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# PENNSYLVANIA BULLETIN

Volume 41

Number 18

Saturday, April 30, 2011 • Harrisburg, PA

Pages 2203—2306

## Agencies in this issue

The General Assembly  
The Courts  
Delaware River Basin Commission  
Department of Banking  
Department of Environmental Protection  
Department of Health  
Department of Public Welfare  
Fish and Boat Commission  
Health Care Cost Containment Council  
Pennsylvania Public Utility Commission  
State Board of Cosmetology  
State Board of Funeral Directors  
State Board of Medicine  
State Police

Detailed list of contents appears inside.



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

**No. 437, April 2011**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

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

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# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meetings Scheduled

The Commission on Sentencing (Commission) announces the following public meeting to be held at the Crowne Plaza Hotel, 23 South Second Street, Harrisburg, PA 17101:

Wednesday, June 8, 2011	Evening Dinner Meeting	6:30 p.m.
-------------------------	------------------------	-----------

The Commission announces the following public meetings to be held at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA 17106:

Thursday, June 9, 2011	Policy Committee Meeting	9 a.m.
Thursday, June 9, 2011	Quarterly Commission Meeting	1 p.m.

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 11-714. Filed for public inspection April 29, 2011, 9:00 a.m.]

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# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CHS. 1, 9, 19, 27 ]

#### Proposed Amendments to Rules of Appellate Procedure 120, 907, 1925 and 2744

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rules of Appellate Procedure 120, 907, 1925 and 2744. These amendments have been developed in conjunction with the Criminal Procedural Rules Committee, which is proposing the amendment of Pennsylvania Rules of Criminal Procedure 120, 122, and 904. These amendments are being submitted to the bench and bar for comments and suggestions. The proposed amendments have not been submitted to the Supreme Court.

Proposed new material is bold, while deleted material is bold and bracketed.

All communications in reference to the proposed amendment should be sent no later than Friday, June 3, 2011 to:

Dean R. Phillips, Counsel  
D. Alicia Hickok, Deputy Counsel  
Scot Withers, Deputy Counsel  
Appellate Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave., Suite 6200  
P. O. Box 62635  
Harrisburg, Pennsylvania 17106-2635

or Fax to (717) 231-9551  
or E-Mail to [appellaterules@pacourts.us](mailto:appellaterules@pacourts.us)

An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court  
Procedural Rules Committee*

HONORABLE MAUREEN LALLY-GREEN,  
*Chair*

(*Editor's Note:* For a correlative Rules of Criminal Procedure proposal, see 41 Pa.B. 2214 (April 30, 2011).)

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

##### ARTICLE I. PRELIMINARY PROVISIONS

##### CHAPTER 1. GENERAL PROVISIONS

##### DOCUMENTS GENERALLY

#### Rule 120. Entry of Appearance.

(a) *Filing.*—Any counsel filing papers required or permitted to be filed in an appellate court must enter an appearance with the prothonotary of the appellate court unless that counsel has been previously noted on the

docket as counsel pursuant to Rules 907(b), 1112(f), 1311(d) or 1514(d). **All counsel governed by Pa.R.Crim.P. 120 or 904 in the trial court continue to be governed by those rules in the appellate court, unless an application for withdrawal is filed in the appellate court accompanied by a simultaneous entry of appearance of new counsel. Any application for withdrawal unaccompanied by a simultaneous entry of appearance of new counsel will be remanded for resolution by the trial court in accordance with the procedures set forth in Pa.R.Crim.P. 120(B).**

New counsel appearing for a party after docketing pursuant to Rules 907(b), 1112(f), 1311(d), or 1514(d) shall file an entry of appearance simultaneous with or prior to the filing of any papers signed by new counsel. The entry of appearance shall specifically designate each party the attorney represents and the attorney shall file a [ **certificate** ] proof of service pursuant to Subdivision (d) of Rule 121 and Rule 122. Where new counsel enters an appearance on behalf of a party currently represented by counsel and there is no simultaneous withdrawal of appearance, new counsel shall serve the party that new counsel represents and all other counsel of record and **shall file a [ certificate ] proof of service.**

\* \* \* \* \*

### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 9. APPEALS FROM LOWER COURTS

##### Rule 907. Docketing of Appeal.

\* \* \* \* \*

(b) *Entry of appearance.* Upon the docketing of the appeal the prothonotary of the appellate court shall note on the record as counsel for the appellant the name of counsel, if any, set forth in or endorsed upon the notice of appeal, and, as counsel for other parties, counsel, if any, named in the proof of service. The prothonotary of the appellate court shall upon praecipe of any such counsel for other parties, filed within 30 days after filing of the notice of appeal, strike off or correct the record of appearances. Thereafter a counsel's appearance for a party may not be withdrawn without leave of court, unless another lawyer has entered or simultaneously enters an appearance for the party. **All counsel governed by Pa.R.Crim.P. 120 or 904 in the trial court continue to be governed by those rules in the appellate court, unless an application for withdrawal is filed in the appellate court accompanied by a simultaneous entry of appearance of new counsel. Any application for withdrawal unaccompanied by a simultaneous entry of appearance of new counsel will be remanded for resolution by the trial court in accordance with the procedures set forth in Pa.R.Crim.P. 120(B).**

*Official Note:* The transmission of a photocopy of the notice of appeal, showing a stamped notation of filing and the appellate docket number assignment, without a letter of transmittal or other formalities, will constitute full compliance with the notice requirement of Subdivision (a) of this rule.

With regard to [ **subdivision** ] **Subdivision** (b) and withdrawal of appearance without leave of the appellate

court, counsel may nonetheless be subject to trial court supervision pursuant to Pa.R.Crim.P. 904 (Entry of Appearance and Appointment of Counsel; In Forma Pauperis).

\* \* \* \* \*

**CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS**

**RECORD ON APPEAL FROM LOWER COURT**

**Rule 1925. Opinion in Support of Order.**

\* \* \* \* \*

(c) *Remand.*

\* \* \* \* \*

[ (4) In a criminal case, counsel may file of record and serve on the judge a statement of intent to file an *Anders/McClendon* brief in lieu of filing a Statement. If, upon review of the *Anders/McClendon* brief, the appellate court believes that there are arguably meritorious issues for review, those issues will not be waived; instead, the appellate court may remand for the filing of a Statement, a supplemental opinion pursuant to Rule 1925(a), or both. Upon remand, the trial court may, but is not required to, replace appellant’s counsel. ]

\* \* \* \* \*

**Official Note:** Subdivision (a) The 2007 amendments clarify that a judge whose order gave rise to the notice of appeal may ask a prior judge who made a ruling in question for the reasons for that judge’s decision. In such cases, more than one judge may issue separate Rule 1925(a) opinions for a single case. It may be particularly important for a judge to author a separate opinion if credibility was at issue in the pretrial ruling in question. See, e.g., *Commonwealth v. Yogel*, 307 Pa. Super. 241, 243-44, 453 A.2d 15, 16 (1982). At the same time, the basis for some pre-trial rulings will be clear from the order and/or opinion issued by the judge at the time the ruling was made, and there will then be no reason to seek a separate opinion from that judge under this rule. See, e.g., Pa.R.Crim.P. 581(I). Likewise, there will be times when the prior judge may explain the ruling to the judge whose order has given rise to the notice of appeal in sufficient detail that there will be only one opinion under Rule 1925(a), even though there are multiple rulings at issue. The time period for transmission of the record is specified in Pa.R.A.P. 1931, and that rule was concurrently amended to expand the time period for the preparation of the opinion and transmission of the record.

\* \* \* \* \*

[ Paragraph (c)(4) This paragraph clarifies the special expectations and duties of a criminal lawyer. Even lawyers seeking to withdraw pursuant to the procedures set forth in *Anders v. California*, 386 U.S. 738 (1967) and *Commonwealth v. McClendon*, 495 Pa. 467, 434 A.2d 1185 (1981) are obligated to comply with all rules, including the filing of a Statement. See *Commonwealth v. Myers*, 897 A.2d 493, 494-96 (Pa. Super. 2006); *Commonwealth v. Ladamus*, 896 A.2d 592, 594 (Pa. Super. 2006). However, because a lawyer will not file an *Anders/McClendon* brief without concluding that there are no non-frivolous issues to raise on appeal, this amendment allows a lawyer to file, in lieu of a Statement, a representation that no errors have

been raised because the lawyer is (or intends to be) seeking to withdraw under *Anders/McClendon*. At that point, the appellate court will reverse or remand for a supplemental Statement and/or opinion if it finds potentially non-frivolous issues during its constitutionally required review of the record. ]

Former Paragraph (c)(4) permitted lawyers to avoid filing a Statement in cases that were on direct appeal, if the lawyer sought to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967) and *Commonwealth v. McClendon*, 495 Pa. 467, 434 A.2d 1185 (1981). Those procedures have been replaced. See Pa.R.Crim.P. 120.

