases.**

\* \* \* \* \*



(D) PRELIMINARY ARRAIGNMENT

\* \* \* \* \*

(3) At the preliminary arraignment, the issuing authority:

\* \* \* \* \*

(d) shall also inform the defendant:

(i) of the right to secure counsel of choice and the right to assigned counsel in accordance with Rule 122;

(ii) of the day, date, hour, and place for the trial, which shall not be less than 20 days after the preliminary arraignment [ **or for the preliminary hearing, which shall be given a first listing of not less than 3 days nor more than 10 days after the preliminary arraignment** ], unless the issuing authority fixes an earlier date for the trial or the preliminary hearing upon request of the defendant or defense counsel, with the consent of the attorney for the Commonwealth;

(iii) in a case charging a felony, of the date, time, and place of the preliminary hearing, which shall not be less than [ **3** ] **14** nor more than [ **10** ] **21** days after the preliminary arraignment unless extended for cause or the issuing authority fixes an earlier date upon the request of the defendant or defense counsel with the consent of the complainant and the attorney for the Commonwealth **and that failure to appear without good cause for the preliminary hearing will be deemed a waiver by the defendant of the right to be present at any further proceedings before the issuing authority, and that the case shall proceed in the defendant's absence, and a warrant of arrest shall be issued;** and

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Under paragraph (D)(4), after the preliminary arraignment, if the defendant is detained, the defendant must be given an immediate and reasonable opportunity to post bail, secure counsel, and notify others of the arrest. Thereafter, if the defendant does not post bail, he or she must be committed to jail as provided by law.

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

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

**Official Note:** Original Rule 6003 adopted June 28, 1974, effective July 1, 1974; amended January 26, 1977, effective April 1, 1977; amended December 14, 1979, effective April 1, 1980; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective January 1, 1982; *Comment* revised December 11, 1981, effective July 1, 1982; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; rescinded August 9, 1994, effective January 1, 1995. New Rule 6003 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; amended March 22, 1996, effective July 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; amended August 28, 1998,

effective immediately; renumbered Rule 1003 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended August 24, 2004, effective August 1, 2005; amended August 15, 2005, effective February 1, 2006; **amended** , **effective** .

*Committee Explanatory Reports:*

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

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

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

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

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1477, 1478 (March 18, 2000).

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

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

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

[Pa.B. Doc. No. 10-680. Filed for public inspection April 16, 2010, 9:00 a.m.]

# Title 249—PHILADELPHIA RULES

## PHILADELPHIA COUNTY

### In Re: Administrative Directive for Criminal Cases in the Municipal Court of Philadelphia; Judicial Administration; No. 344

#### Directive

*Per Curiam:*

*And Now*, this 5th day of April, 2010, under the authority provided in the Pennsylvania Constitution, Article V, § 10 (a) and (c), and in Schedule Article V, § 16 (j), the following Administrative Directive is effective April 7, 2010 for all Judges hearing criminal matters in the Municipal Court of Philadelphia County:

1) Judges in the Criminal Division of the Municipal Court of Philadelphia County are hereinafter required to determine the status of cases appearing on the daily list by first determining whether defense counsel is ready to proceed, and then determining whether the Common-

wealth is ready to proceed. Municipal Court Judges shall use this procedure whenever the Court is trying to determine the status of a case on the daily list.

2) Judges in the Criminal Division of the Municipal Court of Philadelphia County shall conduct an initial call of the list to determine ready cases. No case may be continued prior to 11 a.m. without the joint approval of the Commonwealth and defense counsel. The Municipal Court Judge shall then proceed to hear ready cases. After all ready cases are heard, the Municipal Court Judge shall conduct a second call of the list to determine if there are any further ready cases. The Municipal Court Judge shall then hear the ready cases from the second call of the list, if there are any such cases. After the ready cases from the second call of the list have been heard, a third call of the list shall be conducted to ascertain if there are any further ready cases. Any further ready cases shall be heard by the Court prior to any adjournment by the Court for the day. No case that is ready in the courtroom may be marked as "Ready Not Reached," or any similar designation.

3) All preliminary hearings scheduled in the Municipal Court of Philadelphia shall have the first priority of cases for being heard. Defense counsel is to attend preliminary hearings prior to attending any other proceedings in the First Judicial District or any other Judicial District in the Commonwealth or in Federal Court. Exceptions to this Directive shall be:

A) Where defense counsel has obtained a continuance from the presiding judge of the courtroom where the preliminary hearing case is listed, 48 hours in advance of the case listing, and has immediately notified the Commonwealth; or,

B) Where defense counsel is actually on trial in another proceeding in the First Judicial District or another Judicial District in the Commonwealth or in Federal Court.

Court staff in preliminary hearing rooms shall inform the court staff in other courtrooms, including other preliminary hearing rooms, as to the status of defense counsel who are needed in the preliminary hearing room and who also have cases not actually on trial in other courtrooms that same day.

To the extent that Local Rule 805 is inconsistent with this Directive, it is hereby superseded by this Directive.

*By the Court*

PATRICIA NICOLA,  
Chief Clerk  
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-681. Filed for public inspection April 16, 2010, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### JEFFERSON COUNTY

**In Re: Administrative Order Amending Jeff.Co.  
L.R.C.P. 1301 to Make Arbitration Limits Fifty  
Thousand Dollars (\$50,000.00); No. 6-2010 A.D.**

#### Order

*And Now*, this 29th day of March, 2010, *It Is Ordered That* the amount in controversy currently set at twenty-five thousand dollars (\$25,000.00) pursuant to Jeff.Co.L.R.C.P. 1301 shall be raised to fifty-thousand dollars (\$50,000.00). Local Rule 1301 shall in all other respects remain in full force and effect.

This Order shall become effective thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

HONORABLE JOHN HENRY FORADORA,  
President Judge

[Pa.B. Doc. No. 10-682. Filed for public inspection April 16, 2010, 9:00 a.m.]

## SUPREME COURT

**In Re: Assessment of Fees For Installment Pay-  
ment Plans In Criminal Cases; No. 343; Judicial  
Administration**

#### Order

*Per Curiam:*

*And Now*, this 31st day of March, 2010, *It Is Ordered* that no fees shall be imposed against a defendant in a criminal proceeding for the utilization of an installment payment plan.

Mr. Justice McCaffery dissents.

PATRICIA NICOLA,  
Chief Clerk  
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 10-683. Filed for public inspection April 16, 2010, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 4—ADMINISTRATION

### STATE EMPLOYEES' RETIREMENT BOARD

[ 4 PA. CODE CH. 249 ]

#### Rights and Duties of Employees and Members

This final-form rulemaking will amend 4 Pa. Code § 249.7 (relating to rights and duties of employees and members) by adding subsection (h). This additional subsection is being added to clarify that a nomination of beneficiary must be on a form supplied by the State Employees' Retirement Board (Board). This clarification is being made to ensure that the State Employees' Retirement System (SERS) can adequately identify persons named as beneficiaries on SERS members' retirement accounts.

##### A. *Effective Date*

The amendment will be effective upon publication in the *Pennsylvania Bulletin* as a final rulemaking.

##### B. *Contact Person*

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 787-9657; or Jill S. Vecchio, Counsel, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317.

##### C. *Statutory Authority*

This final rulemaking is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board) of the State Employees' Retirement Code (Retirement Code).

##### D. *Summary of the Final-Form Rulemaking*

This additional subsection is being added to clarify that a nomination of beneficiary must be on a form supplied by the Board. This clarification is being made to ensure that the SERS can adequately identify persons named as beneficiaries on SERS members' retirement accounts.

##### E. *Summary of Comments and Responses*

No comments were received from the House State Government Committee and the Senate Finance Committee (Committees) or the public for the Board to consider in preparing this final-form regulation. One comment was received from the Independent Regulatory Review Commission (IRRC). After receiving IRRC's comment and completing an internal review of the final-form regulation, the Board made additional changes to the final-form regulation, which are explained as follows.

##### *IRRC's Comment—§ 247.7. Death Benefits.—Clarity.*

The Board was proposing to add subsection (c) to provide additional guidance on what must be contained on the Board's nomination of beneficiary form. The new language did not create a binding requirement because all provisions included the word "should." The term "should" is nonregulatory language which indicates that the provisions are optional. It is inappropriate to include optional provisions in a regulation. If the Board wants the new language to be binding, the word "should" must be changed to "shall." If the new language is intended to be a recommendation and not a requirement, the Board

should withdraw the regulation and place the language in a policy statement or guidance document.

##### *Response:*

After review of IRRC's comment regarding the clarity of subsection (c), it was determined that as originally drafted, the final-form regulation was too constricting on SERS members when filing a nomination of beneficiary form. It was not the intent to so tightly constrain the regulation as to not permit inadvertent errors that would act to invalidate entire beneficiary nomination forms. The new language is in accordance with the Board's original review of the purpose of this regulation, which is to state what needs to be on a SERS beneficiary form for it to be approved by SERS. Therefore, all language contained in the regulation has been removed and replaced with language that will not so tightly constrain SERS members in filing nominations of beneficiary forms with the Board. The new language is in accordance with section 5907(e) of the Retirement Code (relating to rights and duties of State employees and members) and acts to clarify for SERS members that a nomination of beneficiary must be in writing and on a form to be supplied by and filed with the Board.

##### *Additional Amendments:*

SERS, after review of the original final-form regulation, determined that a regulation such as this would be better located in § 249.7 which pertains to the rights and duties of employees and members of SERS. As such, a regulation that mandates that a nomination of beneficiary must be in writing and on a form to be supplied by and filed with the Board is better situated in § 249.7, rather than as previously suggested to be contained in § 247.7, which deals with death benefits.

Therefore, this final-form regulation has been amended so that upon passage, it will be included in § 249.7.

##### F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the final-form regulation.

##### *Benefits*

The regulation is intended to alleviate confusion and prevent possible disputes with regard to proper naming of beneficiaries by members.

##### *Costs*

There are no costs to the Commonwealth, its citizens or State employees associated with this proposal.

##### *Compliance Costs*

The final-form regulation is not expected to impose any additional compliance costs.

##### G. *Sunset Review*

A sunset review is not applicable.

##### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 18, 2008, the Board submitted a copy of the proposed rulemaking, published at 38 Pa.B. 613 (February 2, 2008), to IRRC and to the Committees for review and comment.

Under section 5(c) of the Regulatory Review Act (71 P. S. § 745.5a(j,2)), the Board is required to provide IRRC and the Committees with copies of the comments received



during the public comment period, as well as other documents requested. No comments from the Committees or the public were received. The Board received one comment from IRRC, as illustrated and discussed previously.

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 5.1(e) of the Regulatory Review Act, IRRC met on February 25, 2010, and approved the final-form regulation.

#### I. Findings

The Board finds that:

(1) Public notice of intention to amend this regulation 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) Commonwealth Documents Law (CDL) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2 by publication at 38 Pa.B. 613.

(2) The final-form rulemaking is necessary and appropriate for the administration of the Retirement Code.

#### J. Order

The Board, acting under 71 Pa. C.S. § 5902(h) and the CDL, orders that:

(a) The regulations of the Board, 4 Pa. Code Chapter 249, are amended by amending § 249.7 to read as set forth in Annex A.

(b) The amendment shall be submitted to the Office of Attorney General for approval as to legality as required by law.

(c) The Secretary of the Board 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 immediately upon publication in the *Pennsylvania Bulletin*.

LEONARD KNEPP,  
Secretary

*(Editor's Note: The proposal to amend § 247.7 (relating to death benefits), included in the proposal at 38 Pa.B. 613, has been withdrawn by the Board.)*

*(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:** 31-11. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 4. ADMINISTRATION

#### PART X. STATE EMPLOYEES' RETIREMENT BOARD

#### CHAPTER 249. ADMINISTRATION, FUNDS ACCOUNTS, GENERAL PROVISIONS

#### Subchapter A. ADMINISTRATION

#### § 249.7. Rights and duties of employees and members.

(a) *Proof of date of birth.* The Board will accept certification from the employing agency as to the proof of the date of birth for purposes of this section, which shall also include certification by the member, as required by the Board. The proof of date of birth shall be furnished concurrently with the Application for Membership. Under section 5907(a) of the code (relating to rights and duties

of State employees and members) each new State employee shall furnish proof of his date of birth. The following, in the order of preference, will be acceptable:

- (1) Birth certificate.
- (2) Baptismal record.
- (3) Selective service record.
- (4) Armed forces discharge.
- (5) Passport.
- (6) School record.
- (7) Life insurance policy.
- (8) Naturalization record.
- (9) Alien registration record.

(10) Another record that may be submitted by the member, which is acceptable to the Board.

(b) *Time when service purchase is paid.* Under section 5907(d) of the code, an eligible school employee who desires to receive credit for service in this System or to become a full coverage member shall, upon written agreement to do so, make payment for the purchase in a lump sum and not by payroll deductions within 30 days after billing.

(c) *Full coverage election.* In the event a joint coverage member elects to vest his retirement rights, under section 5907(f)(2) of the code, the member shall concurrently elect to become a full coverage member and agree to pay, within 30 days of certification, the amount due. In the absence of an election, an election for full coverage membership shall be irrevocably forfeited unless the member returns to service, whereupon membership shall be mandatory and shall be retroactive for all periods of State service, with appropriate statutory interest added to the charges therefor.

(d) *Effect of election to receive a benefit.* A member who terminates State service, who is eligible to elect to withdraw his total accumulated deductions, or vest his retirement rights, or receive an immediate annuity, shall, by exercising the election, be deemed to have made an irrevocable choice which may not be changed unless the change was made prior to the effective date of termination of service. For the purposes of this section there may be no termination of service if a person transfers between departments or returns to the same department within 2 weeks after the last day of compensation. In the event a member has filed an application to withdraw his total accumulated deductions and has returned to State service prior to receipt of payment therefore, the member will not be deemed to be eligible for a withdrawal of the accumulated deductions. An election to receive any of the three benefits made after the effective date of termination of service shall be deemed to be irrevocable and no change may be permitted, except to elect early retirement from vesting.

(e) *Ineligibility to select any benefit.* When a member enters upon retirement, the member shall either execute the application on his own behalf or, in the case when the member is mentally incompetent to do so, the application shall be executed by a guardian appointed by a court. In the case of a member who is physically unable to file the application, it may be filed by anyone possessing a power of attorney. In all instances, the Board will be furnished and will review the legal documents designating persons who are eligible to act on behalf of eligible members.

(f) *Effect of election of benefits.* A member who is eligible for a maximum annuity or a reduced annuity under Option 1, 2, 3 or 4, upon filing an application to



receive the benefits, shall, subsequent to termination of service, be deemed to have irrevocably selected the benefit and no change may be permitted, except as provided in section 5907(j) of the code.

(g) *Rights and duties of State employees—members—disability applicants.* A disability applicant who is required by the Board to furnish additional medical documentation to support his application, shall provide the documentation within 30 days of the request, or the Board may render the disability applicant null and void. In that event, or in the event the Board denies a disability applicant for insufficient medical evidence, the applicant may still file, within 90 days after notification, an application to vest or take an annuity, if the applicant is eligible for same. The filing shall be considered timely, as of the original eligibility date, for the purposes of payment of other benefits or vesting, as the case may be.

(h) *Beneficiary nomination.* Every member shall nominate a beneficiary and, if desired, a contingent beneficiary, in writing on a form to be supplied by and filed with the Board.

[Pa.B. Doc. No. 10-684. Filed for public inspection April 16, 2010, 9:00 a.m.]

## Title 67—TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION

#### [ 67 PA. CODE CH. 229 ]

#### Interstate Motor Carrier Safety Requirements

The Department of Transportation (Department), under the authority contained in 75 Pa.C.S. §§ 4704 and 6103 (relating to inspection by police of Commonwealth personnel; and promulgation of rules and regulations by department), hereby adopts amendments to Chapter 229 of the Department's regulations (relating to interstate motor carrier safety requirements), to read as set forth Annex A.

#### *Purpose of Chapter*

The purpose of Chapter 229 is to prescribe the minimum requirements and qualifications for drivers, vehicles and other matters relating to the interstate operation of commercial vehicles.

#### *Summary of Comments and Changes in Final Adopted Regulation*

The amendments to the regulations were published as a proposed rulemaking at 39 Pa.B. 997 (February 21, 2009). The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees (Committees).

Comments were received from Officer Thomas Sanders and from IRRC. Officer Sanders noted that the existing language of § 229.2 (relating to scope), indicates that the regulation applies to “vehicles, including motor vehicles and combinations of vehicles, and drivers of motor vehicles engaged in interstate commerce if the registered gross weight of the vehicle or the combination of vehicles exceeds 17,000 pounds.” He indicated that the reference to 17,000 pounds may be confusing and requested that the language under § 229.2 be modified to be consistent with the definition of “motor carrier vehicle” as it appears in 75 Pa.C.S. (relating to the Vehicle Code). The Department agrees that the reference to a vehicle which “ex-

ceeds 17,000 pounds” should be removed and it was removed (placed inside brackets) in the proposed rulemaking. In its place, the proposed amendments referenced a “commercial motor vehicle,” the term used and defined in the Federal Motor Carrier Safety Regulations. Officer Sanders simply misread the bracketing. Accordingly, no change to the proposed rulemaking was necessary to address this concern.

IRRC questioned the propriety of including in the regulation the adoption, as statements of policy, of the interpretations of the Federal Motor Carrier Safety Regulations in § 229.17 (relating to Interpretations of Federal Motor Carrier Safety Regulations). IRRC pointed out that statements of policy are interpretative and fall outside the regulatory review process, although similar language is found in the currently existing regulations in § 229.411 (relating to adoption of Interpretations of Federal Motor Carrier Safety Regulations, Federal Highway Administration, United States Department of Transportation) as well as in § 231.411 (relating to adoption of interpretations of Federal Motor Carrier Safety Regulations, Federal Highway Administration, United States Department of Transportation), the Department has amended the language of § 229.17 to more clearly express its intent that any interpretations issued by the Federal Motor Carrier Safety Administration (FMCSA) should be viewed as guidance under these regulations as well.

The FMCSA Program periodically publishes interpretations of its regulations. The purpose of adopting the interpretations is to ensure that motor carriers, drivers and law enforcement may rely on the FMCSA interpretations. Additionally, adopting the FMCSA interpretations will enhance the uniform interpretation and implementation of the motor carrier safety regulations in this Commonwealth consistent with its application throughout the rest of the United States.

#### *Persons and Entities Affected*

These amendments will affect all motor carriers and drivers who operate in interstate commerce.

#### *Fiscal Impact*

Implementation of these amendments will not require the expenditure of any additional funds by the Commonwealth or local municipalities. These amendments will not impose any additional costs on the regulated community.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 21, 2009, the Department submitted a copy of the proposed rulemaking to IRRC and to the Committees for review and comment.

In preparing these final-form regulations, the Department has considered all comments received from the public, IRRC and the Committees.

#### *Effective Date*

The Department will make these amendments effective upon publication in final form.

#### *Sunset Provisions*

The Department is not establishing a sunset date for these regulations, since these regulations are required to participate in the FMCSA Program. The Department, however, will continue to closely monitor these regulations for their effectiveness.

#### *Contact Person*

The contact person for technical questions about this final-form rulemaking should be directed to Daryl St.

Clair, Bureau of Maintenance and Operations, 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 787-6899.

#### Order

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 229, are amended by deleting §§ 229.4—229.13, 229.21, 229.22, 229.31, 229.32, 229.41—229.44, 229.51—229.54, 229.61—229.66, 229.71 and 229.81—229.85; 229.101—229.111, 229.121—229.128, 229.131—229.135, 229.141—229.144, 229.151—229.153, 229.161—229.163 and 229.171—229.181; 229.191—229.193, 229.201, 229.202, 229.208, 229.210—229.223, 229.231—229.243, 229.251—229.254, 229.261—229.263, 229.271, 229.272, 229.281—229.299, 229.301, 229.311—229.314 and 229.321—229.325; 229.331 and 229.341—229.348; 229.361—229.371; 229.381—229.391; 229.431 and 229.432; 229.451—229.453; by amending §§ 229.1—229.3; and by adding §§ 229.14—229.17 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 legality and form, as required by law.

(c) The Secretary 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*.

ALLEN D. BIEHLER, P. E.  
Secretary

**Fiscal Note:** 18-413. No fiscal impact; (8) recommends adoption.

*(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).)*

#### Annex A

### TITLE 67. TRANSPORTATION

#### PART I. DEPARTMENT OF TRANSPORTATION

##### Subpart A. VEHICLE CODE PROVISIONS

#### ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

#### CHAPTER 229. INTERSTATE MOTOR CARRIER SAFETY REQUIREMENTS

##### Subchapter A. GENERAL

#### § 229.1. General information and requirements.

(a) *Purpose.* This chapter prescribes the minimum requirements and qualifications for drivers, vehicles and other matters relating to the interstate operation of commercial motor vehicles. Much of this chapter incorporates by reference provisions of 49 CFR Parts 382, 385, 387 and 390—396. Appropriate parts may be obtained from the following:

(1) United States Government Printing Office, Book Store, Room 118, Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, (412) 644-2721.

(2) United States Government Printing Office, Book Store, 100 North 7th Street, Robert Morris Building, Philadelphia, Pennsylvania 19103, (215) 597-0677.

(3) United States Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, (202) 655-4000.

(4) Commercial Vehicle Safety Alliance, 1101 17th Street NW, Suite 803, Washington, DC 20036.

#### (b) *Application.*

(1) Every motor carrier and its officers, drivers, agents, employees and representatives involved in, or related to, the transportation of interstate commerce shall comply with this chapter and take measures necessary to ensure compliance.

(2) Officers, agents, representatives, drivers and employees of motor carriers involved or concerned with the management, maintenance, operation or driving of vehicles engaged in interstate commerce shall be conversant with and knowledgeable of the rules in this chapter.

(c) *Forms and documents.* References to forms in the Federal regulations incorporated by reference will be replaced by the appropriate forms prescribed by the Department.

#### § 229.2. Scope.

(a) Except as otherwise provided, this chapter applies to commercial motor vehicles engaged in interstate commerce.

(b) This chapter applies to motor carriers of property or passengers, whether common carriers, contract carriers or private carriers, involved in interstate commerce.

#### § 229.3. Definitions.

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

*Qualified Commonwealth employee*—The term as it is defined in 75 Pa.C.S. § 102 (relating to definitions).

#### §§ 229.4—229.13 (Reserved).

#### § 229.14. Adoption of portions of 49 CFR by reference.

The Department incorporates by reference the following portions of 49 CFR (relating to transportation), subject to §§ 229.3 and 229.15 (relating to definitions; and additions or modifications to 49 CFR).

(1) Part 382 (relating to controlled substances and alcohol use and testing).

(2) Part 385 (relating to safety fitness procedures).

(3) Part 387 (relating to minimum levels of financial responsibility for motor carriers).

(4) Part 390 (relating to Federal motor carrier safety regulations; general).

(5) Part 391 (relating to qualifications of drivers and longer combination vehicle (LCV) driver instructors).

(6) Part 392 (relating to driving of commercial motor vehicles).

(7) Part 393 (relating to parts and accessories necessary for safe operation).

(8) Part 395 (relating to hours of service of drivers).

(9) Part 396 (relating to inspection, repair, and maintenance).

§ 229.15. **Additions or modifications to 49 CFR.**

A reference to special agent includes a police officer or a qualified Commonwealth employee.

§ 229.16. **Adoption of Out-of-Service criteria.**

The out-of-service criteria contained in the North American Standard Out-of-Service criteria is incorporated by reference.

§ 229.17 **Interpretations of Federal Motor Carrier Safety Regulations.**

The Department will be guided by interpretations of the Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration for those parts enumerated in § 229.14 (relating to adoption of portions of 49 CFR by reference). Copies of these interpretations may be obtained by contacting the Director, Bureau of Highway Safety and Traffic Engineering, 400 North Street, P. O. Box 2047, Harrisburg, PA 17105-2047, or through the Federal Motor Carrier Safety Administration web site: [http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.aspx?section\\_type=G](http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguide.aspx?section_type=G).

§ 229.21 (Reserved).

§ 229.22 (Reserved).

§ 229.31 (Reserved).

§ 229.32 (Reserved).

§§ 229.41—229.44 (Reserved).

§§ 229.51—229.54 (Reserved).

§§ 229.61—229.66 (Reserved).

§ 229.71 (Reserved).

§§ 229.81—229.85 (Reserved).

§§ 229.101—229.111 (Reserved).

§§ 229.121—229.128 (Reserved).

§§ 229.131—229.135 (Reserved).

§§ 229.141—229.144 (Reserved).

§§ 229.151—229.153 (Reserved).

§§ 229.161—229.163 (Reserved).

§§ 229.171—229.181 (Reserved).

§§ 229.191—229.193 (Reserved).

§ 229.201 (Reserved).

§ 229.202 (Reserved).

§ 229.208 (Reserved).

§§ 229.210—229.223 (Reserved).

§§ 229.231—229.243 (Reserved).

§§ 229.251—229.254 (Reserved).

§§ 229.261—229.263 (Reserved).

§ 229.271 (Reserved).

§ 229.272 (Reserved).

§§ 229.281—229.299 (Reserved).

§ 229.301 (Reserved).

§§ 229.311—229.314 (Reserved).

§§ 229.321—229.325 (Reserved).

§ 229.331 (Reserved).

§§ 229.341—229.348 (Reserved).

§§ 229.361—229.371 (Reserved).

§§ 229.381—229.391 (Reserved).

§ 229.431 (Reserved).

§ 229.432 (Reserved).

§§ 229.451—229.453 (Reserved).

[Pa.B. Doc. No. 10-685. Filed for public inspection April 16, 2010, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 7—AGRICULTURE

### DEPARTMENT OF AGRICULTURE

#### Biofuel Development and In-State Production Incentive Act's Biodiesel Content Requirements

##### *Scope*

This statement of policy applies to persons who sell or offer for sale in this Commonwealth diesel fuel for use by ultimate consumers in on-road compression ignition engines subsequent to May 1, 2010.

##### *Purpose*

The purpose of this statement of policy is to provide direction with regard to compliance with Act 78 of 2008, known as the Biofuel Development and In-State Production Incentive Act (73 P. S. §§ 1650.1—1650.7) (act) to persons who sell or offer for sale in this Commonwealth diesel fuel for use by ultimate consumers in on-road compression ignition engines subsequent to May 1, 2010.

##### *Discussion*

On October 10, 2009, notice was published in the *Pennsylvania Bulletin*, at 39 Pa.B. 5930, that the biodiesel content requirement of section 3(a)(1) of the act (73 P. S. § 1650.3(a)(1)) shall be enforced by the Department of Agriculture (Department) effective May 1, 2010. The statutory actions prerequisite to the biodiesel content requirements of section 3(a)(1) of the act becoming effective had been met prior to the publication of the notice of October 10, 2009. The biodiesel content requirements are as follows:

All diesel fuel sold or offered for sale in this Commonwealth for use by ultimate consumers in on-road compression ignition engines shall be at least 2% biodiesel by volume effective May 1, 2010.

Section 5(a) of the act (73 P. S. § 1650.5(a)) provides that the Department shall ensure compliance with the act.

For the Department to plan for agency operations and administration of its duties to ensure compliance with the act, and to establish important policies to be utilized in the future exercise of the Department's administrative

discretion with regard to ensuring compliance with the act, the Department establishes the following policies:

1. On and after May 1, 2010, all terminals, wholesalers and distributors selling diesel fuel in this Commonwealth to retailers for resale to consumers in this Commonwealth for use in on-road compression ignition engines shall be considered by the Department to be in compliance with section 3(a)(1) of the act if they are selling diesel fuel which is at least 2% biodiesel by volume.

2. On and after May 1, 2010, retailers selling diesel fuel in this Commonwealth to consumers for use in on-road compression ignition engines will not be considered to be in violation of section 3(a)(1) of the act with regard to the sale of diesel fuel which is not at least 2% biodiesel by volume until: (a) delivery of a volume of diesel fuel sufficient to fill that location's onsite storage capacity at least once has been made subsequent to May 1, 2010, and; (b) proof of all deliveries 90 days prior to, and 90 days subsequent to, May 1, 2010, are provided to Department employees upon request and inspection, or both. Additional fuel delivery documentation may be requested by Department employees in particular instances.

The intent of this policy is to enable retailers taking delivery of diesel fuel prior to May 1, 2010, to continue to sell that diesel fuel from the location of the delivery without being found out of compliance with the act and without the costly necessity to empty storage tanks and dispose of previously-delivered diesel fuel.

This policy is necessary to allow for the orderly enforcement of the biodiesel content requirements of section 3(a)(1) of the act effective May 1, 2010.

##### *Effective Date*

This statement of policy is effective May 1, 2010.

##### *Contact Person*

The contact person for this statement of policy is Michael D. Rader, Biodiesel Development Manager, Bureau of Ride and Measurement Standards, Department of Agriculture, mrader@state.pa.us, (717) 787-9089.

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 10-686. Filed for public inspection April 16, 2010, 9:00 a.m.]



# NOTICES

## CANINE HEALTH BOARD

### Public Meeting

The Canine Health Board (Board), under its authority at section 207(i)(3)(iii) and 221(f) of the Dog Law (3 P. S. §§ 459-207(i)(3)(iii) and 459-221(f)), gives notice of its public meeting scheduled for Tuesday, April 27, 2010, at 1 p.m. for the purpose of considering additional flooring options that have been submitted by commercial kennel operators.

The meeting will be held in Conference Room 309 of the Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

The Board will consider the flooring options one at a time and will take testimony and comment on each individual flooring option submitted before moving on to the next flooring option. The Board will hear testimony and comment from both proponents and opponents of the flooring options submitted. Proponents of the flooring option submitted will present their comments first and then those opposed to that flooring option will be heard.

Proponents and opponents may submit written testimony to the Board in advance of the Public Meeting. Written testimony shall be submitted to the Board by April 21, 2010. Written testimony should be submitted to the Department of Agriculture, Canine Health Board, 2301 North Cameron Street, Room 212, Harrisburg, PA 17110-9408.

Those wishing to present oral testimony or comment must be present at the public meeting.

Those presenting written or oral testimony or comment should submit or give the following information to the Board:

1. State their name and address for the record.
2. State their affiliation to any business or person for which they are testifying or offering comment.
3. State their experience or expertise related to canine health or kennel flooring issues or both.

The comment and testimony heard and considered by the Board must relate to whether the flooring option presented meets the standards established by section 207(i)(3)(i) of the Dog Law and whether, based on animal husbandry practices, the flooring option will provide for the welfare of the dogs to be housed on that type of flooring, as required by section 221(f) of the Dog Law (3 P. S. §§ 459-207(i)(3)(i) and 459-221(f)).

Given the extent and breadth of testimony and comment expected, the Board reserves the right to:

1. Limit the time period for each person's testimony or comment to 5 minutes.

2. Limit the amount of or exclude redundant or duplicative testimony or comment.

3. Take no official action on any flooring option presented, take official action at a subsequent meeting regarding any flooring option presented, or vote to decline to take official action on any flooring option presented.

JENNIFER MULLER,  
*Chairperson*

[Pa.B. Doc. No. 10-687. Filed for public inspection April 16, 2010, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Execution of Oil and Gas Lease for State Forest Lands

Effective January 20, 2010, an Oil and Gas Lease for State Forest Lands, Contract No. M-110323-09, was executed by and between the Commonwealth, acting through the Department of Conservation and Natural Resources (lessor) and EXCO Resources (PA), Inc., (lessee), with its principal place of business located at 12377 Merit Drive, Suite 1700, Dallas, TX 75251.

The lease is for Tract 323, located in Pine Township, Clearfield County, within the Moshannon State Forest. The lease was issued to the highest winning and qualified bidder for the tract at the lessor's competitive lease sale held on January 12, 2010. The lease was recorded at the Clearfield County courthouse on March 24, 2010, instrument no. 201003524. Contract No. M-110323-09 may be viewed online at <http://contracts.patresury.org/View.aspx?ContractID=78366>.

Questions regarding this lease should be directed to the Bureau of Forestry, Minerals Section at (717) 787-2703.

JOHN QUIGLEY,  
*Acting Secretary*

[Pa.B. Doc. No. 10-688. Filed for public inspection April 16, 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**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0036102 (Sewage)	Lehigh County Authority Heidelberg Heights 5132 Heidelberg Heights Road Germansville, PA 18053	Lehigh County Heidelberg Township	Unnamed Tributary to Mill Creek 2-C CWF, MF	Y
PA0063274 (Sewage)	Brian G. Guinane 1034 Lower Rhiney Creek Road Hallstead, PA 18822	Susquehanna County Liberty Township	Rhiney Creek 04E	Y
PA0032115 (Sewage)	Ricketts Glen State Park 695 SR 487 Benton, PA 17814	Luzerne County Fairmount Township	Ganaga Glen HQ-CWF 5-C	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

## NOTICES

2023

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0086291 (IW)	Texas Eastern Transmission, LP Perulack Compressor Station 5400 Westheimer Court Houston, TX 77056-5310	Juniata County Lack Township	UNT Lick Creek 12-B	Y
PA0247642 (Sew)	Clay Manor Homeowner's Association 11 East Manor Drive Lititz, PA 17543	Lancaster County Elizabeth Township	Middle Creek 7-J	Y
PA0024074 (Sew)	Shoemakersville Municipal Authority 115 East Ninth Street Shoemakersville, PA 19555-1410	Berks County Shoemakersville Borough	Schuylkill River 3-B	Y
PA0028142 (Sew)	Pennsylvania National Guard Fort Indiantown Gap Building 0-11 Annville, PA 17003-5002	Lebanon County East Hanover Township	Swatara Creek 7-D	Y
PA0247499 (Sew)	Ruth Colledge 1180 East Graceville Road Breezewood, PA 15533	Bedford County East Providence Township	Tub Mill Run 11-D	Y
PA0081132 (Sew)	Solanco School District 121 South Hess Street Quarryville, PA 17566-1200	Lancaster County Fulton Township	Conowingo Creek 7-K	Y
PA0081116 (Sew)	Solanco School District 121 South Hess Street Quarryville, PA 17566-1200	Lancaster County East Drumore Township	UNT to Stewart Run 7-K	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0209066 (Sewage)	Roulette Township Sewer System STP SR 4003 Roulette, PA 16746	Potter County Roulette Township	Allegheny River 16-C	Y
PA0113221 (Sewage)	Youth Challenge International 1798 Snyderstown Road Sunbury, PA 17801	Northumberland County Upper Augusta Township	Shamokin Creek 6-B	Y
PA0228885 (Sewage)	Burnside Borough Sewer System SR 219 Burnside, PA 15721	Clearfield County Burnside Borough	West Branch Susquehanna River 8-B	Y
PA0228893 (Sewage)	Liberty Area Municipal Authority Wastewater Treatment Plant 4810 Blockhouse Road Liberty, PA 16930	Tioga County Liberty Township Liberty Borough	Blockhouse Creek 9-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0103608 (Sewage)	Country Acres MHP 25622 Trailer Court A Country Acres Guys Mills, PA 16327	Crawford County East Mead Township	Unnamed tributary of Little Sugar Creek 16-D	Y
PA0222062 (Sewage)	Springfield Grille 1226 Perry Highway Mercer, PA 16137	Mercer County Springfield Township	Unnamed tributary to Neshannock Creek 20-A	Y



**II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications**

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

**NPDES Permit No. PA0020851, Amendment No. 1, Sewage, Hyndman Borough Municipal Authority, 155 Clarence Street, Hyndman, PA 15545.** This proposed facility is located in Hyndman Borough, **Bedford County**.

Description of Proposed Action/Activity: Seeking permit approval for the expansion/and placement of outfall at a new location that will be efficient.

**Application No. PA 0261432, Industrial Waste, SIC Code 4952, Newport Borough Water Authority, 231 Market Street, Newport, PA 17074.** This facility is located in Newport Borough, **Perry County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated industrial waste.

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 is United Water Company located on the Susquehanna River, approximately 19 miles downstream. The discharge is expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0311 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	7.8	15.5	30	60	75
Total Aluminum	1.04	2.07	4	8	10
Total Manganese	0.26	0.52	1	2	2.5
Total Iron	0.52	1.04	2	4	5

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.

**PA0088528, Sewage, SIC Code 4952, Tulpehocken Township Berks County, P. O. Box 272, Rehrersburg, PA 19550-0272.** Facility Name: Tulpehocken Township Rehrersburg STP. This existing facility is located in Tulpehocken Township, **Berks 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 Little Swatara Creek, is located in State Water Plan Watershed 7-D and is classified for aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.065 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instantaneous Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	14.0	22.0	XXX	25	40	50
Weekly Average						
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	16.0	24.0	XXX	30	45	60
Weekly Average						
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	XXX
				Geometric Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	XXX
				Geometric Mean		
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instantaneous Maximum
Ammonia-Nitrogen						
May 1 - Oct 31	3.3	XXX	XXX	6.0	XXX	12
Nov 1 - Apr 30	9.8	XXX	XXX	18.0	XXX	36.0
Total Phosphorus	1.1	XXX	XXX	2.0	XXX	4.0

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.

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

**PA 0233889, Troester Dairy**, 175 Cannon Road, Mifflinburg, PA 17844. This proposed facility is located in Buffalo Township, **Union County**.

Description of Proposed Activity: Dairy Farm

The receiving stream, UNTs of Buffalo Creek, is in the State Water Plan Buffalo Creek Watershed 10C and is classified for: Cold Water Fishery (CWF).

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 nondischarge 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. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.

The EPA waiver will not be in effect.

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### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

**WQM Permit No. 2402401, Sewerage, Amendment No. 1, Fox Township Sewer Authority**, 116 Irishtown Road, Kersey, PA 15846. This proposed facility is located in Fox Township, **Elk County**.

Description of Proposed Action/Activity: Fox Township Sewer Authority (FTSA) desires to construct mechanical screening equipment in a new headworks building.

**WQM Permit No. 4292405, Sewerage, Amendment No. 1, Mount Jewett Regional Sewer Authority**, P. O. Box 680, 1 Center Street, Mt. Jewett, PA 16740. This proposed facility is located in Mount Jewett Borough, **McKean County**.

Description of Proposed Action/Activity: Water Quality Management Permit to install new solar energy aerators/mixing units for the Cell Nos. 1 and 2 lagoons that would replace the existing mechanical aerators that utilize A.C. electricity.

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### IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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### V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

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

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

*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023910003	PPL Electric Utilities, Corp. Attn: Robert Farley 2 North 9th Street Allentown, PA 18101	Lehigh	South Whitehall Township	Little Cedar Creek HQ-CWF, MF
PAI023904022(2)	Lehigh Valley Hospital— Cedar Crest P. O. Box 689 Cedar Crest and I-78 Allentown, PA 18105	Lehigh	Salisbury Township	Little Lehigh Creek HQ-CWF, MF
PAI023905002(1)	Woodbridge Golf Club, Inc. Attn: Leon Synder P. O. Box 149 440 Albright Road Kutztown, PA 19530	Lehigh	Weisenberg Township	Schaefer Run HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032110003	Schreiber Foods, Inc. 502 North Madison Street Green Bay, WI 54301	Cumberland	Shippensburg Borough	Middle Spring Creek HQ
PAI034410004	Oliver Township 4670 US Highway 522 South McVeytown, PA 17051	Mifflin	Oliver Township	Town Run—Wakefield Run HQ-CWF

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041410001	Nittany Valley Alliance Church P. O. Box 108 Mingoville, PA 16856-0108	Centre	Walker Township	Little Fishing Creek HQ-CWF, MF

## **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](http://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>
Woodland View Farm 133 Woodland Road Oxford, PA 19363	Chester	204	268.39	Ducks/Dairy	NA	Renewal
Glennville Farms 2391 Glennville Road Cochranville, PA 19330	Chester	3,071.4	311.5	Dairy	HQ	Renewal
Lincoln Dairy 1141 State Road Lincoln University, PA 19352	Chester	69.8	1,180.45	Dairy	HQ	Renewal
Walmore Holstein 1826 Howellmoore Road West Grove, PA 19390	Chester	1,120	1,295.6	Dairy	NA	Renewal

<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>New</i>
Schrack Farm Partnership 860 West Valley Road Loganton, PA 17747	Clinton	1,863	1,670	Dairy	Fishing Creek HQ	Application
Willard Hackman 1035 Dean Hill Road Wellsboro, PA 16901 Correction from Swine/Dairy	Tioga	300	518.16	Beef/Swine	CWF	Renewal
David Groff 262 Pawling Road Lewisburg, PA 17837	Union	0	604.8	Swine	NA	Renewal
Todd Hiller 84 Hiller Lane Allenwood, PA 17810	Union	600+	601.6	Swine, Beef	HQ White Deer Hole Creek	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**

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

**Permit No. 0410503**, Public Water Supply.

Applicant	<b>Beaver Falls Municipal Authority</b> 1425 8th Avenue P. O. Box 400 Beaver Falls, PA 15010
Township or Borough	Eastvale Borough



Responsible Official James Riggio  
General Manager  
Beaver Falls Municipal  
Authority  
1425 8th Avenue  
P. O. Box 400  
Beaver Falls, PA 15010

Type of Facility Water treatment plant

Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205

Application Received Date April 6, 2010

Description of Action Installation of chemical feed  
equipment for the addition of  
chloramines (chloramination).

**MINOR AMENDMENT**

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

**Application No. 5608507GWR, Minor Amendment.**

Applicant **Jenner Township**  
2058 Lincoln Highway  
Boswell, PA 15531

Township or Borough Jenner Township

Responsible Official Keith Barnick  
Chairperson  
Jenner Township  
2058 Lincoln Highway  
Boswell, PA 15531

Type of Facility Water treatment system

Consulting Engineer

Application Received Date December 31, 2009

Description of Action Groundwater rule 4-log  
treatment demonstration.

**Application No. 2610502GWR, Minor Amendment.**

Applicant **Indian Creek Valley Water  
Authority**  
P. O. Box 486  
Indian Head, PA 15446

Township or Borough Saltlick Township

Responsible Official R. Kerry Witt, Manager  
Indian Creek Valley Water  
Authority  
P. O. Box 486  
Indian Head, PA 15446

Type of Facility Water treatment system

Consulting Engineer

Application Received Date March 31, 2010

Description of Action Groundwater rule 4-log  
treatment demonstration.

**Application No. 5609504GWR, Minor Amendment.**

Applicant **Borough of Somerset**  
340 West Union Street  
Somerset, PA 15501

Township or Borough Somerset Township

Responsible Official Benedict Vinzani  
Borough Manager  
Borough of Somerset  
340 West Union Street  
Somerset, PA 15501

Type of Facility Water treatment system

Consulting Engineer

Application Received Date November 3, 2009

Description of Action Groundwater rule 4-log  
treatment demonstration.

**Application No. 0409508GWR, Minor Amendment.**

Applicant **Beaver Borough**  
469 Third Street  
Beaver, PA 15009

Township or Borough Beaver Borough

Responsible Official John Barrett  
Beaver Borough  
469 Third Street  
Beaver, PA 15009

Type of Facility Water treatment system

Consulting Engineer

Application Received Date March 17, 2010

Description of Action Groundwater rule 4-log  
treatment demonstration.

**Application No. 0210503GWR, Minor Amendment.**

Applicant **Bay Valley Foods, LLC**  
1080 River Avenue  
Pittsburgh, PA 15212

Township or Borough City of Pittsburgh

Responsible Official Ken Boersen  
Bay Valley Foods, LLC  
1080 River Avenue  
Pittsburgh, PA 15212

Type of Facility Water treatment system

Consulting Engineer

Application Received Date February 3, 2010

Description of Action Groundwater rule 4-log  
treatment demonstration.

**Application No. 0209525GWR, Minor Amendment.**

Applicant **Borough of Sharpsburg**  
1611 Main Street  
Pittsburgh, PA 15215

Township or Borough Sharpsburg Borough

Responsible Official Roger Milliron  
Borough of Sharpsburg  
1611 Main Street  
Pittsburgh, PA 15215

Type of Facility Water treatment system

Consulting Engineer

Application Received Date November 25, 2009

Description of Action Groundwater rule 4-log  
treatment demonstration.

**Application No. 2610503GWR, Minor Amendment.**

Applicant	<b>Spring Valley</b> 100 Spring Valley Road Farmington, PA 15437
Township or Borough	Wharton Township
Responsible Official	Spring Valley 100 Spring Valley Road Farmington, PA 15437
Type of Facility	Water treatment system
Consulting Engineer	
Application Received Date	March 23, 2010
Description of Action	Groundwater rule 4-log treatment demonstration.

**Application No. 0210509MA, Minor Amendment.**

Applicant	<b>Richland Township Municipal Authority</b> 2012 Kramer Road Gibsonia, PA 15044-9632
Township or Borough	Valencia Borough <b>Butler County</b>
Responsible Official	George Kane Chairperson Richland Township Municipal Authority 2012 Kramer Road Gibsonia, PA 15044-9632
Type of Facility	Water treatment system
Consulting Engineer	KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Application Received Date	April 5, 2010
Description of Action	Modification to the emergency interconnection with the Adams Township Municipal Authority.

**WATER ALLOCATIONS**


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**Applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth**

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

**WA2-1014, Water Allocations. Richland Township Municipal Authority**, 2012 Kramer Road, Gibsonia, PA 15044, **Allegheny County**. The applicant is requesting an emergency interconnection with the Adams Township Municipal Authority located in Butler County.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995****PREAMBLE 1**


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**Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).**

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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.*

**Anderson/Raia**, Buckingham Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ty Gawlick State Farm, P. O. Box 13, Concordville, PA 19331 on behalf of Dawn Raisa and Kathleen Anderson, 3921 York Road, Furlong, PA 18925 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site is residential. The summary of the Notice of Intent to

Remediate was reported to have been published in *The Intelligencer* on March 11, 2010.

**Danko Properties**, Ambler Borough, **Montgomery County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Mark Danko, 18 Quakerbridge Road, Levittown, PA 19047 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site is residential.

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

**Mann Edge Terrace**, Lewistown Borough, **Mifflin County**. BlackRock Environmental, LLC, P. O. Box 288, Nazareth, PA 18064, on behalf of Mifflin County Industrial Development Corporation, 6395 SR 103 North, Lewistown, PA 17044, submitted a Notice of Intent to Remediate site soils contaminated with lead and mercury. The site will be remediated to the Site-Specific Standard. This former tool manufacturing site will be developed for residential apartments.