\* \* \* \* \*

**CHAPTER 27. FEES AND COSTS IN APPELLATE COURTS AND ON APPEAL COSTS**

**Rule 2744. Further Costs. Counsel Fees. Damages for Delay.**

\* \* \* \* \*

**Official Note:** See 42 Pa.C.S. § 1726(1) and (3) (relating to establishment of taxable costs) and 42 Pa.C.S. § 2503(6), (7) and (9) (relating to the right of participants to receive counsel fees).

[ Some concern was expressed that the rule should contain an exception for criminal cases in which the defendant may have a constitutional right to appeal, whether frivolous or not. It is felt that such right will be taken into consideration, when appropriate, and that such a blanket exception should not be written into the rule. ]

In criminal and Post-Conviction Relief Act (“PCRA”) appeals, this Rule should be construed with reference to Pa.R.Crim. P. 120. There may be circumstances, however, in criminal as well as in civil cases, in which a party takes an appeal for no purpose other than to delay a matter or engages in conduct during the appeal that is dilatory, obdurate or vexatious. In such cases, the fact that a defendant has a constitutional or statutory right of appeal will not in itself preclude an appellate court from remanding the case for a determination of the damages authorized under this rule. Nevertheless, any evaluation of the taking of an appeal or conduct during the appeal must take into account the duty of counsel in a criminal or PCRA case to be a zealous advocate, even when the position advocated for may be contrary to the factual findings of the trial court or existing law. While counsel is ethically obligated to avoid frivolous argument—i.e., arguments that are advanced without any evidentiary or legal support whatsoever—it is within the bounds of zealous advocacy to argue, for example, that a “trial court did not conduct as extensive a review of the testimony and other proofs as was necessary to fairly address” a party’s claims, see *Thomas A. McElwee & Son, Inc. v. SEPTA*, 596 Pa. 654, 669, 948 A.2d 762, 771 (2008), or that changing community standards render certain forms of punishment cruel and unusual and thus in violation of the United States Constitution as to certain classes of crimes or defendants. See, e.g., *Coker v. Georgia*, 433 U.S. 584, 593-596 (1977); *Atkins v. Virginia*, 536 U.S. 304, 321 (2002).

## EXPLANATORY COMMENT

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rules of Appellate Procedure 120, 907, 1925 and 2744. These amendments have been developed in conjunction with the Criminal Procedural Rules Committee, which is proposing the amendment of Pennsylvania Rules of Criminal Procedure 120, 122, and 904 by publication of the same date. These amendments are being submitted to the bench and bar for comments and suggestions. The proposed amendments have not been submitted to the Supreme Court.

Both bench and bar have commented on the unwieldy (and confusing) practice that has developed around counsel's attempts to withdraw in representing defendants on direct appeal or petitioners in Post-Conviction Relief Act proceedings. After evaluation of the law in this and other jurisdictions, the two Committees are soliciting comments on the below proposal to alter significantly the procedure for withdrawal in criminal and Post-Conviction Relief Act appeals. In both cases, counsel would be obligated to remain as counsel to raise any issues that are consistent with his or her ethical obligations to be candid with the Court. For example, if a lawyer can in good faith argue for a change in the law, the lawyer may make that argument, although the lawyer would remain obligated to inform the courts as to any precedent contrary to his or her position.

The current procedure arises out of four cases, two in the United States Supreme Court and two in the Pennsylvania Supreme Court: *Anders v. California*, 386 U.S. 738 (1967), *Commonwealth v. McClendon*, 495 Pa. 467, 434 A.2d 1185 (1981) (both of which govern withdrawal on direct appeal); and *Pennsylvania v. Finley*, 481 U.S. (1987), *Commonwealth v. Turner*, 518 Pa. 491, 544 A.2d 927 (1988) (both of which govern withdrawal during Post-Conviction Relief Act proceedings). As these cases have been construed here, counsel may move to withdraw from representing a criminal defendant if there are no non-frivolous issues to raise (on direct appeal) or if there only non-meritorious issues to raise (during Post-Conviction Relief Act proceedings). The United States Supreme Court has held that the states do not need to follow *Anders*; they do need to have a process that guarantees each criminal defendant counsel who satisfies the requirements of the Sixth Amendment of the United States Constitution. See *Smith v. Robbins*, 528 U.S. 259 (2000).

As the problems with following the resultant procedures have become more pronounced, other jurisdictions have recognized that there is much to be gained by having counsel brief any issue consistent with his or her duty of candor toward the courts. First, the burden is on counsel, rather than the courts, to conduct a thorough review of the record and identify potentially appealable issues. Second, and related, because when courts review applications pursuant to *Anders/McClendon* and *Turner/Finley*, several are returned for further briefing, having counsel brief the issues in the first instance promotes judicial efficiency. Finally, counsel is not placed in a position of appearing to argue against his or her client, a role that is unlike any other counsel fulfills. Indeed, some lawyers have reported that the process for withdrawal is so awkward that they do not consider it a viable option.

The Criminal Procedural Rules Committee has highlighted the observations of three such states in its concurrently-published Report, including Idaho (see *State v. McKenney*, 98 Idaho 551, 568 P.2d 1213, 1214 (1977)); Massachusetts (see *Commonwealth v. Moffett*, 383 Mass.

201, 418 N.E.2d 585 (1981)); and New Hampshire (see *New Hampshire v. Cigic*, 138 N.H. 313, 314, 639 A.2d 251 (1994).

The proposed rules—and reports—of the two Committees should be read in tandem.

[Pa.B. Doc. No. 11-715. Filed for public inspection April 29, 2011, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 1 AND 9 ]

### Proposed Amendments to Pa.Rs.Crim.P. 120, 122, and 904

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules of Criminal Procedure 120, 122, and 904. The proposed amendments would replace Pennsylvania's *Anders/Finley* procedures with a procedure that would require counsel to proceed with a direct appeal even when the attorney determines there are no non-frivolous issues to raise. These amendments have been developed in conjunction with the Appellate Court Procedural Rules Committee, which is proposing correlative amendments to Pennsylvania Rules of Appellate Procedure 120, 907, 1925, and 2744 by publication of the same date.

This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the Rules precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Ave., Suite 6200  
P. O. Box 62635  
Harrisburg, PA 17106-2635

fax: (717) 231-9521  
e-mail: criminal.rules@pacourts.us

no later than Friday, June 3, 2011.

By the Criminal Procedural Rules Committee

RISA VETRI FERMAN,  
Chair

(Editor's Note: For a correlative Rules of Appellate Procedure proposal, see 41 Pa.B. 2212 (April 30, 2011).)

## Annex A

**TITLE 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 1. SCOPE OF RULES, CONSTRUCTION  
AND DEFINITIONS, LOCAL RULES**

## PART B. Counsel

**Rule 120. Attorneys—Appearances and Withdrawals.**

\* \* \* \* \*

## (B) WITHDRAWAL OF APPEARANCE

(1) Counsel for a defendant may not withdraw his or her appearance except by leave of court. **Counsel shall not be permitted to withdraw solely on the ground that the appeal is frivolous or otherwise lacking in merit.**

\* \* \* \* \*

## Comment

The 2011 amendments to this rule, to Pa.Rs.Crim.P. 122 and 904, and to Pa.Rs.A.P. 120, 907, 1925, and 2744 supersede the procedures set forth in *Anders v. California*, 386 U.S. 738 (1967), and *Commonwealth v. McClendon*, 495 Pa. 467, 434 A.2d 1185 (1981), and *Pennsylvania v. Finley*, 481 U.S. (1987), and *Commonwealth v. Turner*, 518 Pa. 491, 544 A.2d 927 (1988), in Pennsylvania practice.

## ENTRY OF APPEARANCE

Representation as used in this rule is intended to cover court appearances or the filing of formal motions. Investigation, interviews, or other similar pretrial matters are not prohibited by this rule.

An attorney may not represent a defendant in a capital case unless the attorney meets the educational and experiential requirements set forth in Rule 801 (Qualifications for Defense Counsel in Capital Cases).

Paragraph (A)(2) was added in 2005 to make it clear that the filing of an order appointing counsel to represent a defendant enters the appearance of appointed counsel. Appointed counsel does not have to file a separate entry of appearance. Rule 122 (Appointment of Counsel) requires that (1) the judge include in the appointment order the name, address, and phone number of appointed counsel, and (2) the order be served on the defendant, appointed counsel, the previous attorney of record, if any, and the attorney for the Commonwealth pursuant to Rule 114 (Orders and Court Notices: Filing; Service; and Docket Entries).