**Peter Styer Residence**, Warwick Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Peter Styer, c/o Sandy Styer-Martin, 17 Church Street, Lititz, PA 17543, submitted a Notice of Intent to Remediate soils and groundwater contaminated with No. 2 fuel oil. The site will be remediated to a Site-Specific Standard and will remain residential.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Application for Determination of Applicability for General Permit Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.**

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

**General Permit Application No. WMGM039SE001.** Accurate Recycling Corporation, 508 East Baltimore Pike, Lansdowne, PA 19050. This general permit application is for the processing of pre- and post-consumer asphalt shingles by sorting and transferring to authorized facilities for further processing prior to beneficial reuse as provided under the conditions defined within the existing General Permit #WMGM039. The proposed operation will be taking place at Accurate Recycling Corporation Lansdowne Facility, located at 508 East Baltimore Pike in Upper Darby Township, **Delaware County**. The application for Department of Agriculture was determined to be administratively complete by the Southeast Regional Office on February 10, 2010.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application(s) Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 100585. Waste Management, Inc.**, 1436 West Sunbury Road, West Sunbury, PA 16061, Clay Township, **Butler County**. The application is a Permit Renewal for the Waste Management, Inc., Northwest Sanitary Landfill. The application was received March 22, 2010, and found to be administratively complete by the Northwest Regional Office on March 31, 2010.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office at (814) 332-6848. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

### 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 <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

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

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

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

**02891701 and NPDES Permit # PA0215571, Consolidation Coal Company**, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15217), to renew the post mining activity permit for the Harmer Mine in Harmer and Indiana Townships, Fox Chapel Borough, **Allegheny**

**County** and related NPDES permit. No additional discharges. Application received: March 10, 2010.

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

**32080101 and NPDES No. PA0262561. P & N Coal Company, Inc.**, P. O. Box 332, Punxsutawney, PA 15767, revision of an existing bituminous surface mine to add 15.8 acres to the permit area in Banks Township, **Indiana County**, affecting 9.4 acres. Receiving stream(s): unnamed tributaries to Cush Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 24, 2010.

**56813104 and NPDES No. PA0599115. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, transfer of an existing bituminous surface mine from Finzel Coal, 12152



National Pike, Grantsville, MD 21536 located in Brothersvalley Township, **Somerset County**, affecting 344.7 acres. Receiving stream(s): unnamed tributaries to/and Tubs Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 29, 2010.

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

**26100102 and NPDES Permit No. PA0251917. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Application for commencement, operation and reclamation of a bituminous surface mine, located in Springfield Township, **Fayette County**, affecting 40 acres. This application includes a land use change from forestland to pastureland and/or land occasionally cut for hay. Receiving streams: Middle Fork and Laurel Run, classified for the following use: CWF. The potable water supply intake within 10 miles downstream from the point of discharge: Indian Creek Valley Water Authority. Application received: March 26, 2010.

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

**33070108 and NPDES Permit No. PA0258474. Bedrock Mines, LP** (111 Freeport Road, Pittsburgh, PA 15215) Transfer of an existing bituminous strip operation from Ben Hal Mining Company in McCalmont Township, **Jefferson County** affecting 40.0 acres. Receiving streams: Six unnamed tributaries to Sandy Lick Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This application also includes a revision to add augering. Application received: March 30, 2010.

**16100102 and NPDES Permit No. PA0258849. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous strip operation in Redbank Township, **Clarion County** affecting 62.3 acres. Receiving streams: Unnamed tributaries to Pine Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: March 31, 2010.

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

**17100105 and NPDES No. PA0257338. TDK Coal Sales, Inc.** (279 Shannon Road, Monongahela, PA 15063-3414). Commencement, operation and restoration of a bituminous surface mine located in Penn Township, **Clearfield County** affecting 364.3 acres. Receiving streams: unnamed tributaries to Daily Run to Curry Run to the West Branch of the Susquehanna River classified

for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 22, 2010.

**17000109 and NPDES No. PA0242985. Kenneth K. Rishel & Sons, Inc.** (1229 Turnpike Avenue, Clearfield, PA 16830). Permit revision to an existing bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 25.0 acres. This revision is to add 5 acres of mining and support area to the existing permit area. Receiving streams: Orr's Run and an unnamed stream to Orr's Run classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 22, 2010.

**17100106 and NPDES No. PA0257346. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661). Commencement, operation and restoration of a bituminous surface mine located in Bigler Township, **Clearfield County** affecting 68.4 acres. Receiving streams: Clearfield Creek (Warm Water Fishery) and an unnamed tributary to Clearfield Creek (Cold Water Fishery). There are no potable water supply intakes within 10 miles downstream. Application received: March 25, 2010.

**17040105 and NPDES No. PA0243795. R. B. Contracting** (160 R. B. Contracting Lane, Curwensville, PA 16833). Renewal of an existing bituminous surface mine located in Brady Township, **Clearfield County** affecting 63.9 acres. Receiving streams: unnamed tributaries to East Branch of Mahoning Creek and East Branch of Mahoning Creek classified for High Quality Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 25, 2010.

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

**54100201. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), commencement, operation and restoration of an anthracite coal refuse reprocessing, refuse disposal and preparation plant operation in Blythe Township, **Schuylkill County** affecting 86.5 acres, receiving stream: unnamed tributary to Schuylkill River, classified for the following use: cold water fishery. Application received: March 30, 2010.

**54-305-015GP12. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54100201 in Blythe Township, **Schuylkill County**. Application received: March 20, 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.

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

**02100301 and NPDES Permit No. PA0251909. Taylor Road Co., LLC** (P. O. Box 427, Lisbon, OH 44432). Application for commencement, operation and reclamation of large noncoal surface mine, located in West Mifflin Township, **Allegheny County**, affecting 125 acres. Receiving streams: unnamed tributaries to Streets Run, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: PA American Water Co. Application received: March 24, 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 Department 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

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

**E45-553. Stroudsburg Area School District**, 123 Linden Street, Stroudsburg, PA 18360, in Borough of Stroudsburg, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstruction and encroachments in and along the 100-year floodway of Pocono Creek (HQ-CWF, MF) as follows: (1) a 15-LF, 36" diameter HDPE stormwater outfall with concrete headwall and R-riprap; (2) a 35-LF, 30" diameter HDPE stormwater outfall with concrete headwall and R-riprap; and (3) a 130-LF, vegetated stormwater outfall channel for the purpose of stormwater management associated with the expansion of Stroudsburg High School. The project is located along the north side of SR 2012 (West Main Street), approximately 3 miles southwest of the intersection of U.S. 209 and SR 447 (Stroudsburg, PA Quadrangle Latitude: 40° 59' 3"; Longitude: -75° 12' 16"), in the Borough of Stroudsburg, Monroe County (Stroudsburg, PA Quadrangle Latitude: 40° 59' 3"; Longitude: -75° 12' 16").

**E39-504. Lehigh County**, 17 South Seventh Street, Allentown, PA 18101, in Salisbury Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove several temporary housing units and to construct and maintain a building addition and expansion to the existing facility within the 100-year floodplain of the Lehigh River (WWF, MF). The project is located at 1600 Riverside Drive in the City of Bethlehem (Allentown East, PA Quadrangle Latitude: 40° 36' 43"; Longitude: -75° 24' 43").

**E39-505. Lavern Mangold**, 6387 Ridge Road, New Tripoli, PA 18066, in Lynn Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a stream crossing for livestock across a Tributary to School Creek (EV). The project is located at 7513 Zeisloff Road, New Tripoli, PA 18066 (New Tripoli, PA Quadrangle Latitude: 40° 40' 25"; Longitude: -75° 45' 26").

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

**E05-354. Hyndman Borough Municipal Authority**, 155 Clarence Street, Hyndman, PA 15545-0445, Hyndman Wastewater Treatment Plant Upgrades, Hyndman Borough, **Bedford County**, ACOE Baltimore District.

To perform improvements to an existing wastewater treatment plant, which consist of construction and maintenance of the following:

(1) two SBR tanks approximately 39 feet diameter having a height of 20.0 feet; (2) two existing digester tanks modified to approximately 40 feet by 20 feet and having a height of 14.0 feet, with the tanks almost entirely below the proposed grade; (3) a UV unit approxi-

mately 22 feet by 3 feet having a height of 13.0 feet; and (4) a wet well pump station approximately 10 feet by 10 feet and having a height of 3.5 feet above the proposed grade. For the proposed project activities, approximately 300 cubic yards of fill will be placed within the 100-year floodplain. The wastewater treatment plant is located along the northwesterly bank of Wills Creek (CWF, MF) (Hyndman, PA Quadrangle N: 11.28 inches; W: 12.89 inches, Latitude: 39° 48' 43.7"; Longitude: 78° 43' 0.4") in Hyndman Borough, Bedford County.

**E21-417: Turnpike Commission, Attn: Gary L. Graham, P. O. Box 67676, Harrisburg, PA 17106-7676, Blue Mountain Interchange, Hopewell Township, Cumberland County, ACOE Baltimore District.**

To: (1) extend and maintain an existing 42.0-inch diameter RCP culvert by 29.0 feet on the downstream side in an unnamed tributary to Newburg Run (WWF, MF) (Latitude: 40° 9' 40"; Longitude: -77° 36' 33"); (2) extend and maintain an existing 18.0-inch diameter RCP culvert by 20.0 feet on the upstream side and 30.0 feet on the downstream side in an unnamed tributary to Newburg Run (WWF, MF) (Latitude: 40° 9' 49"; Longitude: -77° 36' 19"); (3) extend and maintain an existing reinforced concrete open bottom arch culvert by 44.0 feet on the upstream side and 32.0 feet on the downstream side in an unnamed tributary to Newburg Run (WWF, MF) (Latitude: 40° 9' 49"; Longitude: -77° 36' 14"); and (4) fill and maintain approximately 0.03 acre of PEM wetland in the Newburg Run watershed. The project is located between mileposts 200.4 and 202.3 on Interstate 76 (from Newburg, PA Quadrangle N: 6.32 inches; W: 15.58 inches, Latitude: 40° 9' 35"; Longitude: -77° 36' 42" to Newburg, PA Quadrangle N: 7.03 inches; W: 14.54 inches, Latitude: 40° 9' 35"; Longitude: 77° 36' 42") in Hopewell Township, Cumberland County. The purpose of the project is to improve existing interchange geometry, widen the roadway, improve safety conditions, and to upgrade culverts and stormwater management facilities.

**E29-098: Fulton County Conservation District, 216 North Second Street, McConnellsburg, PA 17233-4423, Spring Run Stream Restoration, Ayr Township, Fulton County, ACOE Baltimore District.**

To restore and maintain approximately 3,900 linear feet of Spring Run (CWF) through the installation of: (1) eight log vane deflectors; (2) eight cross rock vanes; (3) nineteen J-hook vanes; (4) three lunger structures; (5) 142.0 linear feet of rocktoe protection; (6) one cattle crossing; and (7) 546.0 linear feet of stream relocation for the purpose of stabilizing degraded stream banks and improving aquatic habitat. The stream restoration begins at a point approximately 4,000 feet downstream of Union Church Road (Big Cove Tannery, PA Quadrangle N: 21.44 inches; W: 2.93 inches, Latitude: 39° 52' 5.10"; Longitude: 78° 1' 15.28") and ends at Spring Run Drive (Big Cove Tannery, PA Quadrangle N: 20.55 inches; W: 3.96 inches, Latitude: 39° 51' 47.43"; Longitude: 78° 1' 41.70"). The applicant also proposes to: (1) install and maintain a 6.0-inch PVC intake structure from a small pond; (2) install and maintain a 6.0-inch PVC outfall structure to an unnamed tributary to Spring Run (CWF); and (3) the removal of the existing structure and the construction and maintenance of a 25.0-foot long, 1.0-foot depressed, 10.5-foot by 6.75-foot corrugated metal arch culvert in Spring Run (CWF) at the downstream end of the restoration project. To compensate for wetland impacts the applicant shall provide a minimum of 0.15 acre of replacement wetlands onsite. The project is located in Ayr Township, Fulton County.

**E01-293: Conewago Enterprises, Inc., 660 Edgegrove Road, P. O. Box 407, Hanover, PA 17331, Conewago Township, Adams County, ACOE Baltimore District.**

The applicant proposes to place and maintain fill in 0.809 acre of PEM wetlands for the purpose of expanding an existing commercial facility. The project is located at the intersection of Oxford Avenue and Black Lane, just northeast of the town of Edgegrove (McSherrystown, PA Quadrangle N: 13.5 inches; W: 7.5 inches, Latitude: 39° 49' 28.16"; Longitude: 77° 02' 25.12"), in Conewago Township, Adams County. To compensate for wetland impacts, the permittee shall provide a minimum of 0.809 acres of replacement wetlands onsite.

**E67-880: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, Carroll Township, York County, ACOE Baltimore District.**

To: (1) remove the existing culvert structure and construct and maintain 90.0 feet of dual 38-inch by 60-inch elliptical culvert with rock aprons depressed 12.0 inches into the streambed of an unnamed tributary to Dogwood Run (CWF, MF); (2) place and maintain fill within the floodway and floodplain along 905.0 feet of Dogwood Run; and (3) construct and maintain 50.0 feet of bank stabilization along an unnamed tributary to Dogwood Run, all for the purpose of improving transportation safety and roadway standards. The project is located on SR 0074, at the intersection of Spring Lane (T-874) (Mechanicsburg, PA Quadrangle N: 1.5 inches; W: 5.6 inches, Latitude: 40° 08' 00"; Longitude: -77° 02' 24") in Carroll Township, York County.

**E07-432: Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648, Williamsburg Township, Blair County, ACOE Baltimore District.**

To: (1) remove the existing bridge structure and construct and maintain a 37.7-foot wide, two span bridge having a normal span of 172.8 feet and an underclearance of 17.8 feet across Frankstown Branch Juniata River (TSF); (2) construct and maintain bank stabilization using R-5 rock for a distance of 310.0 feet along the left bank and 205.0 feet along the right bank of the Frankstown Branch Juniata River (TSF) on the downstream side of the bridge; and (3) place and maintain fill in 0.16 acre of exceptional value PEM wetlands, all for the purpose of improving transportation safety and roadway standards. The project is located on SR 2015, approximately 320 feet north of its intersection with SR 0866 (Williamsburg, PA Quadrangle N: 0.7 inch; W: 9.4 inches, Latitude: 40° 27' 47"; Longitude: -78° 12' 00") in Catherine Township and Williamsburg Borough, Blair County. The permittee has met the wetland replacement criteria by debiting 0.32 acre of PEM wetlands from the Huntingdon Advance Wetland Compensation Site located in Smithfield Township, Huntingdon County.

**E44-143: Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830, Burnham Borough, Mifflin County, ACOE Baltimore District.**

To remove the existing bridge structure and construct and maintain a 63.0-foot wide, single span bridge having a normal span of 46.8 feet and an underclearance of 5.5 feet across Bucks Run (TSF, MF), for the purpose of improving transportation safety and roadway standards. The project is located on SR 1005, approximately 90 feet south of its intersection with SR 4013 (Burnham, PA



Quadrangle N: 0.7 inch; W: 9.4 inches, Latitude: 40° 37' 45"; Longitude: -77° 34' 03") in Burnham Borough, Mifflin County.

**E07-431: JoAnne and Matthew Gordon**, 608 East 25th Avenue, Altoona, PA 16601, Spring Run Retaining Wall, City of Altoona, **Blair County**, ACOE Baltimore District.

To construct and maintain an approximately 90-foot long by 8-foot high pre-cast block retaining wall along the left bank of Spring Run (WWF, MF) and adjacent to 608 East 25th Avenue. The project is proposed to restore deteriorated portions of the stream channel to prevent structural damage of the property. The project is located at the intersection of East 25th Avenue and Spring Run (Altoona, PA Quadrangle N: 6.74 inches; W: 3.50 inches, Latitude: 40° 32' 13.63"; Longitude: -78° 24' 0.65") in the City of Altoona, Blair County, PA.

**E22-555: W. C. Farms, LLC, Stan Custer**, 2805 Old Post Road, Suite 200, Harrisburg, PA, South Hanover Township, ACOE Baltimore District.

To construct and maintain: (1) a 68.0-foot long, 36.0-inch diameter HDPE culvert pipe impacting 0.0493 acre of PEM wetlands with a riprap apron extending 20.0 feet downstream; (2) a 74.0-foot long, 30.0-inch diameter CPP culvert pipe with a 60.0-foot long, 15.0-foot high block retaining wall structure and a riprap apron extending 20.0 feet downstream, and an 18.0-inch HDPE stormwater pipe, an 8.0-inch diameter DI water line, and an 8.0-inch diameter PVC sanitary sewer line crossing over the proposed culvert, all impacting 0.0995 acre of PEM wetlands; and (3) a 12.0-inch diameter DI water line and a 4.0-inch diameter sanitary sewer line in and across an unnamed tributary to Kellock Run (WWF), all for the purpose of constructing a 40 unit single family home residential development. The project is located 0.15 mile east-northeast of the intersection of Red Top and Oaktree Roads (Hershey, PA Quadrangle N: 11.5 inches; W: 6.0 inches, Latitude: 40° 18' 42.6"; Longitude: 76° 42' 31.8"), in South Hanover Township, Dauphin County.

**E06-658: Forino Company, LP, John Smith**, 555 Mountain Home Road, Sinking Spring, PA 19608, Stonehedge Farm II, Bern Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain: (1) a 70.0-foot long, 1.0-foot depressed, 38.0-inch by 60.0-inch HERCP culvert pipe in an unnamed tributary to Seifert Run (WWF) with a depressed riprap apron extending 30.0 feet downstream; (2) a 15.0-inch diameter RCP storm sewer line across as unnamed tributary to Siefert Run (WWF) over the proposed culvert; and (3) an 8.0-inch DICL water line and an 8.0-inch diameter PVC sewer line in and across an unnamed tributary to Siefert Run (WWF), all for the purpose of providing access and utilities to a proposed 115 unit housing development. The project is located approximately 0.17 mile northeast of the intersection of Cross Keys Road and West Main Street (Temple, PA Quadrangle N: 10.57 inches; W: 13.75 inches, Latitude: 40° 25' 59" N; Longitude: 75° 58' 26" W) in Bern Township, Berks County.

**E06-654: Maxatawny Township Municipal Authority**, 127 Quarry Road, Suite 1, Kutztown, PA 19530, Maxatawny Township, **Berks County**, ACOE Philadelphia District.

To install and maintain a 6.0-inch diameter HDPE sanitary sewer line in and across Sacony Creek (CWF) temporarily impacting 0.0011 acre of PFO wetlands, and to construct and maintain an 8.0-inch HDPE outfall with

a rip rap apron along Sacony Creek (CWF) for the construction of a new wastewater treatment facility. The project is located 0.1 mile south of the intersection of Long Dam Road and SR 737 (Kutztown, PA Quadrangle N: 5.95 inches; W: 5.25 inches, Latitude: 40° 31' 58"; Longitude: 75° 47' 16") in Maxatawny Township, Berks County. Wetland impacts are *de minimis*, and wetland replacement is not required.

**E67-878: Harley-Davidson Motor Company Operations, Inc.**, 1425 Eden Road, York, PA 17402, Springettsbury Township, **York County**, ACOE Baltimore District.

The applicant proposes to extend and maintain: (1) three (3) existing 50.0-foot long, 36.0-inch reinforced concrete pipes in kind by 28.0 feet at the downstream end in an unnamed tributary to Codorus Creek (WWF); (2) an existing 56.0-foot long, 34.0-inch by 53.0-inch reinforced concrete pipe in kind by 40.0 feet at the downstream end in an unnamed tributary to Codorus Creek (WWF); (3) an existing 21.0-foot long, 36.0-inch and (2) 24.0-inch reinforced concrete pipes in kind by 35.0 feet at the upstream end in an unnamed tributary to Codorus Creek (WWF); (4) an existing 31.0-foot long, 36.0-inch reinforced concrete pipe with an 18.0-inch reinforced concrete pipe by 32.0 feet at the upstream end in an unnamed tributary to Codorus Creek (WWF); and (5) an existing 42.0-long, 5.0-foot by 5.0-foot concrete box culvert in kind by 54.0 feet at the downstream end in an unnamed tributary to Codorus Creek (WWF). In addition, the applicant proposes to place and maintain fill in a 0.40-acre fire pond. All activities are for the purpose of site improvements, including the construction of building additions, parking lots and road improvements. The project is located on Eden Road northeast of its intersection with PA Route 30 (York, PA Quadrangle N: 20.6 inches; W: 12.5 inches, Latitude: 39° 59' 18"; Longitude: 76° 42' 52").

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

**E08-464. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 0187 Section 003 Bridge Structure Replacement over Bennetts Creek, Asylum Township, **Bradford County**, ACOE Baltimore District (Wyalusing, PA Quadrangle N: 41° 43' 30"; W: 76° 22' 03").

Department of Transportation, Engineering District 3-0 proposes to replace the existing single span concrete slab bridge with a single span concrete arch culvert over Bennetts Creek. The existing structure has a 13 ft. normal span, 45° skew, 11.12 ft. underclearance, and 791.31 ft. low chord elevation. The proposed structure has a 20 ft. normal span, 45° skew, 10.54 ft. underclearance, and 791.33 ft. low chord elevation. The proposed bridge will be placed approximately on the existing vertical and horizontal alignment. Bennetts Creek is classified as a Warm Water Fishery by 25 Pa. Code Chapter 93 Water Quality Standards. The proposed project will not impact any jurisdictional wetlands.

**E18-452. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 2004, Section A07 Bridge Replacement in Lamar Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle Latitude: 40° 04' 46"; Longitude: 77° 28' 46").

The applicant proposes to replace a single lane, two span, open grate steel girder bridge with a two lane, two span, pre-stressed concrete adjacent box beam bridge. The



existing structure has a total span of 149 ft, skew of 58°, underclearance of 10.5 ft, and roadway width of 15.4 ft. The proposed structure has a total span of 162 ft, skew of 60°, underclearance of 10.5 ft, and a roadway width of 32 ft. Minor approach work will be required to account for a three feet horizontal alignment shift to the west. The proposed bridge is located over Fishing Creek. Fishing Creek is classified as a High Quality-Cold Water Fishery by 25 Pa. Code Chapter 93. This project proposes to temporarily impact 0.02 acre of jurisdictional wetlands.

**E57-119. Hemlock Hollow, LLC**, 2096 Strasburg Road, Coatesville, PA 19320-5231. Water Obstruction and Encroachment Joint Permit Application, in Laporte Township, **Sullivan County**, ACOE Susquehanna River Basin District (Laporte, PA Quadrangle N: 41° 23' 6.1"; W: 77° 26' 11.1").

To construct and maintain a single span steel I-beam bridge having a span of 16 feet, width of 12 feet and an average underclearance of 5 feet over Peter's Creek (EV). The crossing is located 2.5 miles northeast of Nordmont along SR 2006 in Laporte Township, Sullivan County. This project will impact 16 feet of Peter's Creek, which is designated an Exceptional Value Fishery and impact 0.0 acres jurisdictional wetlands.

**E59-494. William Dobron**, P. O. Box 187, Point Pleasant, PA 18950. Water Obstruction and Encroachment Joint Permit Application, in Clymer Township, **Tioga County**, ACOE Susquehanna River Basin District (Asaph, PA Quadrangle N: 41° 51' 21.9"; W: 77° 29' 19").

To construct and maintain a bridge having a span of 36 feet, width of 16 feet and an underclearance of 4.3 feet over Jemison Creek (WWF). The bridge is located off Boardman Road, 3.3 miles southwest of the intersection with SR 0249 in Clymer Township, Tioga County. This project proposes to permanently impact 16 linear feet of Jemison Creek, which is designated a Warm Water Fishery and impact 0.25 acre jurisdictional wetlands.

**E59-495. UGI—Central Penn Gas, Inc.**, 24547 Route 6, Port Alleghany, PA 16743-2507. Water Obstruction and Encroachment Joint Permit Application in Gaines Township, **Tioga County**, ACOE Susquehanna River Basin District (Marshlands, PA Quadrangle N: 41° 44' 33.3"; W: 77° 34' 41.45").

To construct and maintain 210 linear feet of 4-inch polyethylene gas pipeline under Pine Creek (EV). The proposed crossing will be bored. The crossing is located near the intersection of SR 3001 and Chestnut Street (T-453), 0.5 miles south of the intersection with SR 0006 in Gaines Township, Tioga County. This project will not impact Pine Creek, which is designated an Exceptional Value Fishery and impact 0.0 acres jurisdictional wetlands.