**If a post-sentence motion is filed, trial counsel would normally be expected to stay in the case until disposition of the motion under the post-sentence procedures adopted in 1993. See Rules 704 and 720. Traditionally, trial counsel stayed in a case through post-verdict motions and sentencing.**

**See Rule 904(A) that requires an attorney who has been retained to represent a defendant during post-conviction collateral proceedings to file a written entry of appearance**

## WITHDRAWAL OF APPEARANCE

Under paragraph (B)(2), counsel must file a motion to withdraw in all cases, and counsel's obligation to represent the defendant, whether as retained or appointed counsel, remains until leave to withdraw is granted by the court. *See, e.g., Commonwealth v. Librizzi*, 810 A.2d 692 (Pa. Super. Ct. 2002). The court must make a

determination of the status of a case before permitting counsel to withdraw. Although there are many factors considered by the court in determining whether there is good cause to permit the withdrawal of counsel, when granting leave, the court should determine whether new counsel will be stepping in or the defendant is proceeding without counsel, and that the change in attorneys will not delay the proceedings or prejudice the defendant, particularly concerning time limits. In addition, case law suggests other factors the court should consider, such as whether (1) the defendant has failed to meet his or her financial obligations to pay for the attorney's services and (2) there is a written contractual agreement between counsel and the defendant terminating representation at a specified stage in the proceedings such as sentencing. *See, e.g., Commonwealth v. Roman. Appeal of Zaiser*, 549 A.2d 1320 (Pa. Super. Ct. 1988).

**[ If a post-sentence motion is filed, trial counsel would normally be expected to stay in the case until disposition of the motion under the post-sentence procedures adopted in 1993. See Rules 704 and 720. Traditionally, trial counsel stayed in a case through post-verdict motions and sentencing. ]**

The court may not grant a motion to withdraw when the only reason for the request to withdraw is that there are no non-frivolous issues that could be raised on appeal or in collateral proceedings under the PCRA. The prohibition on withdrawal changes Pennsylvania's procedure under *Anders/McClendon, supra*, and *Turner/Finley, supra*, and counsel will no longer file an *Anders/McClendon* brief or a *Turner/Finley* no-merit letter and will proceed with the appeal or collateral proceedings under the PCRA. This change in procedure is consistent with the United States Supreme Court's decision in *Smith v. Robbins*, 529 U.S. 259 (2000) (*Anders* procedure not obligatory upon states as long as states' procedures adequately safeguard defendants' rights).

Under the new procedures, following conviction, counsel must advise the defendant of any right to appeal and must consult with the defendant about the possible grounds for appeal. Counsel also must advise the defendant of counsel's opinion of the probable outcome of an appeal. If, in counsel's estimation, the appeal lacks merit or is frivolous, counsel must inform the defendant and seek to persuade the defendant to abandon the appeal. If the defendant chooses to proceed with an appeal against the advice of counsel, counsel is required to present the case, as long as such advocacy does not involve deception of the court.

Pennsylvania Rule of Professional Conduct 3.1 (Meritorious Claims and Contentions) should be construed with reference to this rule.

Counsel has the ultimate authority to decide which arguments to make on appeal. *See Jones v. Barnes*, 463 U.S. 745 (1983). *See also Commonwealth v. Padden*, 783 A.2d 299 (Pa. Super. Ct. 2001).

For the filing and service procedures, see Rules 575-576.

For waiver of counsel, see Rule 121.

For the procedures for appointment of counsel, see Rule 122.

**[ See Rule 904(A) that requires an attorney who has been retained to represent a defendant during**

post-conviction collateral proceedings to file a written entry of appearance. ]

**Official Note:** Adopted June 30, 1964, effective January 1, 1965; formerly Rule 303, renumbered Rule 302 and amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; amended March 22, 1993, effective January 1, 1994; renumbered Rule 120 and amended March 1, 2000, effective April 1, 2001; Comment revised February 26, 2002, effective July 1, 2002; Comment revised June 4, 2004, effective November 1, 2004; amended April 28, 2005, effective August 1, 2005; amended \_\_\_\_\_, 2011, effective \_\_\_\_\_, 2011.

*Committee Explanatory Reports:*

\* \* \* \* \*

Report explaining the proposed amendments to paragraph (B)(1) and the Comment that change Pennsylvania practice with regard to withdrawal of counsel and filing *Anders/McClendon* briefs and *Finley/Turner* no merit letters published for comment at 41 Pa.B. 2218 (April 30, 2011).

#### Rule 122. Appointment of Counsel.

\* \* \* \* \*

(C) A motion for change of counsel by a defendant for whom counsel has been appointed shall not be granted except for substantial reasons.

(D) Appointed counsel shall not be permitted to withdraw without leave of court pursuant to Rule 120(B). Appointed counsel shall not be permitted to withdraw solely on the ground that the appeal is frivolous or otherwise lacking in merit.

#### Comment

\* \* \* \* \*

[ See *Commonwealth v. Alberta*, 601 Pa. 473, 974 A.2d 1158 (2009), in which the Court stated that “[a]ppointed counsel who has complied with *Anders* [ *v. California*, 386 U.S. 738 (1967), ] and is permitted to withdraw discharges the direct appeal obligations of counsel. Once counsel is granted leave to withdraw per *Anders*, a necessary consequence of that decision is that the right to appointed counsel is at an end.” ]

The 2011 amendments to this rule, to Pa.Rs.Crim.P. 120 and 904, and to Pa.Rs.A.P. 120, 907, 1925, and 2744 supersede the procedures set forth in *Anders v. California*, 386 U.S. 738 (1967), and *Commonwealth v. McClendon*, 495 Pa. 467, 434 A.2d 1185 (1981), and *Pennsylvania v. Finley*, 481 U.S. (1987), and *Commonwealth v. Turner*, 518 Pa. 491, 544 A.2d 927 (1988), in Pennsylvania practice.

Pursuant to paragraph (D), if an appointed attorney seeks to withdraw, the attorney must proceed pursuant to the procedures in Rule 120(B). Pursuant to Rule 120, the court may not grant a motion to withdraw when the only reason for the request to withdraw is that there are no non-frivolous issues that could be raised on appeal or in collateral proceedings under the PCRA. The prohibition on withdrawal changes Pennsylvania’s procedure under *Anders/McClendon*, *supra*, and *Turner/Finley*, *supra*, and counsel will no longer file an *Anders/McClendon* brief or a *Turner/Finley* no-merit letter and will proceed with the appeal or collateral

proceedings under the PCRA. This change in procedure is consistent with the United States Supreme Court’s decision in *Smith v. Robbins*, 529 U.S. 259 (2000) (*Anders* procedure not obligatory upon states as long as states’ procedures adequately safeguard defendants’ rights).

Under the new procedures, following conviction, counsel must advise the defendant of any right to appeal and must consult with the defendant about the possible grounds for appeal. Counsel also must advise the defendant of counsel’s opinion of the probable outcome of an appeal. If, in counsel’s estimation, the appeal lacks merit or is frivolous, counsel must inform the defendant and seek to persuade the defendant to abandon the appeal. If the defendant chooses to proceed with an appeal against the advice of counsel, counsel is required to present the case, as long as such advocacy does not involve deception of the court.

Pennsylvania Rule of Professional Conduct 3.1 (Meritorious Claims and Contentions) should be construed with reference to this rule.

For suspension of Acts of Assembly, see Rule 1101.

**Official Note:** Rule 318 adopted November 29, 1972, effective 10 days hence, replacing prior rule; amended September 18, 1973, effective immediately; renumbered Rule 316 and amended June 29, 1977, and October 21, 1977, effective January 1, 1978; renumbered Rule 122 and amended March 1, 2000, effective April 1, 2001; amended March 12, 2004, effective July 1, 2004; Comment revised March 26, 2004, effective July 1, 2004; Comment revised June 4, 2004, effective November 1, 2004; amended April 28, 2005, effective August 1, 2005; Comment revised February 26, 2010, effective April 1, 2010; amended \_\_\_\_\_, 2011, effective \_\_\_\_\_, 2011.

*Committee Explanatory Reports:*

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 March 12, 2004 editorial amendment to paragraph (C)(3), and the Comment revision concerning duration of counsel’s obligation, published with the Court’s Order at 34 Pa.B. [ 1671 ] 1672 (March 27, 2004).

Final Report explaining the March 26, 2004 Comment revision concerning *Alabama v. Shelton* published with the Court’s Order at 34 Pa.B. [ 1929 ] 1931 (April 10, 2004).

Final Report explaining the April 28, 2005 changes concerning the contents of the appointment order published with the Court’s Order at 35 Pa.B. [ 2855 ] 2859 (May 14, 2005).

Final Report explaining the February 26, 2010 revision of the Comment adding a citation to *Commonwealth v. Alberta* published at 40 Pa.B. 1396 (March 13, 2010).

Report explaining the proposed amendments adding paragraph (D) and revising the Comment that change Pennsylvania practice with regard to withdrawal of counsel and filing *Anders/McClendon* briefs and *Finley/Turner* no merit letters published for comment at 41 Pa.B. 2218 (April 30, 2011).

CHAPTER 9. POST-CONVICTION COLLATERAL PROCEEDINGS

Rule 904. Entry of Appearance and Appointment of Counsel; In Forma Pauperis.

\* \* \* \* \*

(G) Counsel, whether retained or appointed, shall not be permitted to withdraw without leave of court pursuant to Rule 120(B). Counsel shall not be permitted to withdraw solely on the ground that the appeal is frivolous or otherwise lacking in merit.

(H) When a defendant satisfies the judge that the defendant is unable to pay the costs of the post-conviction collateral proceedings, the judge shall order that the defendant be permitted to proceed in forma pauperis.

[ (H) ] (I) Appointment of Counsel in Death Penalty Cases.

\* \* \* \* \*

Comment

\* \* \* \* \*

Paragraphs (F)(1) and [ (H)(2)(a) ] (I)(2)(a) require that (1) the judge include in the appointment order the name, address, and phone number of appointed counsel, and (2) the order be served on the defendant, appointed counsel, the previous attorney of record, if any, and the attorney for the Commonwealth pursuant to Rule 114 (Orders and Court Notices: Filing; Service; and Docket Entries).

Pursuant to paragraphs (F)(2) and [ (H)(2)(b) ] (I)(2)(b), appointed counsel retains his or her assignment until final judgment, which includes all avenues of appeal through the Supreme Court of Pennsylvania. In making the decision whether to file a petition for allowance of appeal, counsel must (1) consult with his or her client, and (2) review the standards set forth in Pa.R.A.P. 1114 (Considerations Governing Allowance of Appeal) and the note following that rule. If the decision is made to file a petition, counsel must carry through with that decision. See Commonwealth v. Liebel, 573 Pa. 375, 825 A.2d 630 (2003). Concerning counsel's obligations as appointed counsel, see Jones v. Barnes, 463 U.S. 745 (1983). See also Commonwealth v. Padden, 783 A.2d 299 (Pa. Super. 2001).

The 2011 amendments to this rule, to Pa.Rs.Crim.P. 120 and 122, and to Pa.Rs.A.P. 120, 907, 1925, and 2744 supersede the procedures set forth in Anders v. California, 386 U.S. 738 (1967), and Commonwealth v. McClendon, 495 Pa. 467, 434 A.2d 1185 (1981), and Pennsylvania v. Finley, 481 U.S. (1987), and Commonwealth v. Turner, 518 Pa. 491, 544 A.2d 927 (1988), in Pennsylvania practice.

Pursuant to paragraph (G), if an attorney seeks to withdraw, the attorney must proceed pursuant to the procedures in Rule 120(B). Pursuant to Rule 120, the court may not grant a motion to withdraw when the only reason for the request to withdraw is that there are no non-frivolous issues that could be raised on appeal or in collateral proceedings under the PCRA. The prohibition on withdrawal changes Pennsylvania's procedure under Anders/McClendon, supra, and Turner/Finley, supra, and counsel will no longer file an Anders/McClendon brief or a Turner/Finley no-merit letter and will proceed with the appeal or collateral proceedings

under the PCRA. This change in procedure is consistent with the United States Supreme Court's decision in Smith v. Robbins, 529 U.S. 259 (2000) (Anders procedure not obligatory upon states as long as states' procedures adequately safeguard defendants' rights).

Under the new procedures, following conviction, counsel must advise the defendant of any right to appeal and must consult with the defendant about the possible grounds for appeal. Counsel also must advise the defendant of counsel's opinion of the probable outcome of an appeal. If, in counsel's estimation, the appeal lacks merit or is frivolous, counsel must inform the defendant and seek to persuade the defendant to abandon the appeal. If the defendant chooses to proceed with an appeal against the advice of counsel, counsel is required to present the case, as long as such advocacy does not involve deception of the court.

Pennsylvania Rule of Professional Conduct 3.1 (Meritorious Claims and Contentions) should be construed with reference to this rule.

Paragraph [ (H) ] (I) was added in 2000 to provide for the appointment of counsel for the first petition for post-conviction collateral relief in a death penalty case at the conclusion of direct review.

Paragraph [ (H)(1)(a) ] (I)(1)(a) recognizes that a defendant may proceed pro se if the judge finds the defendant competent, and that the defendant's election is knowing, intelligent, and voluntary. In Indiana v. Edwards, 128 S.Ct. 2379, 2388 (2008), the Supreme Court recognized that, when a defendant is not mentally competent to conduct his or her own defense, the U. S. Constitution permits the judge to require the defendant to be represented by counsel.

An attorney may not represent a defendant in a capital case unless the attorney meets the educational and experiential requirements set forth in Rule 801 (Qualifications for Defense Counsel in Capital Cases).

Official Note: Previous Rule 1504 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; rescinded February 1, 1989, effective July 1, 1989, and replaced by Rule 1507. Present Rule 1504 adopted February 1, 1989, effective July 1, 1989; amended August 11, 1997, effective immediately; amended January 21, 2000, effective July 1, 2000; renumbered Rule 904 and amended March 1, 2000, effective April 1, 2001; amended February 26, 2002, effective July 1, 2002; Comment revised March 12, 2004, effective July 1, 2004; Comment revised June 4, 2004, effective November 1, 2004; amended April 28, 2005, effective August 1, 2005; Comment revised March 29, 2011, effective May 1, 2011; amended , 2011, effective , 2011.

Committee Explanatory Reports:

\* \* \* \* \*

Report explaining the proposed amendments adding paragraph (G) and revising the Comment that change Pennsylvania practice with regard to withdrawal of counsel and filing Anders/McClendon



briefs and *Finley/Turner* no merit letters published for comment at 41 Pa.B. 2218 (April 30, 2011).

## REPORT

### *Proposed Amendments to Pa.Rs.Crim.P. 120, 122, and 904*

#### Modification of the *Anders/Finley* Procedures

#### I. Introduction

The Committee, in conjunction with the Appellate Court Procedural Rules Committee,<sup>1</sup> is planning to propose to the Supreme Court amendments to Rules of Criminal Procedure 120, 122, and 904. The proposed rules of the two Committees, and their respective explanatory Report and Explanatory Comment, should be read in tandem.

The proposed amendments would replace Pennsylvania's *Anders-McClendon/Turner-Finley* procedures<sup>2</sup> with a procedure that would require counsel to proceed with a direct appeal even when the attorney determines there are no non-frivolous issues to raise. The Committee reasoned that requiring counsel to stay in the case through the direct appeal would better protect the defendant's constitutional rights, would promote judicial economy, and would satisfy the goals of *Anders* without its cumbersome mechanism.

#### II. Background

The United States Supreme Court in 1967 in *Anders* addressed the extent of the duty of appointed appellate counsel in a criminal case to proceed with a first appeal after that attorney has conscientiously determined that there is no merit to the indigent's appeal. The Court noted that indigent defendants taking an appeal have a Sixth Amendment right to counsel. In cases involving frivolous appeals, however, counsel may request and receive permission to withdraw without depriving the indigent defendant of his or her right to representation if certain safeguards are met. The Court elaborated on the procedure counsel and the courts should follow:

[The attorney's] role as advocate requires that he support his client's appeal to the best of his ability. Of course, if counsel finds his case to be wholly frivolous, after a conscientious examination of it, he should so advise the court and request permission to withdraw. That request must, however, be accompanied by a brief referring to anything in the record that might arguably support the appeal. A copy of counsel's brief should be furnished the indigent and time allowed him to raise any points that he chooses; the court—not counsel—then proceeds, after a full examination of all the proceedings, to decide whether the case is wholly frivolous. If it so finds it may grant counsel's request to withdraw and dismiss the appeal insofar as federal requirements are concerned, or proceed to a decision on the merits, if state law so requires. On the other hand, if it finds any of the legal points arguable on their merits (and therefore not frivolous) it must, prior to decision, afford the indigent the assistance of counsel to argue the appeal. . . . This requirement would not force appointed counsel to brief his case against his client but would

merely afford the latter that advocacy which a nonindigent defendant is able to obtain. It would also induce the court to pursue all the more vigorously its own review because of the ready references not only to the record, but also to the legal authorities as furnished it by counsel. *Supra.* at 744-745

Subsequently in *Finley*, the Court concluded that federal constitutional law does not require that *Anders* be made applicable to collateral proceedings under the Post Conviction Hearing Act (PCHA, now PCRA). The Pennsylvania Supreme Court, in *Commonwealth v. Turner; supra*, after making a finding that defendants have a rule-made right to counsel for collateral proceedings under Pennsylvania law, reaffirmed the procedures for withdrawal of counsel in collateral attacks on criminal convictions after trial or on appeal that the Superior Court had applied in *Finley*. Pursuant to *Finley*, counsel must present the court with a "no-merit" letter that detail the nature and extent of the attorney's review, listing each issue the petitioner wishes to have raised, with the attorney's explanation of why those issues were meritless. The PCHA court must conduct its own independent review. If the court agrees with counsel that the petition was meritless, the attorney may be permitted to withdraw.