**E59-497. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 2005, Section 001, Slide Repair, Pipe Replacement, and Channel Lining, Richmond Township, **Tioga County**, ACOE Baltimore District (Wellsboro, PA Quadrangle N: 41° 48' 33"; W: 77° 05' 40").

Department of Transportation, Engineering District 3-0 proposes to replace two concrete pipes, which have a drainage area less than 100 acres, as well as repair a slide induced by saturated side slope soils. The slide will be repaired and grouted R-8 Rip-Rap will be placed in the stream channel for a total of 494 feet. The grout Rip-Rap will be placed to stabilize the steep channel. This project

will not impact and jurisdictional wetlands and does not require mitigation. The project is located in Richmond Township, Tioga County.

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

**E10-458, Cranberry Township**, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066. Northwest Roadway Connector Project, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40° 44' 24"; W: 80° 7' 34").

The applicant proposes to construct and maintain a road having a length of 2,700 feet connecting Heights Drive to SR 19 involving to construct and maintain: 1) a 160-foot long, 4.5-foot diameter CMP stream enclosure in a UNT Brush Creek having a drainage area of less than 100 acres; 2) a wetland crossing permanently impacting 0.22 acre of PEM wetlands; 3) a stormwater outfall discharging to UNT Brush Creek and adjacent wetlands; 4) a 0.22 acre PEM wetland mitigation area within the FEMA floodway and floodplain in Graham Park in Cranberry Township; and 5) stream mitigation consisting of a riparian planting area having a length of 240 feet on a UNT Brush Creek immediately upstream of the proposed stream enclosure. UNT Brush Creek is a perennial stream classified as a warm water fishery. The project proposes to impact approximately 200 feet of stream and 0.22 acre of PEM wetlands.

**E33-241, Open Flow Gas Supply Corporation**, 90 Beaver Drive, Suite 110B, Drawer J, Ideal Gas Pipeline Crossing, in Snyder Township, **Jefferson County**, ACOE Pittsburgh District (Carman, PA Quadrangle N: 41° 16' 2.18"; W: -78° 52' 6.99").

State Game Lands 54 (rural location): This project includes the installation of three natural gas well pipelines by means of a directional bore under the South Branch of North Fork Creek (EV) to facilitate transport of gas from an existing well to the main line. Bore 1 is 170' long with a 4" plastic pipe through a 12" sleeve, Bore 2 is 120' long with a 4" plastic pipe through a 12" sleeve, and Bore 3 is 130' long with a 2" plastic pipe through a 12" sleeve. All sleeves to be installed at 3' minimum increments.

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#### APPLICATION FOR WATER OBSTRUCTION AND ENCROACHMENTS PERMIT

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*Department of Environmental Protection—Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**E0214-001, Department of General Services, Bureau of Engineering and Architecture**, 18th and Herr Streets, Harrisburg, PA 17125, Concrete Channel Protection System, Borough of Pitcairn, **Allegheny County**, US ACOE Pittsburgh District.

This permit is requested for a flood protection project in and along approximately 7,019 linear feet (approximately 8.0 acres) of an Unnamed Tributary to Turtle Creek, locally known as Dirty Camp Run. The project begins at the upstream end of Sugar Camp Park (USGS "Braddock" Quadrangle North 8.0 inches; West 3.7 inches) and extends downstream to the confluence with Turtle Creek (USGS "Braddock" Quadrangle North 4.75 inches; West 4.25 inches).

The following activities are associated with the Concrete Channel Protection System project:

- Remove existing culverts and stream enclosures along a 5,010-foot-reach of Dirty Camp Run.
- Construct and maintain a 230-foot long by 170-foot wide earthen debris basin.
- Construct and maintain 400.0 linear feet of 20-foot-wide rock riprap lined trapezoidal channel.
- Construct and maintain 120.0 linear feet of 20-foot-wide by 8-foot-high concrete open channel.
- Construct and maintain a 50-foot-long concrete transition structure between the 20-foot-wide concrete open channel and a 18-foot-wide concrete open channel.
- Construct and maintain 3,920.0 linear feet of 18-foot-wide concrete open channel.
- Install and maintain 18-foot-wide precast concrete box culverts under Wall and Taylor Avenues.
- Install and maintain 1,110.0 linear feet of 18-foot-wide by 7-foot-high precast concrete box culvert.
- Install and maintain 850 linear feet of 18-foot-wide by 6.5-foot-high precast concrete box culvert.
- Construct and maintain 35.0 linear feet of 18-foot-wide concrete open channel. A channel outlet apron constructed of rock riprap slope protection will be installed around the channel outlet and along the right bank of Turtle Creek.

Anticipated construction time is 21 months.

*Northeast Region: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790, 570-826-2371.*

**E3511-004: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office.** Riverside East Project in Archbald and Jessup Boroughs, **Lackawanna County**, ACOE Baltimore District, Olyphant, PA Quadrangle N: 19.8 inches; W: 6.0 inches.

To perform the following water obstruction and encroachment activities associated with regrading of the floodplain.

This project will remove several large mine refuse piles and reestablish the flood plain. Also, a grouted riprap apron will be constructed at the outlet of the drainage culvert and will enter the high quality Lackawanna River at the downstream end of the project. This project will reclaim 19.5 acres along Railroad Street in Jessup. It will reestablish the flood plain for approximately 2,000 feet.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA25-050, Elk County Freshwater Association, 10 Erie Avenue, St. Marys, PA 15857, Acid Deposition Im-**

pacts in Big Mill Creek, in Jones Township, **Elk County**, ACOE Pittsburgh District (Albion, PA Quadrangle N: 41° 59' 38"; W: -80° 19' 34").

The applicant proposes to construct and operate three passive treatment systems in the headwaters of Big Mill Creek. The three locations to be addressed under this project are:

1. The headwaters of Cherry Run (N: 41.582861; W: 78.798056);
2. The headwaters of Big Mill Creek (N: 41.594389; W: 78.789861); and
3. In an unnamed tributary to Ellithorpe Run (N: 41.581083; W: 78.805889).

Each site will consist of an intake structure to divert between 10% and 75% of stream flow to a combination aerobic limestone basin and anaerobic vertical flow wetland, followed by an outfall structure that will discharge treated water back to the stream. The treatment systems are being constructed to add alkalinity to neutralize acidity, and increase buffering in Big Mill Creek to remediate the impacts of episodic acidification.

Big Mill Run Elk Creek is a perennial stream classified as a High Quality Cold Water Fishery.

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D59-003EA. Blossburg Municipal Authority, 245 Main Street, Blossburg, PA 16912, Hamilton Township, Tioga County**, ACOE Baltimore District.

Project proposes to breach and remove Taylor Run Dam across Taylor Run (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 600 feet of stream channel. The dam is located approximately 3,300 feet south of the intersection of SR 2017 and Taylor Run Road (Blossburg, PA Quadrangle Latitude: 41° 38' 43"; Longitude: -77° 02' 40").

**D07-030EA. Hollidaysburg, Municipal Authority, 401 Blair Street, Hollidaysburg, PA 16648-1805, Blair Township, Blair County**, ACOE Baltimore District.

Project proposes to breach and remove Kladder Reservoir Dam across a tributary to Frankstown Branch Juniata River (HQ-CWF, MF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 250 feet of stream channel. The dam is located approximately 3,100 feet south of the intersection of Monastery and Reservoir Roads (SR 2007) (Hollidaysburg, PA Quadrangle Latitude: 40° 23' 23"; Longitude: -78° 23' 19").

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## ACTIONS

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### 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**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0051683 (IW)	Titanium Hearth Technologies, Inc., d/b/a Timet 900 Hemlock Road Morgantown, PA 19543	Berks County Caernarvon Township	UNT Conestoga River J7	Y
PA0080586 (Sew)	Rodney L. Weaver Morton Buildings, Inc. 3370 York Road Gettysburg, PA 17325	Adams County Straban Township	UNT to Swift Run 7-F	Y
PA0086312 (Sew)	James Dorwart Quaker Station Apartments 1375 Old Quaker Road Etters, PA 17319	York County Fairview Township	UNT to Bennett Run 7-F	Y
PA0023264 (Sew)	Twin Boroughs Sanitary Authority 185 Manors Road Elizabethville, PA 17023	Dauphin County Washington Township	Wiconisco Creek 6-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0043419	Coudersport Area Municipal Authority P. O. Box 820 Coudersport, PA 16915-0820	Potter County Coudersport Borough	Allegheny River 16C	Y



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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0210081	John J. Stino 16675 Stuart Road Corry, PA 16407	Erie County Wayne Township	Unnamed Tributary to Hubbel Run 16-A	Y
PA0000329	PA American Water Company 800 West Hersheypark Drive Hershey, PA 17033-2400	Lawrence County Wayne Township	Slippery Rock Creek 20-C	Y

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

**PA0228982**, CAFO, SIC 0213, **James Kurtz, Kurtz Family Farm**, 1070 Grande Valley Road, Mifflinburg, PA 17844-7960. This proposed facility is located in West Buffalo Township, **Union County**.

Description of Proposed Activity: The existing CAFO has requested an amendment to NPDES Permit No. PA0228982 to convert its existing barns from a wet duck operation to a swine finishing operation.

The receiving stream, an unnamed tributary of Buffalo Creek/Coal Run, is in the State Water Plan as Buffalo Creek Watershed 10C and is classified for: Cold Water Fishery/HQ-Cold Water Fishery, respectively.

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 permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations and compliance with the Nutrient Management Act and The Clean Streams Law constitutes compliance with the state narrative water quality standards.

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. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.
9. The permittee shall not export manure to the Mike Ebersole farm fields either directly, or through a manure importer, until an Erosion and Sedimentation Plan has been developed and implemented for the Mike Ebersole farm in accordance with 25 Pa. Code § 102.4. A written plan, meeting the requirements in § 102.4, shall be provided to the Union County Conservation District. Upon written confirmation from the District to the Department of Environmental Protection and permittee, that an Erosion and Sedimentation Plan is in effect at the Mike Ebersole farm, this importer site may be utilized for land application of manure.

## III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

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

**WQM Permit No. 2308404**, Sewerage, **Amendment, Borough of Brookhaven**, 2 Cambridge Road, Brookhaven, PA 19015. This proposed facility is located in Borough of Brookhaven, **Delaware County**.

Description of Action/Activity: The proposed upgrades involve changing the biological treatment process from the trickling filter to an extended aeration/MLE process.

**WQM Permit No. 1599422**, Sewerage, **Amendment, Valley Forge Sewer Authority**, 333 Pawlings Road, Phoenixville, PA 19460. This proposed facility is located in Schuylkill Township, **Chester County**.

Description of Action/Activity: Construction of a new disinfection tank. Converting to UV disinfection.

**WQM Permit No. 1502415**, Sewerage, **Amendment, Harlan Corporation**, P. O. Box 1014, Paoli, PA 19301. This proposed facility is located in Kennett Township, **Chester County**.

Description of Action/Activity: Four septic tanks, Zabel filter, dosing pump station and pressure dosed absorption beds.

**WQM Permit No. 1509402**, Sewerage, **East Vincent Municipal Authority**, 3807 Schuylkill Road, Spring City, PA 19475. This proposed facility is located in East Vincent Township, **Chester County**.

Description of Action/Activity: Additions and modifications to the existing treatment plant such as new influent screen, filter feed pump station, disk filter, post aeration chamber.

**WQM Permit No. WQG02461004**, Sewerage, **Whitemarsh Township Authority**, 616 Germantown Pike, Lafayette Hill, PA 19444. This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a low pressure sewer system.



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

**WQM Permit No. 6009401**, Sewerage 4952, **Lewisburg Area Joint Sewer Authority**, P. O. Box 305, Lewisburg, PA 17837. This proposed facility is located in East Buffalo Township, **Union County**.

Description of Proposed Action: The applicant is approved to convert the WWTP from a contact-stabilization activated sludge process to a Modified Ludzack-Ettinger (MLE) denitrification process, which will provide nutrient removal capabilities. The upgrades will include the construction of denitrification filters, an aluminum sulfate storage and feed system to remove phosphorus, and a methanol storage and feed system to be used as a supplemental carbon source prior to the denitrification filters.

**WQM Permit No. WQG01411001**, Sewerage, SIC 4952, **Wynn and Suzanne Kutz**, 439 Sholder Road, Williamsport, PA 17701. This proposed facility is located in Old Lycoming Township, **Lycoming County**.

Description of Proposed Action/Activity: This project involves the construction of a new SFTF to replace an existing onlot sewage system that has malfunctioned and cannot be repaired. The SFTF will serve a 3-bedroom single family residence.

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

**WQM Permit No. WQG028322**, Sewerage, **Fairview Township Sewer Authority**, 7471 McCray Road, Fairview, PA 16415. This proposed facility is located in Fairview Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of permit to construct sewer extensions to service approximately 59 properties in the Princess Anne Subdivision. This wastewater will be routed to the City of Erie for ultimate treatment.

**WQM Permit No. 1610201**, Industrial Waste, **Ralph W. Emery**, 495 Main Street, Callensburg, PA 16212. This proposed facility is located in Callensburg Borough, **Clarion County**.

Description of Proposed Action/Activity: Issuance of a permit for construction of a groundwater remediation system for clean up of an underground storage tank leak at the Emery's Outlet service station.

**WQM Permit No. WQG018738**, Sewerage, **Christine L. and H. Dean Egley**, 17307 Lynn Road, Saegertown, PA 16433-3827. This proposed facility is located in Hayfeild Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018741**, Sewerage, **Brian and Jeanette Yorns**, 2054 Wampum Mount Air Road, Enon Valley, PA 16120-1636. This proposed facility is located in Little Beaver Township, **Lawrence 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**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023909020	Eaton Point Development, LP 559 Main Street Suite 300 Bethlehem, PA 18018	Lehigh	City of Bethlehem	Monocacy Creek HQ-CWF, MF
PAI023907025	K & M Associates 496 Lone Lane Allentown, PA 18104	Lehigh	Upper Macungie Township	Cedar Creek HQ-CWF, MF

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

*Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041710001	City of DuBois P. O. Box 408 16 West Scribner Avenue Dubois, PA 15801-0408	Clearfield	Sandy and Union Townships	Laborde Branch CWF

*Columbia County Conservation District: 702 Sawmill Road, Suite 204, Bloomsburg, PA 17815, (570) 784-1310, Ext. 102.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041908001	Robert G. Paden Cabin Run Estates 1326 Orange Street Berwick, PA 18603	Columbia	North Centre Township	Trib to Stony Brook EV

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

*Allegheny County Conservation District, Lexington Technology Park, Building 1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208, (412-241-7645).*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050209001	Community Center and Library Association, c/o Stephanie Flom 1220 Powers Run Road Pittsburgh, PA 15238-2618	Allegheny	Fox Chapel Borough	Squaw Run HQ-WWF

## VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 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 &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Kingston Township Luzerne County	PAG2004009023	Joseph Lombardo 16 Broad Street Pittston, PA 18640	Toby Creek CWF, MF	Luzerne County Conservation District 570-674-7991
Lower Saucon Township Northampton County	PAG2004810001	Brandon Kazan 4133 Lower Saucon Road Hellertown, PA 18055	Tributary to Saucon Creek CWF, MF	Northampton County Conservation District 610-746-1971
Taylor Borough Lackawanna County	PAG2003510003	Taylor Borough Attn: Daniel Zeleniak 122 Union Street Taylor, PA 18517	Keyser Creek CWF, MF	Lackawanna County Conservation District 570-281-9495
Guilford Township Franklin County	PAG2002810004	Jeryl Martin David H. Martin Excavating 4961 Cumberland Highway Chambersburg, PA 17202	Conococheague Creek WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Montgomery Township Franklin County	PAG2002805015-R	Daniel and Cathy Twigg P. O. Box 238 Greencastle, PA 17225	Conococheague Creek TSF-MF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Manor Township Lancaster County	PAG2003610001	Star Rock Dairy 37 Chestnut Grove Road Conestoga, PA 17516	Fishermans Creek Frys Run WWF-MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Millersville Borough Lancaster County	PAG2003610010	BWR, LLC 2938 Columbia Avenue Suite 1202 Lancaster, PA 17603	Little Conestoga Creek WWF-MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
West Cocalico Township Lancaster County	PAG2003610014	Nelson M. Wenger 100 East Queen Street Stevens, PA 17578	Indian Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Mount Joy Township Lancaster County	PAG2003610015	Leon Ray Burkholder 580 Indiantown Road Ephrata, PA 17522	UNT to Conewago Creek TSF-MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Greene Township Franklin County	PAG2002809012-1	Tim Rutter CHR Corporation 2295 Susquehanna Trail Suite C York, PA 17404	Conococheague Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499
Canton Township Bradford County	PAG2000810006	John Englebert, d/b/a Verizon Wireless 175 Calkins Road Rochester, NY 14623	UNT to Towanda Creek CWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Spring Township Centre County	PAG2001410004	Lutheran Commons at Pleasant Gap Allegheny Lutheran Social Ministries 915 Hickory Street Hollidaysburg, PA 16648	UNT to Logan Branch CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Charleston Township Tioga County	PAG2005908006(1)	East Resources, Inc. 38 Route 660 Mansfield, PA 16933	North Elk Run CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3

NOTICES

2043

*Facility Location:  
Municipality &  
County*

Somerset County  
Jenner Township

*Permit No.*  
PAG02005609013

*Applicant Name &  
Address*  
First Nation Wood Pellets, LLC  
P. O. Box 8637  
Fleming Island, FL 32006

*Receiving  
Water / Use*  
UNT to  
Quemahoning Creek  
CWF

*Contact Office &  
Phone No.*  
Somerset County  
Conservation District  
6024 Glades Pike  
Suite 103  
Somerset, PA 15501  
814-445-4352

Washington County  
Cecil Township

PAG2006310003

Oakbrooke Muse Partners, LP  
300 Weyman Road  
Suite 210  
Pittsburgh, PA 15236

UNT to Brush Run  
WWF

Washington County  
Conservation District  
602 Courthouse  
Square  
Washington, PA  
15301  
724-228-6774

*General Permit Type—PAG-3*

*Facility Location:  
Municipality &  
County*

Scranton City  
Lackawanna  
County

*Permit No.*  
PAR232230

*Applicant Name &  
Address*  
Quadrant EPP  
900 North South Road  
Scranton, PA 18504

*Receiving  
Water / Use*  
Keyser Creek  
CWF

*Contact Office &  
Phone No.*  
DEP—NERO  
2 Public Square  
Wilkes-Barre, PA  
18711  
570-826-2511

Scranton City  
Lackawanna  
County

PAR232229

Quadrant EPP  
900 North South Road  
Scranton, PA 18504

Roaring Brook  
CWF

DEP—NERO  
2 Public Square  
Wilkes-Barre, PA  
18711  
570-826-2511

York County  
Newberry Township

PAR603587

LKW Penn-Mar, Inc.  
269 River Road  
York Haven, PA 17370-9009

Susquehanna River  
WWF

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

Juniata County  
Fayette Township

PAR223530

Tangent Rail Products, Inc.  
P. O. Box 251  
McAlisterville, PA 17049-0251

Little Lost Creek  
TSF

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

Mifflin County  
Decatur Township

PAR603550

Parsons Auto Salvage  
3760 Old State Road  
McClure, PA 17841

UNT to Meadow  
Creek  
CWF

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707

Watsontown  
Borough  
Northumberland  
County

PAR314817

National Oilwell Varco, LP  
1200 Matthew Street  
Watsontown, PA 17777-9402

Spring Run, West  
Branch Susquehanna  
River  
WWF

Northcentral Regional  
Office  
Water Management  
Program  
208 West Third Street  
Suite 101  
Williamsport, PA  
17701  
(570) 327-3664

Allegheny Township  
Butler County

PAR228329

UFP Emlenton, LLC  
2801 East Beltline NE  
Grand Rapids, MI 49525

Unnamed Tributary  
to South Fork Little  
Scrubgrass Creek

DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942



*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Old Lycoming Township Lycoming County	PAG045267	Wynn and Suzanne Kutz 439 Sholder Road Williamsport, PA 17701	Unnamed Tributary to Daugherty Run	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Hayfield Township Crawford County	PAG049567	Christine L. and H. Dean Egley 17307 Lynn Road Saegertown, PA 16433-3827	Unnamed Tributary to Kerns Run 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Little Beaver Township Lawrence County	PAG049571	Brian and Jeanette Yorns 2054 Wampum Mount Air Road Enon Valley, PA 16120-1636	Unnamed Tributary to Jenkins Run 20-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-8*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Bonneauville Borough Adams County	PAG083547	Bonneauville Borough Municipal Authority 86 West Hanover Street Gettysburg, PA 17325	Bonneauville Borough Municipal Authority WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Ayr Township Fulton County	PAG083541	McConnellsburg Sewerage Authority P. O. Box 681 McConnellsburg, PA 17233	McConnellsburg WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Greene Township Mercer County	PAG098305	Charles R. Enterline 196 Maysville Road Jamestown, PA 16134	Enterline Septic Cleaning 196 Maysville Road Jamestown, PA 16134	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-10*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Charleston Richmond and Sullivan Townships Tioga County	PAG104814	Tennessee Gas Pipeline Company 1001 Louisiana Street Houston, TX 77002	Hills Creek Unnamed Tributary to North Elk Run Tioga River Canoe Camp Creek Corey Creek Unnamed Tributary to Corey Creek Fellows Creek	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Towanda, Monroe and Asylum Townships Bradford County	PAG104815	Tennessee Gas Pipeline Company 1001 Louisiana Street Houston, TX 77002	French Run Towanda Creek Unnamed Tributary to Towanda Creek Bennett's Creek Unnamed Tributary to Susquehanna River	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Charleston Township Tioga County	PAG104813	Tennessee Gas Pipeline Company 1001 Louisiana Street Houston, TX 77002	Catlin Hollow TSF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Troy Township Bradford County	PAG104816	Tennessee Gas Pipeline Company 1001 Louisiana Street Houston, TX 77002	Unnamed Tributary to Sugar Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Wyalusing Township Bradford County	PAG104817	Tennessee Gas Pipeline Company 1001 Louisiana Street Houston, TX 77002	Unnamed Tributary to Wyalusing Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Sergeant Township McKean County	PAG108310	Tennessee Gas Pipeline Company 1001 Louisiana Street Houston, TX 77002-5089	Unnamed Tributary to Red Mill Brook	Tennessee Gas Pipeline Company 1001 Louisiana Street Houston, TX 77002-5089 713-420-3428

## STATE CONSERVATION COMMISSION

### NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent 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.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501-508 and 701-704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Meadow Run Farm 4270 Harvest Road Manheim, PA 17545	Lebanon	107	967.5	Swine	NA	Approved
Jeffery Werner 897 North Lancaster Street Jonestown, PA 17038	Lebanon	454.8	489.61	Turkey	NA	Approved
Bryan Cooper Hillside Acres 335 Dotterer Road Lenhartsville, PA 19534	Berks	475	729.78	Swine farrow to finish  Market swine (> 50 lbs.), and swine (< 50 lbs.)	NA	Approved 3/31/10

**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**

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

**Permit No. 3609514, Public Water Supply.**

Applicant	<b>Northwestern Lancaster County Authority</b>
Municipality	Penn Township
County	<b>Lancaster</b>
Responsible Official	David C. McCracken, Chairperson 97 North Penryn Road Manheim, PA 17545
Type of Facility	Booster Pump Station for interconnection with the City of Lancaster.
Consulting Engineer	Mark L. Homan, P. E. Becker Engineering, LLC 111 Millersville Road Lancaster, PA 17603
Permit to Construct Issued:	4/5/2010

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

**Permit No. Minor Amendment—Construction, Public Water Supply.**

Applicant	<b>Benton Municipal Water and Sewer Authority</b>
Township or Borough	Benton Borough
County	<b>Columbia</b>
Responsible Official	Mr. John Watson, Chairperson Benton Municipal Water and Sewer Authority P. O. Box 516 Benton, PA 17814-0516
Type of Facility	Public Water Supply—Construction

Consulting Engineer Bryon Killian, P. E.  
Entech Engineering, Inc.  
4 South Fourth Street  
P. O. Box 32  
Reading, PA 19603-0032

Permit Issued Date March 31, 2010

Description of Action Construction of approximately 500 LF of 8" diameter water main along Mendenhall Lane and installation of a metering pit.