Since these cases were decided, there have continued to be appeals in cases in which counsel has not properly followed the procedures enumerated in the case law. *See, e.g., Commonwealth v. Pitts*, 603 Pa. 1; 981 A.2d 875 (2009); *Commonwealth v. Santiago*, 602 Pa. 159; 978 A.2d 349 (2009); *Commonwealth v. Ferguson*, 761 A.2d 613, 616 (Pa. Super. 2000); *Commonwealth v. Peterson*, 756 A.2d 687 (Pa. Super. 2000); *Commonwealth v. Smith*, 700 A.2d 1301, 1304 (Pa. Super. 1997). The number of cases raising these issues was the impetus for the Appellate Court Rules Committee to undertake the development of proposed procedures for the Appellate Rules to govern withdrawal of counsel (*Anders* brief and *Finley* letter).

The Appellate Court Rules Committee's initial proposal was for amendments to Pa.R.A.P. 120 (Entry of Appearance) to provide the procedural steps when counsel is requesting permission to withdraw on appeal or on collateral review. This proposal was published for comment in December 2009<sup>3</sup> and met with a number of objections that sent the Appellate Rules Court Committee back to the drawing board. In view of these objections, the Committee considered a new approach that included a post sentence determination concerning defendant's and defendant's counsel's appeal intentions. This new idea was based on research evidencing that this is done in other jurisdictions. Because this new approach would require amendments to the Criminal Rules, a Joint Appellate-Criminal Subcommittee was formed to address this matter.<sup>4</sup>

The Joint Subcommittee considered the Appellate Court Rules Committee's suggestions, and looked at the case law, as well as the procedures in other jurisdictions. The members noted that some jurisdictions have developed different approaches to *Anders*.<sup>5</sup> For example, in *State v.*

<sup>3</sup> 39 Pa.B. 6866 (December 5, 2009).

<sup>4</sup> The Joint Subcommittee membership included a retired appellate court judge, a common pleas court judge, prosecutors, and a private defense attorney.

<sup>5</sup> Several treatises provide a summary of the different states' *Anders* procedures and alternative procedures. *See, e.g.,* Martha C. Warner, *Anders in the Fifty States: Some Appellants' Equal Protection Is More Equal Than Others*, 23 Florida State University Law Review 625 (Winter, 1996); James E. Duggan and Andrew W. Moeller, *Make Way for the ABA: Smith V. Robbins Clears A Path For Anders Alternatives*, 3 Journal of Appellate Practice and Process 65 (Spring 2001).

<sup>1</sup> The Appellate Court Procedural Rules Committee proposal is for conforming amendments to Pa.Rs.A.P. 120, 907, 1925, and 2744.

<sup>2</sup> *Anders v. California*, 386 U.S. 738 (1967), *Commonwealth v. McClendon*, 495 Pa. 467, 434 A.2d 1185 (1981) (direct appeal), *Pennsylvania v. Finley*, 481 U.S. (1987), and *Commonwealth v. Turner*, 518 Pa. 491, 544 A.2d 927 (1988) (PCRA).

*McKenney*, 98 Idaho 551, 568 P.2d 1213, 1214 (1977), the Idaho Supreme Court declined to follow *Anders* altogether, deciding that “once counsel is appointed to represent an indigent client during appeal on a criminal case, no withdrawal will thereafter be permitted on the basis that the appeal is frivolous or lacks merit.” *Id.* at 1214. The Court observed that the mere filing of a motion to withdraw based on the frivolousness of issues will result in prejudice and that there is less conflict and less judicial energy focusing on reviewing motions rather than the merits of the case if counsel is not allowed to motion for withdrawal.

In *Commonwealth v. Moffett*, 383 Mass. 201, 418 N.E.2d 585 (1981), the Massachusetts Supreme Judicial Court held that appointed counsel would not be permitted to withdraw based solely on the ground that the appeal is frivolous or otherwise lacking in merit. The Court based its holding on the following analysis:

Although meant to resolve the tension between an indigent defendant’s right to a counseled appeal and counsel’s desire to withdraw because he finds the appeal frivolous, the *Anders* procedure has been criticized not only as cumbersome and impractical, but also as insufficiently responsive both to the position of the indigent and to the ethical concerns of appointed counsel. The major difficulty with the *Anders* procedure is its requirement that an attorney assume contradictory roles if he wishes to withdraw on the grounds that the appeal lacks merit. . . . Some courts have recognized that the mere submission by appointed counsel of a request to withdraw on grounds of frivolousness may result in prejudice to the indigent defendant, and have adopted the position of disallowing such motions to withdraw. . . . Aside from the possibility of prejudice, practical administrative reasons exist for prohibiting withdrawal. If appointed counsel may move to withdraw on grounds of frivolousness, the court must determine whether the appeal is frivolous in order to rule on counsel’s motion, and the determination necessarily entails consideration of the merits of the appeal. As long as counsel must research and prepare an advocate’s brief, he or she may as well submit it for the purposes of an ordinary appeal. Even if the appeal is frivolous, less time and energy will be spent directly reviewing the case on the merits. *Id.* at 205-206, 418 N.E.2d at 590-591.

In *New Hampshire v. Cigic*, 138 N.H. 313, 314, 639 A.2d 251 (1994), the New Hampshire Supreme Court held that “the efficiency and integrity of the appellate process are better ensured by the adoption of a modified Idaho rule” instead of continuing to adhere to the withdrawal requirements set forth in *Anders*, *supra*. The Court also addressed the implications of filing a frivolous appeal that could arise under the new procedures, observing that:

[s]uch instances, however, would be extremely rare, especially in light of the fact that it is not considered frivolous to make “a good faith argument for an extension, modification or reversal of existing law.” *N.H.R.Prof.Conduct* 3.1. In addition, the ABA Model Code Comments to Rule 3.1 state that “[an] action is not frivolous even though the lawyer believes that the client’s position ultimately will not prevail.” An action cannot be considered frivolous, therefore, if the lawyer is able “either to make a good faith argument

on the merits of the action taken or to support the action taken by a good faith argument for an extension, modification or reversal of existing law.” 138 N.H. at 317, 639 A.2d at 253.

Recognizing that by adopting the new procedure, there may be rare occasions when appellate counsel would be required to assert a frivolous issue, the Court created an exception to New Hampshire Rule of Professional Conduct 3.1 for such conduct.

In 2000, the U.S. Supreme Court considered the alternative procedures developed by California following *Anders*.<sup>6</sup> *Smith v. Robbins*, 528 U.S. 259 (2000). In *Smith*, the Court observed “[t]he procedure we sketched in *Anders* is a prophylactic one; the States are free to adopt different procedures, so long as those procedures adequately safeguard a defendant’s right to appellate counsel.” *Id.* 265. The Court held:

Accordingly, we hold that the *Anders* procedure is merely one method of satisfying the requirements of the Constitution for indigent criminal appeals. States may—and, we are confident, will—craft procedures that, in terms of policy, are superior to, or at least as good as, that in *Anders*. The Constitution erects no barrier to their doing so. *Id.* at 276.

The Joint Subcommittee considered the procedures developed to replace *Anders* in these other jurisdictions, and agreed that proposing a comparable change in Pennsylvania would be beneficial to the bench and bar. The new approach being proposed would require counsel to proceed with a direct appeal even when the attorney determines there are no non-frivolous issues to raise. The members reasoned that requiring counsel to stay in the case through the direct appeal would protect the defendant’s constitutional rights and promote judicial economy, and would satisfy the goals of *Anders* without its cumbersome mechanism.

To implement this new approach, the new procedures would be incorporated into the Criminal Rules’ counsel rules, Rules 120, 122, and 904, as well as Appellate Rule 120 (Entry of Appearance), and that any withdrawal of counsel, whether the case is before the trial court or the appellate court, would be pursuant to Criminal Rule 120. In addition, the text of the rules would make it clear that counsel no longer would be permitted to withdraw solely because the attorney believes there are no non-frivolous issues to raise. Because the new procedures are changing years of practice, the Comments to the rules will emphasize that, with this change, there no longer will be *Anders* briefs or *Finley* no-merit letters in Pennsylvania. In addition, the Comments would elaborate what counsel’s obligations are under the new procedures.

## Discussion of Proposed Criminal Rule Changes

### *Rule 120 (Attorneys—Appearances and Withdrawals)*

Rule 120 would be amended by adding a second sentence to paragraph (B)(1) that says “counsel shall not be permitted to withdraw solely on the ground that the appeal is frivolous or otherwise lacking in merit.” The Committee considered incorporating several other procedures that provided more detail, such as requiring the attorney to file the appeal, found in other jurisdictions’

<sup>6</sup> California’s new procedure was established in *People v. Wende*, 25 Cal.3d 436, 441-442, 158 Cal.Rptr. 839, 600 P.2d 1071, 1074-1075 (1979).

rules, but ultimately concluded because this proposal does not change the appeal process, the rule should contain only the new prohibition on withdrawal. Correlatively, the Rule 120 Comment would be revised by adding a new first paragraph that explains that the 2011 changes to the Criminal and Appellate Rules supersede the procedures set forth in the *Anders/McClendon* and *Turner/Finley* line of cases. The Comment explains further that with this change, there no longer will be *Anders* briefs or *Finley* no-merit letters in Pennsylvania.

The proposed revisions to the Rule 120 Comment also address counsel's obligations when proceeding with an appeal or collateral review under the new procedures.<sup>7</sup> These obligations include advising the client of any right to appeal, the possible grounds for appeal, and counsel's opinion of the probable outcome of an appeal. If, in the attorney's estimation, the appeal lacks merit or is frivolous, the attorney must inform the defendant and seek to persuade the defendant to abandon the appeal. If the defendant chooses to proceed with an appeal against the advice of counsel, counsel is required to present the case, as long as such advocacy does not involve deception of the court.

One issue that presented a bit of a hurdle with regard to requiring the attorney to stay in the case even when the attorney believes there are no non-frivolous issues concerns the provisions of Rule of Professional Conduct 3.1 (Meritorious Claims and Contentions). Rule 3.1 provides:

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

The Note to Rule 3.1 states:

[3] The lawyer's obligations under this Rule are subordinate to federal or state constitutional law that entitles a defendant in a criminal matter to the assistance of counsel in presenting a claim or contention that otherwise would be prohibited by this Rule.

The members believe that the new procedures fall within the "exception" set forth in Note 3 since the new procedures protect a defendant's constitutional right to counsel.<sup>8</sup> However, there was some concern that, because this "exception" in the Note is broader than the language of Rule 3.1, without some clarification, there would be confusion for the bench and bar. Accordingly, the Rule 120 Comment would include a statement to the effect that Pa.R.P.C. 3.1 should be construed with reference to Rule 120.

Another issue concerns whether counsel must raise all the issues a defendant asks to be raised. This issue was discussed at length by the Committee during the development of the 2004 amendments to Rule 122. The Committee at that time agreed to add a reference to *Jones v. Barnes*, 463 U.S. 745 (1983), noting Chief Justice Burger's remarks that:

<sup>7</sup> The source of the obligations included in the proposed Comment revision, in addition to Pennsylvania law, include the ABA *Standards for Appeals*, Standard 21-3.2, and ABA *Defense Function Standard*, Standard 4-8.3, and the procedures set forth in *New Hampshire v. CIGIC*, *supra*.

<sup>8</sup> See, also, the discussion in *New Hampshire v. CIGIC*, *supra*, concerning this issue.

Neither *Anders* nor any other decision of this Court suggests, however, that the indigent defendant has a constitutional right to compel appointed counsel to press non-frivolous points requested by the client, if counsel, as a matter of professional judgment, decides not to present those points. This Court, in holding that a State must provide counsel for an indigent appellant on his first appeal as of right, recognized the superior ability of trained counsel in the 'examination into the record, research of the law, and marshalling of arguments on [the appellant's] behalf.' . . . Experienced advocates since time beyond memory have emphasized the importance of winnowing out weaker arguments on appeal and focusing on one central issue if possible, or at most on a few key issues. *Id.* at 751.

The Committee agreed a similar cross-reference should be added to the Rule 120 Comment to emphasize that appellate counsel has the ultimate authority to decide which arguments to make on appeal. The members also included a cross-reference to *Commonwealth v. Padden*, 783 A.2d 299 (Pa. Super. 2001) for the same principle.

Finally, the Committee thought the Rule 120 Comment would be clearer if the Comment provisions are separated into provisions concerning entry of appearance and provisions concerning withdrawal of appearance with section titles in the same manner as in the text of the rule. Correlative to this organization of the Comment, the provisions related to entry of appearance that currently are in the fifth to the last paragraph and the last paragraph of Comment would be moved to be the fourth and fifth paragraphs under the new section titled "Entry of Appearance."

*Rule 122 (Appointment of Counsel) and Rule 904 (Entry of Appearance and Appointment of Counsel; In Forma Pauperis)*

The provisions proposed for Rule 120 explained above also would be added to Rules 122 and 904 with modifications to conform to the procedures in these rules. Because neither Rule 122 nor Rule 904 provide for the withdrawal of counsel, both rules would be amended to provide that counsel will not be permitted to withdraw without leave of court pursuant to Rule 120(B), thereby making it clear that the procedures for withdrawal of counsel in all cases are governed by Rule 120(B). In addition to the new withdrawal of counsel provisions, Rules 122 and 904 would include the same prohibition on permitting withdrawals solely on the ground that the appeal is frivolous or otherwise lacking in merit that is being added to Rule 120(B)(1).

The Comments to Rules 122 and 904 would be revised in the same manner as the Rule 120 Comment. The language of some of the provisions that are in the Rule 120 Comment has been modified to conform to the procedures in Rules 122 and 904.

Finally, cross-references to all the other Criminal and Appellate Rules would be included in the Comments to all the rules. This is important given the significant changes in procedure that are being proposed so the bench and bar will know which rules to consult with regard to the new procedures.

[Pa.B. Doc. No. 11-716. Filed for public inspection April 29, 2011, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## FRANKLIN AND FULTON COUNTIES

### In the Matter of the Adoption and Amendment of Local Rules of Civil Procedure; Misc. Doc. 2011- 1624

#### Order Pursuant to Pa.R.C.P. 239.8

April 14th, 2011, *It Is Hereby Ordered* that the following Rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, Civil Division, are amended, rescinded or adopted as indicated this date, to be effective upon publication on the Pennsylvania Judiciary's Web Application Portal:

Local Rules of Civil Procedure 1028(c), 1034(a), and 1035.2(a) are amended and shall now read as follows.

*It Is Further Ordered* that The District Court Administrator shall

1. Transmit a copy of this order and the foregoing rules to the Civil Procedural Rules Committee for transmittal to the Administrative Office of Pennsylvania Courts (AOPC) for publication on the Pennsylvania Judiciary's Web Application Portal.

2. Distribute two (2) certified paper copies and one (1) computer diskette or CD-ROM copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Provide one (1) certified copy of the Local Rule changes to the Franklin County Law Library and one (1) certified copy to the Fulton County Law Library.

4. Keep such local rule changes, as well as all local civil rules, continuously available for public inspection and copying in the Office of the Prothonotary of Franklin County and the Office of the Prothonotary of Fulton County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

5. Arrange to have the local rule changes published on the Franklin County Bar Association web site at [www.franklinbar.org](http://www.franklinbar.org).

*By the Court*

DOUGLAS W. HERMAN,  
*President Judge*

#### Local Rule 1028(c). Preliminary Objections.

Preliminary Objections shall be scheduled, argued and decided in accordance with Local Rule 211.

**Note:** Local Rule 211, relating to Oral Arguments, reads as follows:

**39-211.1** Except as otherwise provided by the Court, arguments in the Franklin County Branch shall be held on the first Thursday of each month excluding August, except when that Thursday is a legal holiday, in which case the argument shall be held on as scheduled by the Court; and in the Fulton County Branch, arguments shall be held on days as established by the annual Court calendar or as scheduled by the Court.

**39-211.2** In the Franklin County Branch, causes for argument shall be listed in the Prothonotary's office in a docket to be provided for that purpose, on or before the Thursday which is six (6) weeks preceding the day for argument. Any party may list a cause by filing a Praeceptum directing the Prothonotary to list the cause for argument. In the Fulton County Branch, causes for argument may be listed in the Prothonotary's office in a docket to be provided for that purpose upon Praeceptum of a party filed at least six (6) weeks before the argument is to be scheduled before the assigned judge. The party entering a cause for argument shall forthwith, by ordinary mail, notify all other parties that the cause has been listed for argument; and shall file proof of service of such notice. Failure to give such notice shall be grounds for striking the cause from the list upon Motion.

**39-211.3** The parties may agree in writing to add a cause to the argument list at any time so long as service of briefs may be made in accordance with the time requirements of Rule 39-211.7. The Court may order a cause listed for argument at the next scheduled argument court or on such other day as it may direct and, in that event, it may set the time for service of briefs.