**Permit No. 1907501—Operation**, Public Water Supply.

Applicant **Aqua PA, Inc.—Roaring Branch Division**

Township or Borough Conyngham Township

County **Columbia**

Responsible Official Patrick R. Burke, Regional Manager  
Aqua PA, Inc.—Roaring Branch Division  
204 East Sunbury Street  
Shamokin, PA 17872

Type of Facility Public Water Supply—Operation

Consulting Engineer William A. LaDieu, P. E.  
CET Engineering Services  
1240 North Mountain Road  
Harrisburg, PA 17112-1788

Permit Issued Date April 2, 2010

Description of Action Operation of the Roaring Creek Well Station, Well No. 2, Polyphosphate, Sodium Hydroxide, and onsite Sodium Hypochlorite generation.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Thompsontown Borough	P. O. Box 294 Thompsontown, PA 17094	Juniata

*Plan Description:* The approved plan provides for the an upgrade and expansion of the existing Thompsonstown Borough sewage treatment plant to 0.2 MGD to meet the nutrient reduction requirements of the Chesapeake Bay Tributary Strategy. 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>
Millerstown Borough	P. O. Box E Millerstown, PA 17062	Perry

*Plan Description:* The approved plan provides for the an upgrade and expansion of the existing Millerstown Borough sewage treatment plant to 0.12 MGD to meet the nutrient reduction requirements of the Chesapeake Bay Tributary Strategy. 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>
Williamsburg Borough	305 East Second Street Williamsburg, PA 16693	Blair

*Plan Description:* The approved plan provides for an upgrade and the contraction of the existing Williamsburg Borough sewage treatment plant from 0.5 MGD to 0.331 MGD annual average flow capacity to meet the nutrient reduction requirements of the Chesapeake Bay Tributary Strategy. 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>
Washington Township	120 Barto Road P. O. Box 52 Barto, PA 19504	Berks

*Plan Description:* The approved plan provides for an expansion of the existing Washington Township Municipal Authority wastewater treatment plant from 0.25 MGD to 0.5 MGD and an expansion of the Swamp Creek pump station to 0.234 MGD average capacity. 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>
Heidelberg Township	P. O. Box 188 Schaefferstown, PA 17088	Lebanon

*Plan Description:* The approved plan provides for sewer service for the Schaefferstown, Valley View, Flintville-Juliada and Kleinfeltersville areas of Heidelberg Township with 83,300 feet of gravity sewer and 4 pump stations and force mains tributary to the South Lebanon Township conveyance facilities with treatment at the Lebanon City sewage treatment plant. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Robeson Township	2689 Main Street Birdsboro, PA 19508	Berks



*Plan Description:* The approved plan provides for an interim wastewater treatment plant to serve the existing Green Hills Lake Area and conceptual unplanned development with ultimate public sanitary sewer service tributary to the expanded and upgraded Robeson Township Municipal Authority sewage treatment plant. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

## **HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

### **Notice of Prompt Interim Response**

#### **Laureldale Battery Casings Site Laureldale Borough, Berks County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, 35 P. S. §§ 6020.101—6020.1305 (HSCA) has initiated a prompt interim response at the Laureldale Battery Casings Site (Site).

The prompt interim response has been initiated under sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 6020.501(a) and 6020-505(b)). The Site is located in the southern part of Laureldale Borough in a residential neighborhood. Battery casings were found at a shallow depth in the grass-covered fire lane/alley that runs between the houses on the 3200 block of McKently and Noble Streets.

The Department is proposing to remove and dispose of the battery waste and contaminated soils at the Site. The battery casings and any soils containing Site related contaminants in excess of Residential Statewide Health Standards will be removed and disposed. Clean fill will be used to replace the volume of excavated materials and the area will be graded and grass planted to restore the affected areas. This will fully eliminate the threat of exposure to the contaminated soil and battery casing waste. Institutional controls will not be required. This will comply with regulatory requirements and will be fully protective of human health and the environment. The cost of this response is estimated at \$71,883.30. The removal was initiated on March 31, 2010. If confirmatory sampling indicates that the battery casings and contaminated soil extends into the properties where access cannot be obtained, institution controls in the form of a deed notice and use restriction will be instated for the properties.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA (35 P. S. §§ 6020.505(b) and 6020.506(b)), and the publication of this notice in the *Pennsylvania Bulletin* starts the administrative record period under HSCA. The Administrative Record which contains information about this site and which supports the Department's decision to perform this action at the site is available for public review and comment. The Administrative Record can be examined Monday through Friday from 8 a.m. to 3:30 p.m. at the Department's Southcentral Regional Office located at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Ruth Bishop at 717-705-4833. The Administrative Record can also be reviewed at the Laureldale Borough Hall, 3406 Kutztown Road, Reading, PA, telephone 610-929-8700 from 8 a.m. to 4 p.m., Monday through Friday.

The Administrative Record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* on April 17, 2010, and will remain open for

90 days. Persons may submit written comments regarding this action to the Department before July 16, 2010, by mailing them to Ruth Bishop at the Department Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. The public will have an opportunity to present oral comments regarding the proposed action at a public hearing. The hearing has been scheduled for June 1, 2010, at 7 p.m. at the Laureldale Borough Hall, 3406 Kutztown Road, Reading, PA. Persons wishing to present formal oral comment at the hearing should register before 3 p.m., May, 25, 2010, by calling Ruth Bishop at the previously listed number. There will be an informational presentation of the Department's activities at this site prior to the public hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should call Ruth Bishop at the previously listed number or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

#### **Public Notice of proposed Settlement Agreement Gryphin Coatings, City of Philadelphia**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, 35 P. S. § 6020.1113, has entered into a settlement agreement with Gryphin Coatings, Inc., Gryphin Company and Nicholas J. Nehez, President of both Gryphin companies (collectively Gryphin) for reimbursement of certain costs incurred as a result of a response action undertaken by the Department at the Gryphin Coatings Site (Site), located at 3501 Richmond Street, Philadelphia. This Site was used as a manufacturing facility for paint and other related products. Paint, coatings, lacquers and materials related to the manufacture of paints, coatings and lacquers were stored in a number of locations at the Site.

On October 30, 2008, the Department filed a Complaint for Costs under the Hazardous Sites Cleanup Act, which was assigned Docket Number 2008309SA. As of September 22, 2009, \$93,250.16 in response costs had been incurred by the Department related to the Site.

Within 10 days of signing this Consent Order and Agreement, Gryphin shall enter into a purchase mortgage agreement with the Department with regard to the property at 3501 Richmond Street, Philadelphia, PA to secure a total indebtedness to the Department of \$204,931.50, of which amount \$93,260.16 represents reimbursement of HSCA response costs, thereby creating a legally enforceable lien against that property.

This notice is provided under section 1113 of HSCA, 35 P. S. § 6020.1113, which states that, "settlement shall become final upon the filing of the Department's response to the significant written comments." The settlement agreement, which contains the specific terms of the agreement, is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located at 2 East Main Street, Norristown, PA 19401, by contacting either Charles Clark (484) 250-5731 or William H. Blasberg, Esquire at (484) 250-5865. Charles Clarke and William Blasberg may also be contacted electronically at [chaclark@state.pa.us](mailto:chaclark@state.pa.us) and [wblasbergstate.pa.us](mailto:wblasbergstate.pa.us), respectively. The public comment period for the settlement agreement will extend for 60 days from today's date. Persons may submit written comments regarding the agreement within 60 days from today's date, by submitting them at the previously-listed address.

## 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.*

**Woronko Residence**, Buckingham Township, **Bucks County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of George Woronko, 4109 Tersher Drive, Doylestown, PA 18902 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 Fuel oil. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**AMTRAN/Former Glucroft Corporation/Roaring River Mills Property**, Altoona City, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of AMTRAN, 3301 Fifth Avenue, Altoona,

PA 16602, submitted a Baseline Environmental Report for site soils and groundwater contaminated with VOCs, SVOCs and Inorganics. The site is being remediated as a Special Industrial Area.

## 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.*

**Cornell Residence**, Northampton Township, **Bucks County**. Thomas Hippensteal, Envirosearch Consultants, Inc., P. O. Box 940, Springhouse, PA 19477 on behalf of Joanne Cornell, 247 Mallard Road, Holland, PA 18966 has submitted a Final Report concerning the remediation of site groundwater and soil 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 June 23, 2009.

**Morrell Plaza**, City of Philadelphia, **Philadelphia County**. William Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Gerald Pouncey, MAG II, Morrell Plaza, LP, 3343 Peachtree Road, N.E. Atlanta, GA 30326 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on August 10, 2009.

**Ward Residence**, East Goshen Township, **Chester County**. Michael Sarcinello, Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19381 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 26, 2010.

**Mac & Sam Inc.**, Clifton Height Borough, **Delaware County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of James Salmon, Clifton Heights Community and Economic Development, P. O. Box 83, Clifton Heights, PA 19018 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 24, 2010.

**Specialty Produce & Service, Inc.**, Bedminster Township, **Bucks County**. Jeremy Bolyn Environmental Maintenance Company, Inc, 142 East Mermaid Lane, Glenside, PA 19038 on behalf of Fred Prozzillo, Specialty Products & Services, Inc., 6626 Easton Road, Pipersville, PA 18947 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 25, 2010.

**Wawa Property**, East Brandywine Township, **Chester County**. Matt Brainard, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Matt Winters, Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The 90 day Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 26, 2010.

**SC Loveland Piers 66 69 North**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of James Anderson, Berks Street Corporation, 6958 Torresdale Avenue, Philadelphia, PA 19135 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganic. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 30, 2010.

**Sloan Residence**, Solebury Township, **Bucks County**. John Van Wagenen, Coventry Environmental Associates, Inc., 991 Ridge Road, Bucktown, PA 19465 has submitted a Final Report concerning the remediation of site soil and groundwater 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 18, 2010.

**Umbria Street Property**, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, on behalf of David Stubbs, Stubbs Enterprises, Inc., 371 Pelham Road, Philadelphia, PA 19119 has submitted a Clean up Plan/Remedial Investigation Report concerning the remediation of site groundwater and soil contaminated with PAH, pce, chlorinated solvents and metals. The Clean-up Plan/Remedial Investigation Report was disapproved by the Department of Environmental Protection on June 15, 2009.

**Dudko Residence**, Upper Salford Township, **Montgomery County**. Staci Cottone, J&J Spill Services and Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Peter Dudko, 3030 Barndt Road, Telford, PA 18969 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 22, 2010.

*Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Leeward Construction Route 611 Site**, Route 611 and Wiscasset Road, Pocono Township, **Monroe County**. Martin Gilgallon and Dean Cruciani, Pennsylvania Tectonics, 826 Main Street, Peckville, PA 18452 submitted a Final Report (on behalf of their client, Department of Transportation, Maintenance District 5-4, R. R. 7, Box 7460, Stroudsburg, PA 18360), concerning the remediation of groundwater found to have been impacted by diesel fuel as a result of a release from a diesel powered portable water pump due to a broken return line and from a non-regulated, off-road diesel skid tank due to a small hole. The Report documented attainment of the Statewide Health Standard for groundwater and was approved on March 30, 2009.

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

**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 18, 2010. This corrects the approval date which was published incorrectly in the April 3, 2010 issue of the *Pennsylvania Bulletin*.

#### 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.**

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

**Permit No. 101680. Waste Management Disposal Service of Pennsylvania, Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067. This permit amendment is for approving the option of utilizing currently available geo-synthetic products in the construction of the final cap system at the GROWS North Landfill located in Falls Township, **Bucks County**. The permit was issued by the Southeast Regional Office on March 25, 2010.

**Permit No. 101494. Waste Management of Pennsylvania, Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067, Falls Township, Tullytown Borough, **Bucks County**. This permit amendment is for approving the option of utilizing currently available geo-synthetic products in the construction of the final cap system at the Tullytown Resource Recovery Facility Landfill located in the Borough of Tullytown and Falls Township, Bucks County. The permit was issued by the Southeast Regional Office on March 25, 2010.

**Permit No. 100148. Waste Management Disposal Service of Pennsylvania, Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067. This permit amendment is for approving the option of utilizing currently available geo-synthetic products in the construction of the final cap system at the GROWS Landfill located in Falls Township, **Bucks County**. The permit was issued by the Southeast Regional Office on March 25, 2010.

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

**Permit Application No. 100963. Lycoming County Resource Management Services, Lycoming County Landfill**, 447 Alexander Drive, P. O. Box 187, Montgomery, PA 17752, Brady Township, **Lycoming County**. The renewal and expansion permit was issued for the Lycoming County Landfill by Northcentral Regional Office on April 1, 2010.

Persons interested in reviewing the permit may contact Lisa D. Houser, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service (800) 654-5984.

## 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

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

**32940105 and NPDES No. PA0212806. Keystone Coal Mining Corporation**, P. O. Box 219, Shelocta, PA 15774, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Center Township, **Indiana County**, affecting 180.0 acres. Receiving stream(s): unnamed tributary to Yellow Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Edison Mission Energy Homer City Generating Station, PWS ID No. 5320802. Application received: December 17, 2009. Permit issued: March 25, 2010.

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

**65090101 and NPDES Permit No. PA0251593. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Rostraver Township, **Westmoreland County**, affecting 166.4 acres. Receiving streams: Unnamed Tributaries A and B to the Monongahela River. Application received: March 16, 2009. Permit issued: April 1, 2010.

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

**33030108. Falls Creek Energy Co., Inc.** (568 Silvis Hollow Road, Kittanning, PA 16201) Revision to an existing bituminous strip and auger operation to change the post-mining land use from forestland to pastureland on the A. Anson and Marie Brosius property in Beaver Township, **Jefferson County**. Receiving streams: Unnamed tributary to Little Sandy Creek. Application received: February 2, 2010. Permit Issued: March 30, 2010.

**33080106 and NPDES Permit No. PA0258571. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous strip operation in Young Township, **Jefferson County** affecting 100.0 acres. Receiving streams: Little Elk Run. Application received: April 24, 2008. Permit Issued: April 2, 2010.



**1475-33080106-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to construct and maintain a haul road crossing over unnamed tributary No. 1 to Little Elk Run in Young Township, **Jefferson County**. Receiving streams: Little Elk Run. Application received: April 24, 2008. Permit Issued: April 2, 2010.

**1475-33080106-E-2. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to mine within 100 feet of unnamed tributary No. 2 to Little Elk Run in Young Township, **Jefferson County**. Receiving streams: Little Elk Run. Application received: April 24, 2008. Permit Issued: April 2, 2010.

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

**40940206R3. Heavy Media, Inc.**, (160 Nesbitt Street, Plymouth, PA 18651), renewal of an existing anthracite coal refuse reprocessing operation in Larksville Borough, **Luzerne County** affecting 15.9 acres, receiving stream: none. Application received: October 13, 2009. Renewal issued: March 31, 2010.

**54773215R5. Jeddo-Highland Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite coal refuse reprocessing operation in Reilly and Frailey Townships, **Schuylkill County** affecting 46.4 acres, receiving stream: none. Application received: July 13, 2009. Renewal issued: April 1, 2010.

*Noncoal Permits Actions*

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

**07090801. Curry Excavating, Inc.**, 3403 Mill Road, Duncansville, PA 16635, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Allegheny Township, **Blair County**, affecting 3 acres, receiving stream(s): Spencer Run. Permit received: March 19, 2009. Permit issued: April 1, 2010.

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

**18900802. Thomas F. Charles** (838 East Central Avenue, Jersey Shore, PA 17740). Transfer of an existing small noncoal shale operation from William T. Charles in Pine Creek Township, **Clinton County** affecting 5.0 acres. Receiving stream(s): Unnamed Tributary to West Branch Susquehanna River. Application received: March 23, 2010. Permit issued: March 24, 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.*

**63104003. Geokinetis/PGS Onshore, Inc.** (P. O. Box 397, Eighty Four, PA 15330). Blasting activity permit for seismic exploration, located in South Strabane and other

Townships, **Washington** and **Greene Counties**. The duration of blasting is expected to be 1 year. Permit issued: March 30, 2010.

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

**24104009. Dynamic Drilling, LLC** (10373 Taylor Hawks Road, Herron, MI 46744) Blasting activity permit for seismic exploration in Horton and Snyder Townships, **Elk** and **Jefferson Counties**. This blasting activity permit will expire on August 1, 2010. Application received: March 22, 2010. Permit Issued: March 30, 2010.

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

**58104011. Brainard Explosives, LLC**, (3978 SR 2073, Kingsley, PA 18826), construction blasting for the Korban Well Pad in Lathrop Township, **Susquehanna County** with an expiration date of June 30, 2010. Permit issued: March 31, 2010.

**48104103. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Hope VI Development in the City of Easton, **Northampton County** with an expiration date of April 1, 2011. Permit issued: April 1, 2010.

**48104104. Austin Powder Northeast, LLC**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Woodridge Falls III in Palmer Township, **Northampton County** with an expiration date of March 31, 2011. Permit issued: April 1, 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.

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**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).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Regional Office: Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**E40-688. John Metz**, R. R. 1, Box 236, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a 1,500 square foot (30' by 50') pile-supported dock with boat slip in Harveys Lake (HQ-CWF) and to remove rocks and cobblestones from a 1,500 square foot area northwest of the dock for the purpose of creating habitat for threatened and endangered plant species in the lake. The project is located at Pole No. 103, Lakeside Drive (Noxen, PA Quadrangle Latitude: 41° 22' 50"; Longitude: -76° 1' 35") in Harveys Lake Borough, Luzerne County. Subbasin: 4G.

**E48-400. City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018. City of Bethlehem, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stream restoration project in a 1,100-foot reach of Monocacy Creek (HQ-CWF) with work consisting of removing existing in-stream structures; grading and minor realignment of the channel and floodplain; placement of boulder grade control structures, boulder vanes, random boulders, boulder stepping stones and buried logs; and the construction of approximately 130 feet of stepped-back boulder retaining wall along the left bank and 90 feet of stepped-back boulder retaining wall along the right bank of the channel. The project will also include the placement of rock aprons and pre-formed rock scour holes at the outlets of existing stormwater outfalls. The project is located in Illicks Mill Park and begins near the intersection of Monocacy Creek and Illicks Mill Roads (Catasauqua, PA Quadrangle Latitude: 40° 38' 29"; Longitude: 75° 22' 46"). Subbasin: 2C.

**E45-544. Anne M. Wertz**, 232 South Quince Street, Philadelphia, PA 19107-5510. Coolbaugh Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 75-foot long, 4-foot wide elevated boardwalk across wetlands and to construct and maintain a 12-foot by 8-foot dock, extending approximately 4 feet into Arrowhead Lake. The project is located at the intersection of North Arrow and Skippack Court

Drives, approximately 7.6 miles west of the intersection of I-380 and SR 423 (Thornhurst Quadrangle Latitude: 41° 9' 54"; Longitude: -75° 34' 2"). Subbasin: 2A.

**E39-498. Lehigh County**, 17 South Seventh Street, Allentown, PA 18101-2401. Washington Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 15-foot wide gravel access road, concrete boat launch ramp, parking area and turnaround in the floodplain of the Lehigh River (WWF). The boat launch ramp extends approximately 25 feet into the Lehigh River. The access road impacts 0.13 acre of wetlands. The permittee is required to provide 0.14 acre of replacement wetlands. The project also involves the remediation of contaminated soil in the wetlands and in the floodplain of the Lehigh River. The project is located approximately 0.3 mile north of the intersection of Paint Mill Road and SR 873 on the west bank of the Lehigh River in Washington Township, Lehigh County (Palmerton, PA Quadrangle Latitude: 40° 46' 53"; Longitude: -76° 36' 27"). Subbasin: 2C.

**E40-704. Donna Bryant**, P. O. Box 286, Shawanese, PA 18654. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a pile-supported dock along 165 feet of the shoreline of Harveys Lake (HQ-CWF) and extending approximately 4-foot into the lake. The project is located at Pole No. 4, directly west of the intersection of Donegal Hill Road and Lakeside Drive (SR 415), approximately 3.6 miles north west of the intersection of SR 415 and SR 115 (Harveys Lake, PA Quadrangle Latitude: 41° 21' 15"; Longitude: -76° 1' 58"). Subbasin: 4G.

**E45-550. Suburban Realty, LP**, 233 Oakford Road, Clarks Summit, PA 18411. Stroud Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 24-inch diameter stormwater outfall pipe in the floodway of Wigwam Run (HQ-CWF, MF). The outfall is associated with the Plaza 611 development. The project is located along the south side of T-469, approximately 0.2 mile northeast of the intersection of SR 611 and T-469 (Saylorsburg, PA Quadrangle Latitude: 40° 59' 58"; Longitude: -75° 15' 29") in Stroud Township, Monroe County. Subbasin: 1D.

**E52-206. Wild Acres Lakes POA**, R. R. 1, Box 500, Dingmans Ferry, PA 18328. Delaware Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To remove two existing structures in a tributary to Hornbecks Creek (HQ-CWF); to construct and maintain two road crossings of the same tributary, the first consisting of a 40-foot long, 4' by 2' concrete box culvert and the second consisting of a 40-foot long, 9' by 3' concrete box culvert; and to construct and maintain a channel change in the tributary consisting of regrading and stabilizing approximately 510 feet of roadside channel. The inverts of both culverts will be depressed 6-inches below streambed elevation. The project will impact 0.01 acre of wetlands. The purpose of the project is to alleviate road flooding. The project is located along Wild Acres Drive and Penn Court within in the Wild Acres Lakes Residential Development (Lake Maskenozha, PA-NJ Quadrangle Latitude: 41° 12' 25"; Longitude: -74° 56' 51") in Delaware Township, Pike County. Subbasin: 1B.



**E40-694. Bruno and Marie Tafani**, 15 Sturmer Street, Exeter, PA 18643. Exeter Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To fill 0.45 acre of wetlands in an abandoned mining basin and to construct and maintain an access road through 0.05 of wetlands. The permittee is required to provide 0.65 acre of replacement wetlands. The project is located on the southwest side of Schooley Avenue approximately 0.83 mile northwest from the intersection of U.S. Route 11 and SR 0092 (Pittston, PA Quadrangle Latitude: 41° 19' 20"; Longitude: -75° 49' 32"). Subbasin: 5A.

**E39-484. Horizon Builders & Development, LLC**, 4145 Friedens Road, Slatington, PA 18080-3810. Slatington Borough and Washington Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To fill a 0.3-acre open body of water in an abandoned quarry pit. The project is located approximately 300 yards north of the intersection of 7th and West Church Streets in Slatington Borough, Lehigh County (Cementon Quadrangle Latitude: 40° 44' 58"; Longitude: -75° 37' 9"). Subbasin: 2B.