**39-211.4** When the ascertainment of facts is necessary for the proper disposition of a cause listed for argument, such facts may be determined by deposition or as otherwise provided in the Pennsylvania Rules of Civil Procedure.

**39-211.5** The person seeking the order applied for shall argue first, and may also argue in rebuttal, if permitted by the Court, but such rebuttal shall be limited to answering arguments advanced by the opposing party. In causes where there is more than one responding party, the order of argument by the responding parties shall be as directed by the Court.

**39-211.6** Each party shall furnish to every other party a typewritten brief in the form set forth in Local Rule 210, Form and content of Briefs.

**39-211.7** When a case is listed for argument, the moving party shall file and serve a copy of his brief upon all other parties in the manner set forth in Pa.R.C.P. 440(a) to insure receipt by the responding party not later than the thirty-fifth (35th) day preceding the day scheduled for argument. The responding party shall, in return, serve a copy of his brief upon the moving party in the manner set forth in Pa.R.C.P. 440(a) to insure receipt by the moving party not later than the twenty-eighth (28th) day preceding the day scheduled for argument. At the time each party serves his brief, he shall furnish two copies thereof to the assigned judge.

**39-211.8** Unless the time for filing and serving briefs is extended by the Court for cause shown, where briefs have not been timely filed and served as required by Rule 39-211.7, the Court may upon its own motion or upon request of a party:

- (1) Deny the relief requested where the moving party has failed to comply;
- (2) Grant the requested relief where the responding party has failed to comply;
- (3) Permit oral argument, but only by the complying party;
- (4) Grant such other relief or impose such other sanctions as it shall deem proper.

**39-211.9** With the approval of the Court, oral argument may be dispensed with by agreement of the parties and the matter shall be submitted to the Court on briefs filed.

**39-211.10** Cases shall be continued or stricken from the argument list only pursuant to order of Court. A party may request such an order of Court by petition setting forth the basis for the request. Such petition must include certification regarding concurrence or non-concurrence of all other parties as required by Local Rule 39-206.1.

**Local Rule 1034(a). Motion for Judgment on the Pleadings.**

Within twenty (20) days after service of a motion for judgment on the pleadings, the responding party shall file an answer and concurrently serve same on the moving party. Motions for judgment on the pleadings shall be scheduled, argued and decided in accordance with Local Rule 211.

**Note:** Local Rule 211, relating to Oral Arguments, reads as follows:

**39-211.1** Except as otherwise provided by the Court, arguments in the Franklin County Branch shall be held on the first Thursday of each month excluding August, except when that Thursday is a legal holiday, in which case the argument shall be held on as scheduled by the Court; and in the Fulton County Branch, arguments shall be held on days as established by the annual Court calendar or as scheduled by the Court.

**39-211.2** In the Franklin County Branch, causes for argument shall be listed in the Prothonotary's office in a docket to be provided for that purpose, on or before the Thursday which is six (6) weeks preceding the day for argument. Any party may list a cause by filing a Praeceptum directing the Prothonotary to list the cause for argument. In the Fulton County Branch, causes for argument may be listed in the Prothonotary's office in a docket to be provided for that purpose upon Praeceptum of a party filed at least six (6) weeks before the argument is to be scheduled before the assigned judge. The party entering a cause for argument shall forthwith, by ordinary mail, notify all other parties that the cause has been listed for argument; and shall file proof of service of such notice. Failure to give such notice shall be grounds for striking the cause from the list upon Motion.

**39-211.3** The parties may agree in writing to add a cause to the argument list at any time so long as service of briefs may be made in accordance with the time requirements of Rule 39-211.7. The Court may order a cause listed for argument at the next scheduled argument court or on such other day as it may direct and, in that event, it may set the time for service of briefs.

**39-211.4** When the ascertainment of facts is necessary for the proper disposition of a cause listed for argument, such facts may be determined by deposition or as otherwise provided in the Pennsylvania Rules of Civil Procedure.

**39-211.5** The person seeking the order applied for shall argue first, and may also argue in rebuttal, if permitted by the Court, but such rebuttal shall be limited to answering arguments advanced by the opposing party. In causes where there is more than one responding party, the order of argument by the responding parties shall be as directed by the Court.

**39-211.6** Each party shall furnish to every other party a typewritten brief in the form set forth in Local Rule 210, Form and content of Briefs.

**39-211.7** When a case is listed for argument, the moving party shall file and serve a copy of his brief upon all other parties in the manner set forth in Pa.R.C.P. 440(a) to insure receipt by the responding party not later than the thirty-fifth (35th) day preceding the day scheduled for argument. The responding party shall, in return, serve a copy of his brief upon the moving party in the manner set forth in Pa.R.C.P. 440(a) to insure receipt by the moving party not later than the twenty-eighth (28th) day preceding the day scheduled for argument. At the time each party serves his brief, he shall furnish two copies thereof to the assigned judge.

**39-211.8** Unless the time for filing and serving briefs is extended by the Court for cause shown, where briefs have not been timely filed and served as required by Rule 39-211.7, the Court may upon its own motion or upon request of a party:

- (1) Deny the relief requested where the moving party has failed to comply;
- (2) Grant the requested relief where the responding party has failed to comply;
- (3) Permit oral argument, but only by the complying party;
- (4) Grant such other relief or impose such other sanctions as it shall deem proper.

**39-211.9** With the approval of the Court, oral argument may be dispensed with by agreement of the parties and the matter shall be submitted to the Court on briefs filed.

**39-211.10** Cases shall be continued or stricken from the argument list only pursuant to order of Court. A party may request such an order of Court by petition setting forth the basis for the request. Such petition must include certification regarding concurrence or non-concurrence of all other parties as required by Local Rule 39-206.1.

**Local Rule 1035.2(a). Motion for Summary Judgment**

After the filing of a response in accordance with Pa.R.C.P. 1035.3, motions for summary judgment shall be scheduled, argued and decided in accordance with Local Rule 211.

**Note:** Local Rule 211, relating to Oral Arguments, reads as follows:

**39-211.1** Except as otherwise provided by the Court, arguments in the Franklin County Branch shall be held on the first Thursday of each month excluding August, except when that Thursday is a legal holiday, in which case the argument shall be held on as scheduled by the Court; and in the Fulton County Branch, arguments shall be held on days as established by the annual Court calendar or as scheduled by the Court.

**39-211.2** In the Franklin County Branch, causes for argument shall be listed in the Prothonotary's office in a docket to be provided for that purpose, on or before the Thursday which is six (6) weeks preceding the day for argument. Any party may list a cause by filing a Praeceptum directing the Prothonotary to list the cause for argument. In the Fulton County Branch, causes for argument may be listed in the Prothonotary's office in a docket to be provided for that purpose upon Praeceptum of a party filed at least six (6) weeks before the argument is to be scheduled before the assigned judge. The party entering a cause for argument shall forthwith, by ordinary mail, notify all other parties that the cause has been listed for argument; and shall file proof of service of such notice. Failure to give such notice shall be grounds for striking the cause from the list upon Motion.

**39-211.3** The parties may agree in writing to add a cause to the argument list at any time so long as service of briefs may be made in accordance with the time requirements of Rule 39-211.7. The Court may order a cause listed for argument at the next scheduled argument court or on such other day as it may direct and, in that event, it may set the time for service of briefs.

**39-211.4** When the ascertainment of facts is necessary for the proper disposition of a cause listed for argument, such facts may be determined by deposition or as otherwise provided in the Pennsylvania Rules of Civil Procedure.

**39-211.5** The person seeking the order applied for shall argue first, and may also argue in rebuttal, if permitted by the Court, but such rebuttal shall be limited to answering arguments advanced by the opposing party. In causes where there is more than one responding party, the order of argument by the responding parties shall be as directed by the Court.

**39-211.6** Each party shall furnish to every other party a typewritten brief in the form set forth in Local Rule 210, Form and content of Briefs.

**39-211.7** When a case is listed for argument, the moving party shall file and serve a copy of his brief upon all other parties in the manner set forth in Pa.R.C.P. 440(a) to insure receipt by the responding party not later than the thirty-fifth (35th) day preceding the day scheduled for argument. The responding party shall, in return, serve a copy of his brief upon the moving party in the manner set forth in Pa.R.C.P. 440(a) to insure receipt by the moving party not later than the twenty-eighth (28th) day preceding the day scheduled for argument. At the time each party serves his brief, he shall furnish two copies thereof to the assigned judge.

**39-211.8** Unless the time for filing and serving briefs is extended by the Court for cause shown, where briefs have not been timely filed and served as required by Rule 39-211.7, the Court may upon its own motion or upon request of a party:

- (1) Deny the relief requested where the moving party has failed to comply;
- (2) Grant the requested relief where the responding party has failed to comply;
- (3) Permit oral argument, but only by the complying party;
- (4) Grant such other relief or impose such other sanctions as it shall deem proper.