**E48-409. City of Easton**, One South Third Street, Easton, PA 18042. City of Easton, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain various site improvements of Scott and Riverside Parks within the floodplain of the Lehigh River and the Delaware River (WWF). Site improvements include concrete and asphalt paved walking paths and bike paths; granite seat walls; sight lighting; landscaping; minor grading; and various other site amenities. The project begins on the east side of North Riverside Drive (SR 0611) (Easton, PA Quadrangle Latitude: 40° 41' 38"; Longitude: -75° 12' 17") approximately 0.25 mile from the intersection of SR 0115 and U.S. Route 22 and ends on the south side of Larry Holmes Drive (SR 0611) (Easton, PA Quadrangle Latitude: 40° 41' 16"; Longitude: -75° 12' 28") approximately 0.30 mile from the intersection of SR 0611 and SR 0248 in the City of Easton, Northampton County. Subbasin: 2C.

**E45-482. Shawnee Development, Inc.**, 8427 South Park Circle, Orlando, FL 32819. Smithfield and Middle Smithfield Townships, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain fourteen (14) road crossings and utility line stream crossings in tributaries to Shawnee Creek (HQ-CWF) and in 0.14 acre of PFO wetlands to provide access and utility services to the remainder of a planned residential development known as Shawnee Valley Development-Phases 1B through 4. The permittee is required to provide 0.014 acre of replacement wetlands. The project is located on the north sides of Hollow Road between Mount Nebo and Mosier Knob Roads (Bushkill, PA-NJ Quadrangle Latitude: 41° 01' 37"; Longitude: -75° 05' 24") in Smithfield and Middle Smithfield Townships, Monroe County. Subbasin: 1D.

**E13-162. Green Energy Capital Partners, LLC**, 319 Barren Hill Road, Suite 400, Conshohocken, PA 19428. Nesquehoning Borough, **Carbon County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stormwater outfall consisting of a 16-foot long, 22-foot wide, 18-inch thick R-4 rip-rap apron within the floodway of Broad Run (HQ-

CWF); to construct and maintain a stormwater outfall consisting of a 6-foot long, 12-foot wide, 9-inch thick R-3 rip-rap apron within the floodway of Broad Run; and to construct and maintain an underground utility line stream crossing of Deep Run (EV) consisting of an electric transmission line covered in 30-L.F. of 8-inch diameter steel conduit for the purpose of constructing an electricity generation solar park with visitors center. The project is located on the north side of Park Avenue, approximately 5.9 miles west of the intersection of SR 93 and U.S. Route 209 (Nesquehoning, PA Quadrangle Latitude: 40° 51' 24"; Longitude: -75° 51' 21") in Nesquehoning Borough, Carbon County. Subbasin: 2B.

**E52-211. Dru Whitacre and Margie Gilbert**, 701 Fourth Street, P. O. Box 538, Milford, PA 18337, Milford Borough, **Pike County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 1,368 square foot home addition in which 543 square feet is located within the floodway of Vandermark Creek (HQ-CWF) (Allentown West, PA Quadrangle Latitude: 41° 19' 32"; Longitude: -74° 47' 48"). Subbasin: 1B.

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

**E17-457. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 0879, Section A07 Bridge Replacement over Surveyor Run in Goshen and Girard Townships, **Clearfield County**, ACOE Baltimore District (Leontes, PA Quadrangle Latitude: 41° 04' 26"; Longitude: 78° 19' 37").

The applicant proposes to remove the existing bridge structure, construct, operate and maintain a new reinforced concrete box culvert. The existing structure is a three span concrete box beam bridge with a total span of 130 ft, skew of 90°, average underclearance of 35 ft and a roadway width of 38 ft. The proposed structure is a 16 by 13 ft reinforced concrete box culvert. The box culvert will be depressed one foot and include standard fish baffles. The box culvert will be attached to the adjacent railroad bridge using a tapered cast-in-place end-section. Surveyor Run is classified as a Cold Water Fishery and is affected by acid mine drainage. The project will permanently impact 82 ft of Surveyor Run due to the box culvert placement and temporarily impact 20 ft in channel alignment work. Stream impacts will be mitigated through the Clearwater Conservancy. No wetlands will be impacted by this project.

**E41-598. Chief Gathering, LLC**, 6051 Wallace Road, Suite 210, Wexford, PA 15090. Water Obstruction and Encroachment Joint Permit, Poor Shot Gas Pipeline, in Mifflin and Anthony Townships, **Lycoming County**, ACOE Baltimore District (Salladasburg, PA Quadrangle N: 41° 17' 8"; W: 77° 13' 37").

To construct, operate and maintain 10 miles of 12.75-inch natural gas pipeline within the Larrys Creek and Hoagland Run watersheds (Exceptional Value and High Quality-Cold Water Fisheries). Construction of the natural gas pipeline and associated right-of-ways will require nineteen (19) stream and ten (10) wetland crossings as follows:

<i>Stream Name / Watershed</i>	<i>Crossing Length (ft.) &amp; Wetland Impact (ft.<sup>2</sup>)</i>	<i>Latitude</i>	<i>Longitude</i>
	~ Streams ~		
First Fork Larrys Creek	0.00	41.227500	77.263611
UNT First Fork Larrys Creek	0.00	41.277778	77.263611
UNT First Fork Larrys Creek	41.00	41.280833	77.255556
UNT First Fork Larrys Creek	30.00	41.280278	77.250833
UNT First Fork Larrys Creek	31.00	41.278611	77.246944
UNT First Fork Larrys Creek	62.00	41.281111	77.241944
UNT First Fork Larrys Creek	65.00	41.280833	77.241667
Second Fork Larrys Creek	0.00	41.285556	77.225278
UNT Second Fork Larrys Creek	0.00	41.285833	77.224722
Larrys Creek (braided)	0.00	41.285278	77.213333
Larrys Creek (braided)	0.00	41.285278	77.213333
Larrys Creek (braided)	0.00	41.285278	77.213333
UNT Larrys Creek	0.00	41.173140	77.120580
UNT to Larrys Creek	0.00	41.296111	77.199167
UNT Larrys Creek	38.00	41.297500	77.192500
UNT Larrys Creek	75.00	41.299722	77.191944
UNT Larrys Creek	77.00	41.308056	77.185278
UNT Larrys Creek	33.00	41.312500	77.188056
Stony Gap Run	0.00	41.335833	77.169444
	~ Wetlands ~		
Larrys Creek	0.00	41.277778	77.263889
Larrys Creek	133.87	41.165114	77.152088
Larrys Creek	807.72	41.165162	77.151972
Larrys Creek	2,274.19	41.170519	77.133570
Larrys Creek	0.00	41.285556	77.225000
Larrys Creek	0.00	41.285278	77.213889
Larrys Creek	0.00	41.284722	77.211944
Larrys Creek	0.00	41.173165	77.120535
Larrys Creek	0.00	41.295833	77.198889
Larrys Creek	2,527.87	41.299722	77.191944

All pipeline crossings shall be placed beneath streambeds and wetlands so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed or wetland. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. As proposed, the project will not impact any wetlands or streams. The project will temporarily impact 0.13 acre of jurisdictional wetlands and 452 linear feet of waterway. The project is centered in the village of Salladasburg. This permit also includes 401 Water Quality Certification.

**E49-305. Shamokin Township**, 649 Seven Points Road, Sunbury, PA 17801. Adams Park Road Sewer Extension, in Shamokin Township, **Northumberland County**, ACOE Baltimore District (Shamokin, PA Quadrangle Latitude: 40° 48' 38"; Longitude: 76° 35' 3.7").

To construct, operate and maintain sewer extension and pumping station to serve 9 residences along Shamokin Creek, Warm Water Fishery. This permit authorizes the installation of 666 linear feet of 6 inch gravity sewer line, two 48 inch manholes installed at grade, one 60 inch

pump station to be set 1.8 feet above the Q-100 flow and 234 linear feet of 3 inch force main sewer line with 90 linear feet attached to an existing County bridge crossing. This project is located 2 miles north of the town of Shamokin along Adams Park Road. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E53-428. National Fuel Gas Supply Corporation**, 1100 State Street, Erie, PA 16501-1912. National Fuel Gas Supply TR-1 Gas Transmission Line Pipeline Recoat, Wharton Township, **Potter County**, ACOE Baltimore District (Conrad, PA Quadrangle Latitude: 41° 30' 36.02"; Longitude: 77° 58' 58.63").

The applicant proposes to repair, operate and maintain a 300-foot length of natural gas transmission pipeline TR-1, which crosses beneath the Right Branch, Lushbaugh Run, by exposing and recoating the 16-inch diameter pipeline. All in-stream repair and future maintenance activities shall be performed in dry work conditions, by dam and pumping, diverting or fluming stream flow around the work area. Since Right Branch,



Lushbaugh Run is a wild trout fishery, no repair or future maintenance work shall be performed in or along the stream channel between October 1 and December 31 without the prior written approval of the Fish and Boat Commission. The project is located along the southern right-of-way of Trout Run Road approximately 3,900-feet west of the McConnell and Trout Run Roads intersection. This permit also authorizes the temporary, stream diversions, cofferdams and flumes necessary to accomplish the pipeline repair and maintenance work in dry work conditions. This permit application was issued under Section 105.13(e) "Small Projects." A permit issued for this application will also include 401 Water Quality Certification.

**E59-492. Fortuna Energy, Inc.**, 337 Daniel Zenker Drive, Horseheads, NY 14845-1008. Water Obstruction and Encroachment Joint Permit, in Ward Township, **Tioga County**, ACOE Susquehanna River Basin District (Gleason, PA Quadrangle N: 41° 42' 5"; W: 76° 57' 7").

To construct and maintain a single cell, pre-cast concrete box culvert having a span of 21 feet and an underclearance of 7 feet within Fellows Creek (CWF). The box culvert is located off Fellows Creek Road, 1.5 miles northwest of the intersection with River Road in Ward Township, Tioga County. This project proposes to permanently impact 60 linear feet of Fellows Creek, which is designated a Cold Water Fishery and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E02-1612. Community Center and Library Association**, 1220 Powers Run Road, Pittsburgh, PA 15238-2618. To develop a library building and impact wetlands in Fox Chapel Borough, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle N: 2.73 inches; W: 0.89 inch, Latitude: 40° 30' 54.19"; Longitude: 79° 52' 53.18"). To develop a 15,500 SF library building with associated parking that impacts 0.03 acre of wetlands and 60 linear feet of an unnamed tributary to Squaw Run (HQ-WWF). To compensate for stream impact, the permittee will construct and maintain a 330-foot long stream mitigation in Squaw Run located just south of Squaw Run Road. Stream mitigation will consist of protection of the exposed sewer line and manhole, construction of side slopes, construction of three rock vanes, and planting woody vegetation along the stream. The project includes relocation of an existing 18-inch diameter pipe with a 24-inch diameter stream enclosure to convey the surface run off. The library is located near intersection of Fox Chapel with Field Club Roads.

**E56-348. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and replace culverts in Jefferson and Lincoln Townships, **Somerset County**, Pittsburgh ACOE District (Bakersville, PA Quadrangle N: 12 inches; W: 3.2 inches, Latitude: 40° 4' 37"; Longitude: 79° 10' 14"). To construct and maintain a 105 L.F. long stream relocation; construct and maintain a 135 L.F., 48-inch diameter culvert (depressed 6") replacement and relocation of an existing 86 L.F. 40 inch diameter culvert; road associated stormwater outfalls; and fill and maintain 0.177 acre of PEM wetland in an unnamed tributary to Crab Run in the Laurel Hill Creek upper basin (HQ-CWF); a drainage area of approximately 236 acres; (Bakersville, PA Quadrangle N: 12 inches; W: 3.2 inches, Latitude: 40° 4' 37"; Longitude: 79° 10' 14") for the purpose of replacing and improving the

SR 4005 overpass and approach roads to the Turnpike (I-79). The permittee has provided for wetland replacement by making a monetary contribution to the National Fish & Wildlife Foundation, Pennsylvania Wetland Replacement Project. In addition the project includes temporary impacts to 0.04 acre of PEM wetland. This project is located approximately 5 mile northwest of the Somerset PA.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

**E37-180, Rick Kinkela**, 1092 SR 208, Pulaski, PA 16143, Pulaski Township, **Lawrence County**, ACOE Pittsburgh County (N: 46° 06' 45"; W: 80° 28' 15").

To conduct restoration activities on a 1,600 lineal foot reach of Deer Creek (WWF) adjacent to the intersection of South Valley View Road and SR 208 in Pulaski Township, Lawrence County. To realign approximately 476 feet of stream channel, establish new flood plain areas, plant riparian buffer vegetation, and to construct and maintain rock cross-vanes, riprap stream bank stabilization, berms, a relocated golf cart pathway in the floodway, and a rock boulder wall.

*Department of Environmental Protection, Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**E6514-001A. Applicant: Department of General Services (DGS)**, 18th and Herr Streets, Harrisburg, PA 17125. Description: Permit amendment to construct and maintain the Export Flood Protection Project (DGS 183-13). The project follows or parallels the alignment of Turtle Creek. It generally includes: concrete channel, earthen levee, concrete box culvert, grouted riprap channel, and grass-lined channel. Alterations of several crossings on Turtle Creek are proposed. The upstream end of the project begins 300 feet northeast of Puckety Street, in the Municipality of Murrysville. It continues through the Borough of Export. The downstream end of the project is 650 feet downstream of the Kennedy Avenue Bridge, in the Municipality of Murrysville. Project is located on the Slickville, PA Quadrangle at 40° 25' 5" N Latitude; 79° 37' 30" W Longitude, in the Borough of Export and Municipality of Murrysville, both in **Westmoreland County**, PA.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D48-166EA. Saucon Creek Sportsman Association**, 2389 Easton Road, Bethlehem, PA 18015-5922. Lower Saucon Township, **Northampton County**, ACOE Philadelphia District.

Project proposes to breach and remove Lower Saucon Sportsmans Dam across East Branch Saucon Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 250 feet of stream channel. The dam is located approximately 400 feet Northwest of the intersection of Easton (SR 2006) and Ringhoffer Roads (T400) (Hellertown, PA Quadrangle Latitude: 40° 36' 28"; Longitude: -75° 18' 10").

**D23-006EA. Aston Township**, 5021 Pennell Road, Aston, PA 19014. Aston Township, **Delaware County**, ACOE Philadelphia District.

Project proposes to breach and remove Plant No. 3 dam and an unnamed dam across West Branch Chester Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 2,700 feet of stream channel. The dams are located approximately 1 mile north of the intersection of SR 261 and Aston Mills Road (Media, PA Quadrangle Latitude: 39° 53' 05", Longitude: -75° 26' 46") (Media, PA Quadrangle Latitude: 39° 53' 16"; Longitude: -75° 26' 37").

#### 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 # ESX10-035-0002  
 Applicant Name Anadarko Marcellus Midstream  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251  
 County Lycoming and Clinton  
 Township(s) McHenry (Lycoming); Gallagher and Grugan Township (Clinton)  
 Receiving Stream(s) and Classification(s) Hyner and East Branch Hyner Run, UNT to Hyner Run, 1st and 2nd Big Fork, Johnson Run, Ritchie Run and Rattlesnake Run

ESCGP-1 # ESX09-015-0047  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Dan Lopata  
 Address 6100 North Western Avenue  
 City, State, Zip Oklahoma City, OK 73118  
 County Bradford  
 Township(s) Wyalusing  
 Receiving Stream(s) and Classification(s) Susquehanna River  
 Secondary—Wyalusing Creek

ESCGP-1 # ESX10-015-0075  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Rome Township  
 Receiving Stream(s) and Classification(s) UNT to Bullard Creek  
 Secondary—Bullard Creek

ESCGP-1 # 53-09-801(01)  
 Applicant Name Pennsylvania General Energy Company, LLC  
 Contact Person Amber Oyler  
 Address 120 Market Street  
 City, State, Zip Warren, PA 16365  
 County Potter  
 Township(s) Keating Township  
 Receiving Stream(s) and Classification(s) UNT to Healey Hollow, Healey Hollow, UNT to Right Fork of Reed Run  
 Secondary—Brown Hollow

ESCGP-1 # ESX10-081-0015  
 Applicant Name Anadarko Marcellus Midstream  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251  
 County Lycoming  
 Township(s) Cummings Township  
 Receiving Stream(s) and Classification(s) Bull Run, Gamble Run, Lower Pine Bottom Run  
 Secondary—Pine Creek

ESCGP-1 # ESX10-015-0066  
 Applicant Name Angelina Gathering Company, LLC  
 Contact Person Brian Bilello  
 Address 2350 North Sam Houston Parkway East, Suite 125  
 City, State, Zip Houston, TX 77032  
 County Bradford  
 Township(s) Herrick Township  
 Receiving Stream(s) and Classification(s) Cold Creek  
 Secondary—Wyalusing Creek

ESCGP-1 # ESX10-081-0011  
 Applicant Name XTO Energy, Inc.  
 Contact Person Ben Kissel  
 Address 395 Airport Road  
 City, State, Zip Indiana, PA 15701  
 County Lycoming  
 Township(s) Penn Township  
 Receiving Stream(s) and Classification(s) Jake's Run  
 Secondary—Little Muncy Creek

ESCGP-1 # ESX10-015-0076  
 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) Tributary to North Branch Sugar Creek  
 Secondary—North Branch Sugar Creek

## ESCGP-1 # ESX10-117-0063

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 East  
 Branch Stony Fork/Susquehanna River Basin  
 Secondary—Stony Fork, Babb Creek, Pine  
 Circle to West Branch Susquehanna

## ESCGP-1 # ESX10-117-0064

Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Liberty Township  
 Receiving Stream(s) and Classification(s) Brion Creek/  
 West Branch Susquehanna River Basin  
 Secondary—Roaring Branch, Lycoming Creek to West  
 Branch Susquehanna

## ESCGP-1 # ESX10-117-0021(01)—Major Revision

Applicant Name East Resources, Inc.  
 Contact Person Jefferson Long  
 Address 301 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Liberty Township  
 Receiving Stream(s) and Classification(s) Little Elk Run

## ESCGP-1 # ESX10-117-0066

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

## ESCGP-1 # ESX10-117-0065

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) East Branch  
 Stony Fork  
 Secondary—Babb Creek

## ESCGP-1 # ESG10-117-0043

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

## ESCGP-1 # ESG10-117-0025

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) Fellows Creek

## ESCGP-1 # ESG10-117-0054

Applicant Name Talisman 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

## ESCGP-1 # ESX10-015-0078

Applicant Name Southwestern Energy Production  
 Company  
 Contact Person Jeffrey Sherrick  
 Address 2350 North Sam Houston Parkway East,  
 Suite 125  
 City, State, Zip Houston, TX 77032  
 County Bradford  
 Township(s) Herrick Township  
 Receiving Stream(s) and Classification(s) UNT to Cold  
 Creek (Wyalusing Creek)

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**SPECIAL NOTICES**


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**Solid Waste Management Act Public Notice of  
 Proposed Settlement Agreement Gryphin Coating,  
 City of Philadelphia**

Notice is hereby given that the Department of Environmental Protection (Department) has entered into a proposed settlement of an Appeal to the Environmental Hearing Board (EHB) of a Civil Penalty Assessment issued by the Department related to alleged violations of the Solid Waste Management Act, 35 P. S. § 6018.101, *et seq.* (SWMA). This proposed settlement is set forth in a Consent Order and Agreement between the Department and Gryphin Coatings, Inc., Gryphin Company, and Nicholas Nehez (Gryphin) with regard to the Gryphin Coatings Site (Site), located at 3501 Richmond Street, Philadelphia. This Site was used as a manufacturing facility for paint and other related products. Paint, coatings, lacquers and materials related to the manufacture of paints, coatings and lacquers were previously stored in a number of locations at the Site. Nicolas Nehez is President of both Gryphin Company and Gryphin Coatings, Inc.

On December 5, 2008, the Department's Waste Management Program issued a Civil Penalty Assessment to Gryphin in the amount of \$188,463.00. The Appeal of this Civil Penalty Assessment has been assigned EHB Docket Number 2009002.

Under the Consent Order and Agreement, Gryphin shall enter into a purchase mortgage agreement with the Department with regard to the property at 3501 Richmond Street, Philadelphia, PA to secure a total indebtedness to the Department of \$204,931.50, thereby creating a legally enforceable lien against that property. The sum of \$204,931.50 includes \$94,231.50, which represents the proposed settlement of the pending Appeal of the civil penalty assessed by the Waste Management Program.

This notice is provided under Section 616 of the SWMA, 35 P. S. § 6018.616. The settlement agreement, which contains the specific terms of the proposed settlement, is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located at 2 East Main Street, Norristown, PA 19401, by contacting either Jonathan Bower (484) 250-5753 or William H. Blasberg, Esquire at (484) 250-5865. Jonathan Bower and William Blasberg may also be contacted electronically at



jobower@state.pa.us and wblasberg@state.pa.us, respectively. The public comment period for the proposed settlement will extend for 30 days from today's date. Persons may submit written comments regarding the proposed settlement within 30 days from today's date, by submitting them at the previous address.

**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of March 2010, the Department of Environmental Protection, under the Radon Certification

Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Carl Allison	1070 Laurel Run Road Somerset, PA 15501	Testing
Donald Antry	2205 Meadowbrook Drive Schnecksville, PA 18078	Testing
Richard Barto	112 Shields Lane Slippery Rock, PA 16057	Testing
Tom Berardelli	1639 Newton Ransom Boulevard Clarks Summit, PA 18411	Testing
Frederick Buck	P. O. Box 63 Saylorsburg, PA 18353	Testing
Paul Bukeavich	P. O. Box 1031 Wilkes-Barre, PA 18703	Testing
Dean Conrad	1315 Pottsville Street Pottsville, PA 17901	Testing
David DeMar	2332 Broomstick Road Green Lane, PA 18054	Testing
David DeMar Accurate Radon Control, Inc.	2332 Broomstick Road Green Lane, PA 18054	Mitigation
Sheldon Fleming	32 Hanover Street Box 279 Codorus, PA 17311	Testing & Mitigation
John Goldsworthy, Jr.	P. O. Box 96 Jamison, PA 18929	Testing
Robert Hannabery	P. O. Box 1582 Bethlehem, PA 18016	Testing
Sean Harkin	90 Caernarvon Drive Elverson, PA 19520	Testing
Robert Hewlett	P. O. Box 1942 Cranberry Township, PA 16066	Mitigation
Phil Houck	677 Jacobsburg Road Nazareth, PA 18064	Testing
Steven Hunn	824 Red Barn Lane Huntingdon Valley, PA 19006	Testing
George Kasimirsky, II	P. O. Box 145 Hickory, PA 15340	Testing
George Kerr	325 Noblestown Road Pittsburgh, PA 15205	Testing
Oscar Lagos	R. R. 3, Box 3257A Stroudsburg, PA 18360	Testing
Craig Lennox	1433 Skippack Pike Blue Bell, PA 19422	Testing
Daniel Linski	100 North Wilkes-Barre Boulevard Wilkes-Barre, PA 18702	Testing



<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Joseph Liotta, IV	2909 Keenwood Road Norristown, PA 19403	Mitigation
Andrew Luzetski	7 Woodside Drive Dallas, PA 18612	Testing
Greg Mathias	66 Wedgewood Gardens Lewisburg, PA 17837	Testing
David Morgan, III	44 Crestview Road Phoenixville, PA 19460	Testing
Daniel Moscaritolo	103 Lassen Lane Milford, PA 18337	Testing
Joseph Peake	110 Lakeview Trail Sugarloaf, PA 18249	Testing
Wilbur Robinson	107 Laporte Drive Cranberry Township, PA 16066	Testing
Brendan Ryan Envirocare of Southwest PA	216 Logan Road Valencia, PA 16059	Testing
Timothy Stewart	824 Red Barn lane Huntingdon Valley, PA 19006	Testing
Richard Stump, II Suburban Water Testing Labs, Inc.	4600 Kutztown Road Temple, PA 19560	Testing
Kevin Sweitzer	4359 Linglestown Road Harrisburg, PA 17112	Testing
John Sykes	P. O. Box 384 Holicong, PA 18928	Testing & Mitigation
William Thacker	33 Cherry Road Airville, PA 17302	Testing
Stanley J. Watras S.J. Watras, Inc.	32 Indian Lane Boyertown, PA 19512	Testing & Mitigation
Ronald Zimmerman	99 Kohler Road Kutztown, PA 19530	Testing

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

**Sky Haven Coal, Inc., GFCC No. 17-08-14, Saville Operation, Bradford Township, Clearfield County** (Long Run to Clearfield Creek—Upper West Branch Watershed): A no-cost construction contract has been awarded to Sky Haven Coal, Inc., that will result in the reclamation of approximately 11.2 acres of abandoned mine land, the reclamation of 1,500-feet of abandoned highwall and the recovery of approximately 15,000 tons of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the mining area at a rate of 1,500 tons per acre. A total of at least 7,200 tons of alkaline waste lime will be placed on the site. The estimated value of the reclamation work is \$117,600 which will be done at no cost to the Commonwealth. The site is located 1.5 miles northeast of Spring Valley along Long Run Road on lands formerly mined and subsequently abandoned by Maple Hill Coal Company in the late 1950's. Blasting has been approved as part of the reclamation activities. Refuse reprocessing is prohibited at the site.

[Pa.B. Doc. No. 10-689. Filed for public inspection April 16, 2010, 9:00 a.m.]

### Bid Opportunity

**BOGM 09-9, Cleaning out and plugging 47 abandoned oil wells, (Allegheny National Forest and John Kookogey Properties), Highland and Allegheny Townships, Elk and Venango Counties.** The principal items of work include cleaning out and plugging 47 abandoned oil wells, estimated to be 710 to 2,707 feet in depth, to Department of Environmental Protection specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on April 16, 2010, and bids will be opened on May 20, 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 this project but a date has not been set. 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. 10-690. Filed for public inspection April 16, 2010, 9:00 a.m.]

### Nutrient and Sediment Reduction Credit Trading Program; Notice of Actions

The Department of Environmental Protection (Department) provides notice of the following actions under the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). These actions were taken under The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID# 392-0900-001). The Policy calls for a transparent system of credit reviews and approvals.

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

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, therefore, individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about these certifications or the Trading Program, contact Ann Smith, Water Planning Office, Department of Environmental Protection, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, annsmith@state.pa.us or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Nutrient Trading").

The following proposal has been certified by the Department. This certification is considered final actions of the Department.

**Bion Environmental Technologies and Bion PA1, LLC** (1035 South Gaylord Street, Denver, CO 80209). This certification is applicable to the operation of the Bion Microaerobic Biological Environmental System at the Kreider Farms Penn Township Farm for 1,200 dairy cows. This certification describes a process for the calcula-

tion of annual credits that provides Bion with the flexibility to operate under various scenarios. These scenarios include: the operation of the microaerobic biological reactor and combustion of the coarse solids and the operation of the microaerobic biological reactor and the export of all or a portion of the coarse solids out of the Chesapeake Bay Watershed. With the certification, Bion is authorized to develop and implement two studies to: 1) demonstrate that there is a difference in the level of nitrogen bioavailability occurring in the field as a result of the use of the effluent (both liquid and fine solids) discharged from the reactor compared to the manure currently used at the Kreider Farm; and 2) demonstrate that there is a difference in the level of denitrification occurring in the field as a result of the use of the effluent (both liquid and fine solids) discharged from the reactor compared to the manure currently used at the Kreider Farm. This certification includes a verification plan, and authorizes the generation of nitrogen and phosphorous credits. Notice of the proposal for this certification was published for comment in the *Pennsylvania Bulletin* at 39 Pa.B. 2749 (May 30, 2009).

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 10-691. Filed for public inspection April 16, 2010, 9:00 a.m.]

### 2010 Draft Integrated Water Quality Monitoring and Assessment Report; Notice of Correction

The notice of availability for public comment on the Department of Environmental Protection (Department) draft 2010 Integrated Water Quality Monitoring and Assessment Report (Integrated Report) was published in the *Pennsylvania Bulletin* at 40 Pa.B. 1827 (April 3, 2010). The report was made available on the Department web site on April 3, 2010. Subsequently errors were found on Category 5 for the Monongahela River. For each waterbody in Category 5, Total Maximum Daily Load (TMDL) allocations must be developed.

Corrections were made and the updated version of Category 5 reposted on the web site on April 6, 2010. The version available on the web site from April 3 to April 5, 2010, had incorrect entries for the Monongahela River. Comments on the Integrated Report that relate to the Monongahela River should be based on the April 6, 2010, listings. By this notice, the Department is extending the public comment period on the draft 2010 Integrated Report until May 17, 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](mailto:abransteit@state.pa.us). Comments received by facsimile will not be accepted.

The draft 2010 Integrated Report is available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), select "Water," select "The Bureau of Water Standards and Facility Regulation," 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](http://www.portal.state.pa.us/portal/server.pt/community/water_quality_standards/10556).

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 10-692. Filed for public inspection April 16, 2010, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education Assessment, Report and Referral Act 89 (11 P.S. §§ 876-1—876-9) will hold public meetings on Thursday, June 3, 2010; on Thursday, September 9, 2010; and, on Thursday, December 9, 2010. All three meetings will be held at Dixon University Center, Conference Rooms A/B, Administration Building, located at 2986 North 2nd Street, Harrisburg, PA 17110. Driving directions can be found on the Dixon University web site at: [www.dixonuniversitycenter.org](http://www.dixonuniversitycenter.org). All meetings are scheduled to begin at 10 a.m. and to end at 3 p.m.

For additional information or for persons with a disability and who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so, contact Arthur A. Florio, Public Health Program Administrator, Newborn Hearing Screening Program, Division of Newborn Screening and Genetics at (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-693. Filed for public inspection April 16, 2010, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The contractors referenced 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>Services</i>	<i>Procedure Code</i>	<i>Pricing Modifier</i>	<i>Informational Modifier</i>	<i>Place of Service</i>	<i>MA Rate</i>
Psych Rehab Site Based—Individual	H0036	U7		99	\$12.80
Psych Rehab Site Based—Group (more than 1 individual)	H0036	U8	HQ (group setting)	99	\$2.56
Psych Rehab Mobile—Individual	H0036	U9		15	\$14.75
Psych Rehab Mobile—Group (no more than 2 individuals)	H0036	UB	HQ (group setting)	15	\$7.38

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Donnelly Heating & Air Conditioning and Thomas G. Donnelly, Individually	242 Greetree Drive West Chester, PA 19382	3/25/2010

SANDI VITO,  
*Secretary*

[Pa.B. Doc. No. 10-694. Filed for public inspection April 16, 2010, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Addition of Psychiatric Rehabilitation Services to the Medical Assistance Program Fee Schedule

#### *Purpose of Notice*

The Department of Public Welfare (Department) announces the addition of psychiatric rehabilitation services to the Medical Assistance (MA) Program fee schedule, beginning on May 1, 2010.

#### *Description of Services*

Psychiatric rehabilitation is a therapeutic rehabilitative service for individuals with mental illness that may decrease the need for or shorten lengths of stay in inpatient, partial hospitalization and day treatment settings. It is designed to assist individuals to increase competence in normal life activities and gain the skills necessary to pursue life goals with the greatest amount of independence. Psychiatric rehabilitation helps individuals to achieve valued roles in the community in living, learning, working and social environments. Services include identifying strategies and treatment options to minimize negative effects of mental illness; developing and implementing individual skills to restore stability; supporting functional gains; and adapting to community living. Services must be recommended by a physician or other licensed practitioner of the healing arts acting within the scope of practice under State law. Medically necessary services may be delivered on an individual or group basis.

#### *Fee Schedule*

The procedure codes, modifiers, places of service and fees for psychiatric rehabilitation services are as follows:



<i>Services</i>	<i>Procedure Code</i>	<i>Pricing Modifier</i>	<i>Informational Modifier</i>	<i>Place of Service</i>	<i>MA Rate</i>
Clubhouse Site Based—Individual	H2030	U7		99	\$12.80
Clubhouse Site Based—Group (more than 1 individual)	H2030	U8	HQ (group setting)	99	\$2.56

### *Fiscal Impact*

It is anticipated that adding psychiatric rehabilitation services to the MA Program fee schedule will have no fiscal impact because the reduction in more costly traditional mental health treatment and improved clinical and social outcomes will offset the cost of psychiatric rehabilitation services.

### *Public Comment*

Interested persons are invited to submit written comments regarding the addition of psychiatric rehabilitation services to the MA Program fee schedule within 30 days of its publication to the Department at the following address: Department of Public Welfare, Office of Mental Health and Substance Abuse Services, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, P. O. Box 2675, Harrisburg, PA 17105. Comments will be considered in subsequent revisions to the fee schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (Voice users).

HARRIET DICHTER,  
*Acting Secretary*

**Fiscal Note:** 14-NOT-635. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 10-695. Filed for public inspection April 16, 2010, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Blackjack '10 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 Blackjack '10.

2. *Price:* The price of a Pennsylvania Blackjack '10 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Blackjack '10 instant lottery game ticket will contain a "DEALER'S TOTAL" area and a "YOUR HANDS" area consisting of "HAND 1," "HAND 2," "HAND 3," "HAND 4," "HAND 5," "HAND 6," "HAND 7" and "HAND 8." Each "HAND" is played separately. Each "HAND" features a play area and a "Prize" area. The play symbols and their captions located in the "DEALER'S TOTAL" area are: 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and Bust symbol (BUST). The card play symbols and their captions located in "HAND 1," "HAND 2," "HAND 3,"

"HAND 4," "HAND 5," "HAND 6," "HAND 7" and "HAND 8" in the "YOUR HANDS" area are: 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), Jack (JCK), Queen (QUN), King (KNG) and an Ace (ACE) playing card symbols. A = 11, J, Q and K = 10.

4. *Prize Symbols:* The prize symbols and their captions located in the "Prize" areas for "HAND 1," "HAND 2," "HAND 3," "HAND 4," "HAND 5," "HAND 6," "HAND 7" and "HAND 8" are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$21,000 (TWYONETHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$500, \$1,000 and \$21,000. The player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,080,000 tickets will be printed for the Pennsylvania Blackjack '10 instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize symbol of \$21,000 (TWYONETHO) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$21,000.

(b) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which the "DEALER'S TOTAL" play symbol is a Bust symbol (BUST), and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area of five of the "HANDS," and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area of three of the "HANDS," on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize



symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which the "DEALER'S TOTAL" play symbol is a Bust symbol (BUST), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area of six of the "HANDS," and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area of two of the "HANDS," on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$80.

(j) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which the "DEALER'S TOTAL" play symbol is a Bust symbol (BUST), and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area of five of the "HANDS," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area of three of the "HANDS," on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which the "DEALER'S TOTAL" play symbol is a Bust symbol (BUST), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area of eight of the "HANDS," on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which the "DEALER'S TOTAL" play symbol is a Bust symbol (BUST), and a

prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area of six of the "HANDS," and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area of two of the "HANDS," on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which the "DEALER'S TOTAL" play symbol is a Bust symbol (BUST), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area of six of the "HANDS," and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area of two of the "HANDS," on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$4.

(w) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$4.

(x) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$2.

(y) Holders of tickets where the sum of the playing card symbols in any "HAND" equals 21, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$2.

(z) Holders of tickets where the sum of the playing card symbols in any "HAND" beats the "DEALER'S TOTAL," and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area for that "HAND," on a single ticket, shall be entitled to a prize of \$1.

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 The Sum Of Any Of Your Hands Beats The Dealer's Total Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,080,000 Tickets:</i>
\$1 x 2	\$2	50	201,600
\$1 w/21	\$2	21.43	470,400
\$2	\$2	30	336,000
\$1 x 4	\$4	50	201,600
\$2 w/21	\$4	50	201,600

When The Sum Of Any Of Your Hands Beats The Dealer's Total Win With Prize(s) Of:

Prize(s)	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,080,000 Tickets:
\$4	\$4	50	201,600
\$1 × 5	\$5	150	67,200
(\$1 w/21) + (\$1 × 3)	\$5	75	134,400
\$5	\$5	150	67,200
BUST w/(\$1 × 6) + (\$2 × 2)	\$10	375	26,880
\$2 × 5	\$10	375	26,880
\$5 × 2	\$10	375	26,880
\$5 w/21	\$10	375	26,880
\$10	\$10	375	26,880
BUST w/(\$2 × 6) + (\$4 × 2)	\$20	750	13,440
\$4 × 5	\$20	750	13,440
\$5 × 4	\$20	750	13,440
\$10 × 2	\$20	750	13,440
\$10 w/21	\$20	750	13,440
\$20	\$20	750	13,440
BUST w/\$5 × 8	\$40	1,364	7,392
\$10 × 4	\$40	1,364	7,392
(\$10 w/21) + (\$4 × 5)	\$40	1,364	7,392
\$20 w/21	\$40	1,364	7,392
\$40	\$40	1,364	7,392
BUST w/(\$4 × 5) + (\$10 × 3)	\$50	2,400	4,200
\$10 × 5	\$50	2,400	4,200
(\$20 w/21) + \$10	\$50	2,400	4,200
\$50	\$50	2,400	4,200
BUST w/(\$10 × 6) + (\$20 × 2)	\$100	6,667	1,512
\$20 × 5	\$100	7,500	1,344
(\$40 w/21) + (\$10 × 2)	\$100	6,667	1,512
\$50 w/21	\$100	6,667	1,512
\$100	\$100	6,667	1,512
BUST w/(\$40 × 5) + (\$100 × 3)	\$500	40,000	252
\$100 × 5	\$500	40,000	252
(\$100 w/21) + (\$100 × 3)	\$500	40,000	252
\$500	\$500	40,000	252
\$1,000	\$1,000	60,000	168
\$21,000	\$21,000	480,000	21

When the sum of any of YOUR HANDS is 21, win double the prize shown for that hand. When the DEALER'S TOTAL is a "BUST" (BUST) symbol, win all 8 prizes shown.

Prizes, including the 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 Blackjack '10 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 Blackjack '10, prize money from winning Pennsylvania Blackjack '10 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 Blackjack '10 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 Blackjack '10 or through normal communications methods.

C. DANIEL HASSELL,  
*Acting Secretary*

[Pa.B. Doc. No. 10-696. Filed for public inspection April 16, 2010, 9:00 a.m.]

## DEPARTMENT OF STATE

### Electronic Notarization Program; Electronic Notarization Solution Provider Applications

The Secretary of the Commonwealth announces the availability of electronic notarization solution provider applications as of April 17, 2010.

The Department of State (Department) Electronic Notarization Program was established January 30, 2006, under the Notary Public Law, 57 P. S. §§ 147—169, as amended. Under section 5101 of the Electronic Transactions Acts (act), 73 P. S. § 2260.5101, the Secretary gave notice on December 31, 2005, that duly commissioned

notaries public were permitted to engage in electronic notarizations subject to certain conditions enumerated in the notice.

The Department seeks to make more electronic notarization alternatives available to this Commonwealth's notaries. Electronic notarization solution provider applications are available to any person, company or organization that offers a system or process that consists of, or includes, an electronic notarization component. Before providing any electronic notary solutions to this Commonwealth's notaries, any person or entity must be approved as electronic notary solution provider by the Department.

Any person or entity applying to the Department for designation as an approved electronic notary solution provider must complete and submit an application to the Department for review and approval. The application shall include the following information:

- (1) Hardware and software specifications and requirements for the provider's electronic notarization system or solution;
- (2) A description of the types of technology used in the provider's electronic notarization system or solution; and
- (3) A demonstration of how the technology is used to perform an electronic notarization.

Complete instructions are included with the application, which is available upon request or on the Department's web site at [www.dos.state.pa.us/notaries](http://www.dos.state.pa.us/notaries) (link to "electronic notarization").

Questions about this Notice may be directed to the Bureau of Commissions, Elections and Legislation, Department of State, 210 North Office Building, Harrisburg, PA 17120. Further information about the Department's Electronic Notarization Program is available at [www.dos.state.pa.us/notaries](http://www.dos.state.pa.us/notaries) (link to "electronic notarization").

PEDRO A. CORTÉS,  
*Secretary*

[Pa.B. Doc. No. 10-697. Filed for public inspection April 16, 2010, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Bureau of Highway Safety and Traffic Engineering; Access Route Approval

Under the provisions of 75 Pa.C.S. § 4908, relating to operating certain combinations on Interstates and certain primary highways, the Department of Transportation approved on March 29, 2010, the following access route(s) for use by the types of truck combinations as indicated:

1. ( ) 96" wide twin trailers (28 1/2 maximum length of each trailer).
2. ( x ) 102" wide 53' long trailer.
3. ( ) 102" wide 48' long trailer.
4. ( ) 102" wide twin trailers (28 1/2 feet maximum length-each)

5. ( ) 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>Length Miles</i>
PA 434	From US 6 to Richardson Avenue	8.0 Miles
Richardson Avenue (T-456)	From PA 434 to Stone Dock Road	0.3 Mile
Stone Dock Road (T-413)	From Richardson Avenue to Dirlam Lumber Co.	0.1 Mile

Questions should be directed to Michael Dzurko at (717) 783-6080.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 10-698. Filed for public inspection April 16, 2010, 9:00 a.m.]

### Finding Jefferson County

Under section 2002(b), of The Administrative Code of 1929 (71 P. S. § 575(b)), the Director of the Bureau of Design makes the following written finding:

The Department of Transportation (Department) is planning to replace the Humphrey Charcoal Bridge which carries SR 2023 over Sandy Lick Creek in Pine Creek Township, Jefferson County. The project will require acquisition of right-of-way from the S&T Bank, formerly known as the Brookville Bank & Trust Company which is a National Register eligible historic resource and therefore qualifies as a section 4(f)/section 2002 resource.

In accordance with section 2002 of Pennsylvania Act 120 establishing the Department, an Environmental Document (ED) has been developed for the subject 100% State funded project. The ED includes a "Determination of Section 4(f) DeMinimis Use, Section 2002 No Adverse Use, Historic Properties" document to evaluate the potential environmental impacts caused by the subject project. The approved documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the ED, and the "Determination of Section 4(f) DeMinimis Use, Section 2002 No Adverse Use, Historic Properties" document.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.,  
*Director*  
*Bureau of Design*

[Pa.B. Doc. No. 10-699. Filed for public inspection April 16, 2010, 9:00 a.m.]

# HEALTH CARE COST CONTAINMENT COUNCIL

## Special Reports and Requests for Data

The Health Care Cost Containment Council (Council), according to Act 89 as amended by Act 14 and as amended by Act 3, is required to publish a list of all special reports and data that have been prepared during the previous calendar year. The following represents a summary of the reports and requests for data generated by the Council in calendar year 2009. Questions about procedures for obtaining access to the Council data should be addressed to JoAnne Z. Nelson, Supervisor of Special Requests Unit, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, (717) 232-6787, jnelson@phc4.org.

JOE MARTIN,  
*Executive Director*

<i>Applicant</i>	<i>Project Description</i>
Albert Einstein Healthcare Network	A custom 2004 through 2007 financial data report of inpatient net revenue by hospitals to be used to better understand changes in hospitals within the Pennsylvania market.
America's Health Insurance Plans	A standard Statewide 2007 inpatient discharge data set and financial data report to be used to analyze the utilization and health conditions of the Medicare population and compare outcomes by coverage types, such as, Medicare Advantage and fee-for-service.
Atlantic Health	A standard regional 2006 through 2008 inpatient discharge data set by regions 6, 7 and 8 to be used for market share analysis, diagnosis-related group (DRG) coding analysis and demographic trends.
Bochetto & Lentz, P.C.	A custom 2002 through 2007 inpatient discharge data report of patients from specified zip codes that received certain DRG-indicated treatments at Frankford-Torresdale Hospital to be used in a legal dispute before a private mediator.
Bon Secours Health System, Inc.	A standard regional 2003 through first quarter 2008 inpatient discharge and ambulatory/outpatient data set by region 6 and a custom 2003 through first quarter 2008 inpatient discharge and ambulatory/outpatient procedure data set of all patients that reside in region 6. The data will be used to determine the variations in health status and access to care and develop appropriate programs and services over time.
Bon Secours Health System, Inc.	A standard regional second, third and fourth quarter 2008 inpatient discharge and ambulatory/outpatient procedure data set by region 6 and a custom data set of patients who reside within region 6. The data will be used to assess community health care needs and to examine variations in health status and access to care so appropriate programs and services can be developed.
Boston University School of Medicine	A standard Statewide 2007 inpatient discharge data set and inpatient revenue code detail data set to be used for a research study that examines stroke incidence and outcomes among various racial/ethnic populations.
Community Health Systems	A standard Statewide 2008 inpatient discharge and ambulatory/outpatient procedure data set to be used to create utilization and market share information that will be used for strategic and facility planning for the following hospitals: Berwick Hospital, Brandywine Hospital, Easton Hospital, Jennersville Regional Hospital, Pottstown Memorial Hospital, Lockhaven Hospital, Chestnut Hill Healthcare, Phoenixville Hospital, Sunbury Community Hospital and Wilkes-Barre Health System.
Data Advantage Corporation	A standard Statewide 2007 inpatient discharge and inpatient revenue code detail data set to be used with hospital data from the Centers for Medicare & Medicaid Services (CMS) and computed into statistics for a health care information web site tool that will report aggregate data by hospital and DRG.
Data Advantage Corporation	A standard Statewide 2008 inpatient discharge data set to be used in an aggregated fashion for health care benchmarking reporting packages and studies. Additional outside information will be used in conjunction with PHC4's data to develop clinical, operating and financial hospital-based metrics.
DataBay Resources	A standard Statewide 2008 inpatient discharge and ambulatory/outpatient procedure data set to be combined with other health care data to be used within their Navigate and NavigateNet systems for their commercial health care software products.



<i>Applicant</i>	<i>Project Description</i>
DataBay Resources	A standard Statewide first quarter 2009 inpatient discharge and ambulatory/outpatient procedure data set to be combined with other health care data to be used within their Navigate system for their commercial health care software products.
Deborah Heart and Lung Center	A standard regional 2006 through second quarter 2008 inpatient discharge data set by regions 8 and 9 to be used to identify types of cases admitted to Philadelphia area hospitals for patients that reside in New Jersey.
Duke University	A custom 1994 through 2007 inpatient discharge data set of patients with percutaneous coronary intervention that may have a cardiac disease follow-up condition. The data will be used to conduct academic research on the impact of payer type on use of physicians and eventual outcomes for an eventual conference presentation and academic journal submission and publication.
Duquesne University/Health Management Systems	A standard first and second quarters of 1998, of 2003 and of 2008 regional inpatient discharge data set by region 1, first quarter of 1998, of 2003 and of 2008 inpatient revenue code detail data set and first quarter of 2002, of 2003 and of 2008 market share report. The data will be used to conduct various methods of market analysis of Allegheny County to be presented, defended, and published in a thesis.
Global Lower Extremity Amputation Study Group	A custom 2005 and 2006 inpatient discharge data set to be used to compare amputation rates between Non-Hispanic African Americans in Baltimore City and Philadelphia and identify effective prevention strategies.
Global Lower Extremity Amputation Study Group	A standard regional 2007 and 2008 inpatient discharge data set by region 9 to be used to develop yearly amputation rates for Philadelphia and by specific zip codes.
Good Shepherd Rehabilitation Hospital	A standard regional 2008 inpatient discharge data set for regions 5, 6, 7, 8 and 9 to be used for an internal analysis of demand for their services.
Governor's Office of Healthcare Reform	A custom 2004 through 2007 inpatient discharge data report of Methicillin-Resistant Staphylococcus Aureus (MRSA) hospitalization rates.
Hanover Hospital	A custom third quarter 2007 through second quarter 2008 inpatient discharge and ambulatory/outpatient procedure data report to used for a payer market share analysis.
Hospice Compassus	A standard regional 2008 inpatient discharge data set for regions 8 and 9 to be used to help focus outreach and educational efforts.
Hospital & Healthsystem Association of Pennsylvania	A standard 2007 financial data report and a 2006 restated financial data report to be used to supplement financial and utilization data that they currently collect on a voluntary basis from member hospitals. They will use the data on a routine basis to model potential effects of policy changes and to support their representation and advocacy initiatives in support of member hospitals and the communities they serve.
Hospital & Healthsystem Association of Pennsylvania	A standard 2008 financial data report and a 2007 restated financial data report to be used to supplement financial and utilization data that they currently collect on a voluntary basis from member hospitals. They will use the data on a routine basis to model potential effects of policy changes and to support their representation and advocacy initiatives in support of member hospitals and the communities they serve.
Hospital & Healthsystem Association of Pennsylvania	A standard Statewide 2008 inpatient discharge data set to be used to conduct ongoing monitoring of Statewide, regional and hospital-specific quality outcomes, primarily utilizing Agency for Healthcare Research & Quality's (AHRQ) Windows Quality Indicator software.
Kaleida Health	A custom first quarter through third quarter 2008 inpatient discharge and ambulatory/outpatient procedure data report of residents from the Western New York area (Erie, Niagara, Chautauqua, Cattaraugus, Allegany, Wyoming, Genesee and Orleans Counties). The data will be used for organizational market share planning by researching where these patients are receiving their health care services.
Lehigh Valley Business Conference on Health Care	A custom 2006 inpatient discharge data report to be used to demonstrate cost differences between typical hospital stays and those involving misadventures.

<i>Applicant</i>	<i>Project Description</i>
Lehigh Valley Health Network	A standard Statewide 2008 inpatient discharge data set to be used for analysis of service area, product line trends and competitive analysis, as well as incidence rate comparisons and trends for program development.
LW Consulting, Inc.	A custom 2008 inpatient discharge data report for patients 60 and older with specific Major Diagnostic Categories (MDC) and DRGs at the following hospitals: Aria Health-Frankford Campus, Nazareth Hospital, Holy Redeemer Hospital and Medical Center, St. Mary Medical Center, Abington Memorial Hospital, Jeanes Hospital, Albert Einstein Medical Center, Temple University Hospital, Moss Rehab and Hahnemann University Hospital. The data will be used for consulting.
Maryland Department of Health and Mental Hygiene	A custom 2006 and 2007 inpatient discharge data set of Maryland residents hospitalized in Pennsylvania combined with Maryland Health Services Cost Review Commission hospitalization data to derive rates of diagnoses and treatment for acute and chronic conditions including asthma, injury, births, heart disease and diabetes, which will be aggregated and reported by gender, race, age, county of residence, diagnosis and procedure.
Medical Associates of Erie	A custom third quarter 2007 through second quarter 2008 inpatient discharge data report to be used to determine market share by zip code and to determine population distributions to better place clinics and practices.
Memorial Hospital of York	A standard regional 2004 through 2008 inpatient discharge and ambulatory/outpatient procedure data set of region 5 to be used to prepare a market and financial feasibility study.
Memorial Hospital of York	A standard regional 2007 and 2008 inpatient discharge and ambulatory/outpatient procedure data set by region 5 to be used for comparative data analysis.
Memorial Medical Center	A standard Statewide 2008 through first quarter 2009 inpatient discharge data set to be used to evaluate Memorial Medical Center's current performance, their competitors' performance, and future opportunities. The Center will use the data to illustrate market share and for budgeting and 5-year planning.
Moses Taylor Hospital	A standard third quarter 2007 through second quarter 2008 inpatient market share report to be used to analyze area hospital market utilization.
National Minority Quality Forum	A standard Statewide 2006 inpatient discharge data set combined with other states data to create National, State, congressional and legislative district maps, which show the prevalence of MRSA, to understand the burden of this infection and to assist organizations in designing and delivering appropriate prevention and treatment services to populations that are racial and ethnic minorities in the United States.
New Solutions, Inc.	A custom 2008 inpatient discharge data set of patients from New Jersey and Monroe, Northampton, Pike, Bucks and Philadelphia Counties in Pennsylvania, to be used for research purposes and to provide market share analysis for hospital clients.
New York State Department of Health	A custom 1995 through 2006 inpatient discharge data set to be used to evaluate the impact of New York's Clean Indoor Air Law.
Oconco Healthcare Consultants	A custom 2008 inpatient discharge data set that provides all patient records for New Jersey residents admitted to Pennsylvania hospitals to be used to generate reports that examine New Jersey residents' use of Pennsylvania hospitals and to create cost-based benchmarks.
Penn State College of Medicine	A custom second quarter 2005 through first quarter 2008 inpatient discharge and ambulatory/outpatient procedure data set to be used for research purposes to analyze cost effectiveness of the study intervention in patients with diabetes.
Pennsylvania Department of the Auditor General	A custom 2006 and 2007 fiscal year inpatient discharge and financial data set to be used for auditing hospitals that received tobacco funds from the Department of Public Welfare under the Tobacco Settlement Act of 2001.
Pennsylvania Department of Health	A custom 2001 through 2007 inpatient discharge data set of asthma, acute myocardial infarction and carbon monoxide poisoning related hospitalization cases to be used in the National Environmental Public Health Tracking Network (NEPHTN). The data will be provided to the Centers for Disease Control and Prevention (CDC), to be used with other health outcomes data, exposure and bio-monitoring data, and environmental hazards and environmental monitoring data that will be displayed in aggregate form on its public portal.

<i>Applicant</i>	<i>Project Description</i>
Pennsylvania Department of Health	A custom 2007 inpatient discharge and ambulatory/outpatient procedure data set to be used as part of the Department of Health's Asthma Surveillance System for the Asthma Control Program. The Department of Health will be interpreting morbidity data for asthma risk education and prevention programs and will be distributing data analysis to the Pennsylvania Asthma Coalition & CDC through press releases, conferences, presentations, reports and fact sheets.
Pennsylvania Department of Health	A custom 2008 inpatient discharge and ambulatory/outpatient procedure data set of asthma-related cases to be used to address the burden of asthma as part of the Department of Health's Asthma Surveillance System for the Asthma Control Program through asthma risk education and prevention programs. The data analysis will be distributed to the Pennsylvania Asthma Partnership and CDC through press releases, conferences, presentations, reports and fact sheets.
Pennsylvania Department of Health	A custom 2008 inpatient discharge and standard Statewide ambulatory/outpatient procedure data set to be used for the Injury Prevention Program. The client will use the data to prepare injury prevention statistical reports, monographs and fact sheets, to respond to requests for aggregate injury data at the State and local level, and to provide to the Department Bureau of Epidemiology. The data will be used by State and local agencies to identify specific segments of the population at highest risk for injury, specific types and causes of injury, and to assist in Statewide injury prevention, emergency medical services, traumatic brain injury and youth suicide prevention planning and evaluation.
Pennsylvania Department of Health	A custom 2008 inpatient discharge data report of select conditions to be used as part of the Department of Health web page series that correspond to the Healthy People 2010 objectives.
Pennsylvania Department of Health	A standard Statewide 2007 inpatient discharge data set to be used to examine diabetes-related hospitalization with non-diabetes related hospitalization. The data will be used in support of the goals of the Diabetes Prevention and Control Program, which is to reduce the burden of diabetes in this Commonwealth by preventing and controlling its complications. The data will be monitored over a 21-year time period, 1990 through 2010. The data will be analyzed by the Bureau of Health Statistics and Research to provide surveillance data to the Diabetes Prevention and Control Program, to prepare County monographs and fact sheets, and to respond to requests for aggregate data at the local or State level and to provide the data in a format for immediate use by the Bureau of Epidemiology.
Pennsylvania Department of Health	A standard Statewide 2005 through 2007 inpatient discharge and ambulatory/outpatient procedure data set to be used to update chronic disease burden reports, to conduct further analysis on chronic disease and to research future grant opportunities.
Pennsylvania Department of Health	A standard Statewide first quarter 2008 inpatient discharge and ambulatory/outpatient procedure data set to be used to profile discharge patterns to develop and evaluate algorithms for sampling discharges, which will be used by the Division of Acute and Ambulatory Care to carry out its quality assurance and licensing functions.
Pennsylvania Department of Health/ Bureau Facility Licensure	A custom first through third quarters 2008 ambulatory/outpatient procedure data set to be used to assist in making a decision regarding exception requests related to outpatient cardiac catheterization services in this Commonwealth, particularly as related to specific procedure codes.
Pennsylvania Department of Public Welfare	A custom 2007 fiscal year inpatient discharge data set and financial data report to be used to compute payments to hospitals for the Hospital Uncompensated Care and Extraordinary Expense programs established with the Tobacco Settlement Act of 2001.
Pennsylvania Employees Benefit Trust Fund	A custom 2006 and 2007 inpatient discharge and ambulatory/outpatient procedure data set and a standard 2006 and 2007 inpatient and ambulatory/outpatient revenue data set. The data will be used in conjunction with their consultant, Prometheus, to examine the feasibility of offering an evidence-based medicine program to their membership.

<i>Applicant</i>	<i>Project Description</i>
Pennsylvania Office of the Attorney General	A standard 2008 Statewide inpatient discharge data set, ambulatory/outpatient procedure data set, inpatient revenue data set and ambulatory/outpatient revenue data set and financial and market share data reports to be used in their review of hospital mergers to ensure the mergers are in compliance with antitrust laws.
Pennsylvania Patient Safety Authority	A standard Statewide 2000 through 2007 inpatient discharge data set to be used in calculating Patient Safety Indicators for their Annual Report.
Philadelphia Department of Public Health	A standard regional 2007 inpatient discharge and ambulatory/outpatient procedure data set for regions 8 and 9 to be used for multiple projects: analysis of ambulatory care-sensitive disease hospitalizations, analysis of diabetes complications, examining hospital outcomes, analysis of HIV/AIDS utilization and services, evaluate the HIV/AIDS surveillance system, and examining obstetrical care and pelvic inflammatory disease hospitalizations.
<i>Philadelphia Inquirer</i>	A standard regional first quarter 2008 inpatient discharge and ambulatory/outpatient procedure data set for regions 8 and 9 to be used in news stories.
<i>Philadelphia Inquirer</i>	A standard regional second, third and fourth quarters of 2008 inpatient discharge and ambulatory/outpatient procedure data set by regions 8 and 9 to be used in news stories.
Pittsburgh Regional Health Care Initiative	A custom third quarter 2006 through second quarter 2007 inpatient discharge data set with 30-day readmissions, of region 1 or Lawrence, Somerset or Indiana Counties to be used for planning initiatives to improve health care in their region. They will investigate readmission rates of chronic diseases and use the information to focus their efforts in improving health care safety and quality.
Pittsburgh Regional Health Care Initiative	A custom third quarter 2006 through second quarter 2007 inpatient discharge data set with 365-day readmissions of region 1 or Lawrence, Somerset or Indiana Counties to be used for planning initiatives to improve health care safety and quality in the western Pennsylvania area by investigating readmission rates of chronic diseases.
Pittsburgh Regional Health Care Initiative	A custom third quarter 2007 through third quarter 2008 inpatient discharge data set, with 30-day readmissions of region 1 or Lawrence, Somerset or Indiana Counties to be used for planning initiatives to improve health care safety and quality in the western Pennsylvania area by investigating readmission rates of chronic diseases.
Public Health Management Corporation	A custom third quarter 2005 through second quarter 2008 inpatient discharge data report on elderly hospitalizations (ages 60+) to be used for the internal analysis and planning of a possible new long-term care project in Northeast Philadelphia as part of the Program for All Inclusive Care for the Elderly (PACE).
Public Health Management Corporation	A custom third quarter 2005 through second quarter 2008 inpatient discharge data report on elderly hospitalizations (ages 65+) to be used for the internal analysis and planning of a possible new long-term care project in Northeast Philadelphia as part of PACE.
SDI Health	A standard Statewide 2008 inpatient discharge data set to be combined with other states' data and used to estimate diagnoses and procedures at the hospital and national level for commercial health care software products and services.
Southwest Regional Medical Center	A standard first and second quarters 2008 regional inpatient discharge data set for region 1 and inpatient revenue code detail data set to be used to address health care service shortages, investigate quality of care objectives, and promote strategic decisions to benefit health care beneficiaries requiring acute care service.
Susquehanna Health	A custom third quarter 2005 through second quarter 2008 inpatient discharge and ambulatory/outpatient procedure data set based on patient origin from any of the following Counties: region 4 Counties and Potter, Bradford and Sullivan Counties. The data will be used to prepare financial projections related to Susquehanna Health's Project 2012 and related bond financing plan.



<i>Applicant</i>	<i>Project Description</i>
Thomson Medstat	A standard Statewide 2008 inpatient discharge and ambulatory/outpatient procedure data set to be used in commercial software products.
Treo Solutions	A standard Statewide 2008 inpatient discharge data set and inpatient revenue code detail data set to be used to analyze market share, hospital clinical costs and performance for clients.
U.S. Department of Justice, Antitrust Division	A standard 2000, 2002, 2004 and 2006 inpatient discharge data set by region 1 to be used for detail analysis of market shares and demand for hospital services.
University of Pennsylvania	A custom 2000 through 2003 inpatient discharge data set to be utilized to construct risk-adjusted models that predict the odds of death due to conditions such as myocardial infarction, heart failure, stroke, pneumonia and gastrointestinal hemorrhage as well as surgical outcomes and the odds that outcomes are associated with the patient care environment to examine the nurse-to-patient ratio law in California.
University of Pittsburgh	A custom 1996 through second quarter 2007 inpatient discharge and ambulatory/outpatient procedure data report of Allegheny residents hospitalized with pancreatitis-related conditions to be used for a research study, <i>Trends in the Epidemiology of Alcoholic Pancreatitis in Allegheny County, PA</i> . The study will determine the epidemiology of pancreatitis and the relationship to the epidemiology of diseases associated with common risk factors of pancreatitis.
University of Pittsburgh	A custom 2007 inpatient discharge and ambulatory/outpatient procedure data set, a standard 2007 inpatient and ambulatory/outpatient revenue code detail data set and a second quarter 2007 market share report to be used to compare hospitalization rates as a secondary analysis data set for a diabetes study.
University of Pittsburgh Medical Center	A standard Statewide 2008 inpatient discharge and ambulatory/outpatient procedure data set to be used for various research including: patient origin for UPMC hospitals, UPMC market share, utilization trends and volume, physician volumes at UPMC and other hospitals.
University of Pittsburgh Medical Center	A standard Statewide first quarter 2009 inpatient discharge and outpatient/ambulatory procedure data set to be used for various research reports, including reports on patient origin for UPMC hospitals, market share, utilization trends and physician volumes.
University of Pittsburgh School of Medicine	A standard regional 2003 through 2007 inpatient discharge and ambulatory/outpatient procedure data set for region 1 to be used to build computer simulation models for academic research and to better understand the spread of infectious diseases and appropriate policies to prevent their spread.
University of Pittsburgh, Pennsylvania Medicaid Policy Center	A custom 2007 through first quarter 2008 inpatient discharge data set of newborns linked with the Department of Health vital statistics birth data to be used for conducting a study titled, <i>Birth Outcomes in Pennsylvania: Disparities by Race and Payment Status</i> .
Veterans Affairs Pittsburgh Healthcare System, Center for Health Equity Research and Promotion	A custom 2006 inpatient discharge data set of patients receiving a hip or knee replacement and their readmissions linked with Department of Health death data. The data will be used for their pilot study titled, <i>Gender Differences in Knee and Hip Joint Replacement</i> , which will assess surgical outcomes by gender in patients who underwent knee or hip arthroplasty and to provide health services research-based evidence to improve quality of care and access to joint replacement for women with end-stage knee or hip osteoarthritis.
Washington County Hospital	A standard regional fourth quarter 2007 through third quarter 2008 inpatient discharge and ambulatory/outpatient procedure data set for region 5 to be used to determine the patient placement process when moving from the current hospital to a new hospital.
WellSpan Health	A standard regional 2008 inpatient discharge and ambulatory/outpatient procedure data set by region 5 to be used for the internal assessment of the delivery of health care services within their region.
Wyoming Valley Health Care System	A standard Statewide 2008 inpatient discharge and ambulatory/outpatient procedure data set to be used to generate reports for internal quality improvement, benchmarking and marketing analysis.

[Pa.B. Doc. No. 10-700. Filed for public inspection April 16, 2010, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

### Final-Form

Reg. No.	Agency Title	Received	Public Meeting
16A-6212	State Board of Examiners of Nursing Home Administrators Continuing Education	4/5/10	5/13/10
16A-629	State Board of Examiners of Nursing Home Administrators Temporary Permits	4/5/10	5/13/10
15-445	Department of Revenue Amended Report—Corporation Taxes	4/7/10	5/13/10

### Final-Omit

Reg. No.	Agency/Title	Received	Tolled	Resubmitted	Public Meeting
6-319	Department of Education Pennsylvania Pre-K Counts Requirements, Standards and Procedures	1/27/10	3/8/10	4/7/10	5/13/10

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-701. Filed for public inspection April 16, 2010, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Robert Holmes; Doc. No. SC10-04-002

Notice is hereby given of the Order to Show Cause issued on April 7, 2010, by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania in the previously-referenced matter. Violation of the following is alleged: sections 611-A (4), (7), (17), (20) of the Insurance Department Act of 1921, Act of May 17, 1921, 40 P. S. § 310.11 (relating to prohibited acts).

Respondent was ordered to file a written answer to the Order to Show Cause within 20 days. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to

participate in the hearing, should contact Donna R. Fleischauer, Disability Services Coordinator at (717) 787-4298.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-702. Filed for public inspection April 16, 2010, 9:00 a.m.]

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Rheems Nursing and Rehabilitation Center, LLC

Rheems Nursing and Rehabilitation Center, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Rheems Nursing and Rehabilitation Center, LLC in Elizabethtown, PA. The initial filing was received on March 29, 2010, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3325).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the

Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-703. Filed for public inspection April 16, 2010, 9:00 a.m.]

**Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Susquehanna Valley Nursing and Rehabilitation Center, LLC**

Susquehanna Valley Nursing and Rehabilitation Center, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Susquehanna Valley Nursing and Rehabilitation Center, LLC in Columbia, PA. The initial filing was received on March 29, 2010, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3325).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Department*

[Pa.B. Doc. No. 10-704. Filed for public inspection April 16, 2010, 9:00 a.m.]

**Lehigh Gas Corporation and Routes 73 and 363 Worcester, LLC; Prehearing**

**Appeal of Lehigh Gas Corporation and Routes 73 and 363 Worcester, LLC under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2004-0055(F); Doc. No. UT06-03-033**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on May 27, 2010, at 10 a.m. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102, on or before May 11, 2010. Answers to petitions to intervene, if any, shall be filed on or before May 25, 2010.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-705. Filed for public inspection April 16, 2010, 9:00 a.m.]

**Review Procedure Hearings under the Unfair Insurance Practices Act**

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Donald and Lynnell Brian; file no. 10-183-84596; Bedford Grange Mutual Insurance Company; Doc. No. P10-03-020; June 8, 2010, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-706. Filed for public inspection April 16, 2010, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Management Directive No. 205.32—Hiring Sign Language Interpreters/Transliterators, Amended January 29, 2010.

Management Directive No. 205.36—Right-to-Know Law Compliance, Amended March 18, 2010.

Management Directive No. 315.1—Calculation and Payment of Statutory Salaries, Amended February 18, 2010.

Management Directive No. 580.34—Removal of Eligibles for Certification or Appointment in the Classified Service, Amended March 19, 2010.

Administrative Circular No. 10-03—Closing Instruction No. 1, Fiscal Year 2009-2010; Submission of Purchasing Documents, Dated March 11, 2010.

MARY JANE PHELPS,  
*Director*

*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 10-707. Filed for public inspection April 16, 2010, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board to be held at the Harrisburg Area Community College, One HACC Drive, Harrisburg, PA at 10 a.m. on Tuesday, April 27, 2010.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 10-708. Filed for public inspection April 16, 2010, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Abandonment of Wastewater Collection, Treatment and Disposal Service

**A-2010-2168758. Aldick Associates, Inc. Wastewater Division.** Application, filed *nunc pro tunc*, of Aldick Associates, Inc. Wastewater Division for approval of the abandonment of wastewater collection, treatment and disposal service to the public in a portion of Pine Grove Township, Schuylkill County, PA.

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 3, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Aldick Associates, Inc.

*Through and By Counsel:* William G. Schwab (Trustee), William G. Schwab and Associates, 811 Blakeslee Boulevard Drive East, Lehigh, PA 18235

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-709. Filed for public inspection April 16, 2010, 9:00 a.m.]

### Commercial Mobile Radio Services

**A-2010-2167791. Hickory Telephone Company and Sprint Nextel.** Joint petition of Hickory Telephone Company and Sprint Nextel for approval of a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Hickory Telephone Company and Sprint Nextel, by its counsel, filed on April 1, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a commercial mobile radio services interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Hickory Telephone Company and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-710. Filed for public inspection April 16, 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 May 3, 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-2010-2162998. Duncannon Emergency Medical Services, Inc.** (16 Shermanta Drive, Duncannon, Perry County, PA 17020)—a corporation of the Commonwealth—persons, in paratransit service, from points in Dauphin, Cumberland and Perry Counties, to points in Pennsylvania, and return.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2010-2165832. Homestead Transportation, LLC.** (150 South Broad Street, Lansdale, Montgomery County, PA 19446)—a limited liability corporation of the Commonwealth for amendment to its common carrier certificate—persons in call or demand service from the Borough of Doylestown, Bucks County, and within an airline distance of 5 statute miles of the limits of said Borough; excluding any right to render service in the Borough of Ivyland and the Townships of Warminster, Warrington and Warwick, all in the County of Bucks: *So As To Permit* the transportation of persons in call or demand service, from points in the Borough of Silverdale, Bucks County, and within an airline distance of 12 statute miles of the limits of said Borough; excluding any right, power, or privilege, to render service in the Borough of Ivyland and the Townships of Warminster, Warrington and Warwick, all within Bucks County. *Attorney:* Joseph Quinn, 965 Garlington Circle, West Chester, PA 19380.

**Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.**

**A-2010-2165796. Home Nursing Agency Community Services** (201 Chestnut Avenue, Altoona, Blair County, PA 16601)—a non-profit corporation of the Commonwealth—persons for the Blair County Medical Assistance Transportation Program, from points in Blair County, to points in Pennsylvania, and return.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-711. Filed for public inspection April 16, 2010, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Trash Removal Services for Project No. 10-032.S, Maintenance Building and Project No. 10-033.S Tioga Administrative Building until 2 p.m. on Thursday, May 6, 2010. All information concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement and, will be available Tuesday, April 20, 2010. PRPA is an equal opportunity employer. Firms must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 10-712. Filed for public inspection April 16, 2010, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

May 6, 2010	Denise A. Mevid Change of Superannuation date	1 p.m.
May 20, 2010	Joshua P. Kanalis Multiple Service Election	1 p.m.
May 26, 2010	Ernest B. Ruffin (Dec'd) Payment under Domestic Relations Order	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

LEONARD KNEPP,  
*Secretary*

[Pa.B. Doc. No. 10-713. Filed for public inspection April 16, 2010, 9:00 a.m.]