**39-211.9** With the approval of the Court, oral argument may be dispensed with by agreement of the parties and the matter shall be submitted to the Court on briefs filed.

**39-211.10** Cases shall be continued or stricken from the argument list only pursuant to order of Court. A party may request such an order of Court by petition setting forth the basis for the request. Such petition must include certification regarding concurrence or non-concurrence of all other parties as required by Local Rule 39-206.1.

[Pa.B. Doc. No. 11-717. Filed for public inspection April 29, 2011, 9:00 a.m.]

## FRANKLIN AND FULTON COUNTIES

In the Matter of the Adoption and Amendment of  
Local Rules of Civil Procedure; Misc. Doc. 2011-  
1625

## Order

April 14th, 2011, *It Is Hereby Ordered* that the following Rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, Civil Division, are amended, rescinded or adopted as indicated this date, to be effective upon publication on the Pennsylvania Judiciary's Web Application Portal:

Local Rule of Civil Procedure 205.2(a) is amended and shall now read as follows.

*It Is Further Ordered* that The District Court Administrator shall

1. Transmit a copy of this order and the foregoing rules to the Civil Procedural Rules Committee for transmittal to the Administrative Office of Pennsylvania Courts (AOPC) for publication on the Pennsylvania Judiciary's Web Application Portal.

2. Distribute two (2) certified paper copies and one (1) computer diskette or CD-ROM copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Provide one (1) certified copy of the Local Rule changes to the Franklin County Law Library and one (1) certified copy to the Fulton County Law Library.

4. Keep such local rule changes, as well as all local civil rules, continuously available for public inspection and copying in the Office of the Prothonotary of Franklin County and the Office of the Prothonotary of Fulton County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

5. Arrange to have the local rule changes published on the Franklin County Bar Association web site at [www.franklinbar.org](http://www.franklinbar.org).

*By the Court*

DOUGLAS W. HERMAN,  
*President Judge*

Local Rule 205.2(a). **Physical Characteristics of Pleadings and Other Legal Papers**; Assignment to Judge upon Filing of Complaint.

Upon the filing of a complaint, the Prothonotary shall assign the case to a specific judge and shall indicate the name of the particular judge assigned in the caption. The name of the judge to whom the case is assigned shall be noted in the caption of each service copy of the complaint.

(i) All pleadings and papers filed subsequent to the complaint shall have the name of the judge to whom the case is assigned noted in the caption.

(ii) Subsequent to the filing of a complaint, motions and petitions shall be directed to the assigned judge for disposition unless such judge is unavailable.

(iii) **Unless required by an applicable law or rule of court or unless so directed by the court, parties or their attorneys may include in documents filed of record only (a) the last four digits of a social security number or taxpayer identification number; (b) the month and year of a person's birth; and (c) the last four digits of financial account information.**

**Responsibility for redacting personal identifiers rests solely with the parties and documents will not be reviewed by the Prothonotary or Clerk of Courts for compliance with this requirement.**

[Pa.B. Doc. No. 11-718. Filed for public inspection April 29, 2011, 9:00 a.m.]

## LEHIGH COUNTY

Adoption of Local Rules of Court; Administrative  
Order: No. 2011-J-28

## Order of Court

And now, this 17th day of March 2011, effective May 30, 2011, it is hereby *Ordered* that Lehigh County Rules pertaining to Voluntary Mediation in Custody Actions are *Amended* as follows:

**Rule 1940.3. Rescinded.**

**Rule 1940.4. Rescinded.**

**Rule 1940.6. Rescinded.**

**Rule 1940.7. Rescinded.**

**New Rules Adopted**

**Rule 1940.3. Order for Orientation Session and Mediation.**

(a) Except as provided in (b), the court may order the parties to attend a mediation orientation session at any time upon request of a party or the court's own initiative.

(1) Upon commencement of an action for custody or upon filing of a petition for modification or contempt, the moving party may request in writing an order directing the parties to attend a mediation orientation session. The request shall be directed to the family court administrator on the form provided by the family court office.

(2) If the moving party has not made such a request, the non-moving party may, within five (5) business days of receipt of the pleading, request in writing an order for a mediation orientation session. The request shall be directed to the family court administrator on the form provided by the family court office.

(3) At the conclusion of the mediation orientation session, the parties may consent to proceed immediately with mediation.

(4) Upon agreement of the parties, the court may schedule mediation at any time during the pendency of an action involving custody.

(b) Notwithstanding a request by a party, the court shall not issue an order for a mediation orientation session if a party or a child of either party is or has been the subject of domestic violence or child abuse either during the pendency of the action or within 24 months preceding the filing of the action.

**Rule 1940.4. Minimum Qualifications of the Mediator.**

A mediator is a person approved by the Lehigh County Court of Common Pleas who has met the requirements of Pa.R.C.P. 1940.4 and any additional qualifications this court may from time to time require.

**Rule 1940.6. Termination of Mediation.**

(a) If an agreement is reached through mediation, the mediator shall prepare a memorandum of agreement as follows:

- (1) for the parties' signatures, if neither is represented by counsel, or
- (2) for the parties' review with counsel.

(b) If no agreement is reached, the case shall be scheduled for conference before a custody hearing officer.

**Rule 1940.7. Mediator Compensation.**

(a) Mediators shall be compensated for their services at a rate to be established by the court.

(b) Fees for mediation shall be established by the court, and shall be paid to the Clerk of Judicial Records prior to a mediation orientation session.

*By the Court*

CAROL K. MCGINLEY,  
*President Judge*

[Pa.B. Doc. No. 11-719. Filed for public inspection April 29, 2011, 9:00 a.m.]

**SNYDER AND UNION COUNTIES**

**Adoption of Local Rules; No. 11 0288; MC-13-2011**

**Order**

*And Now*, this 8th day of April, 2011 it is hereby *Ordered*:

1. That existing Local Rule 17CV1915.4 is amended to include subsection (e).

2. That the Court hereby adopts the following Local Rule. The said rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

**17CV1915.4(e).**

(e). There shall be imposed on each party a \$10.00 fee to be paid to the Central Susquehanna Valley Mediation Center, Inc. This fee **shall be paid** at the first (1st) Mediation Session for the purpose of deferring the cost of the mediation services. In extraordinary circumstances as determined by the Mediator this fee may be waived for either party.

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

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

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

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

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

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

*By the Court*

MICHAEL H. SHOLLEY,  
*President Judge*

[Pa.B. Doc. No. 11-720. Filed for public inspection April 29, 2011, 9:00 a.m.]

**SUPREME COURT**

**Modification of the Magisterial Districts Within the Nineteenth Judicial District; No. 281 Magisterial Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 15th day of April, 2011, upon consideration of the Request of the President Judge of York County to eliminate Magisterial District 19-3-02, reconfigure Magisterial Districts 19-2-01, 19-2-04, 19-3-01, 19-3-03, 19-3-06, 19-3-07, and 19-3-09 and create a new magisterial district in the Nineteenth Judicial District (York County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Request is granted. This Order is effective January 2, 2012. The vacancy for District 19-3-02 shall not appear on the ballot for the primary or general election in 2011.

Said Magisterial Districts shall be as follows:

Magisterial District 19-2-01: Springettsbury Township  
Magisterial District Judge  
Barry L. Bloss, Jr.

Magisterial District 19-2-04: Manchester Township  
Magisterial District Judge  
Vacant

Magisterial District 19-3-01: East Prospect Borough  
Magisterial District Judge  
John H. Fishel  
Felton Borough  
Red Lion Borough  
Windsor Borough  
Yorkana Borough  
Chanceford Township  
Lower Windsor Township  
Windsor Township

New Magisterial District  
Magisterial District Judge to  
be determined  
East Manchester  
Township  
Hellam Township  
Hellam Borough  
Manchester Borough  
Mount Wolf Borough  
Wrightsville Borough

Magisterial District 19-3-03: Cross Roads Borough  
Magisterial District Judge  
John R. Olwert  
Delta Borough  
Fawn Grove Borough  
Stewartstown Borough  
Winterstown Borough  
East Hopewell Township  
Fawn Township  
Hopewell Township  
Lower Chanceford  
Township  
North Hopewell Township  
Peach Bottom Township



Magisterial District 19-3-06:  
 Magisterial District Judge  
 Kim S. Leppo

Jefferson Borough  
 New Salem Borough  
 Seven Valleys Borough  
 Spring Grove Borough  
 Codorus Township  
 Heidelberg Township  
 Jackson Township  
 Manheim Township  
 North Codorus Township  
 Paradise Township

Magisterial District 19-3-07:  
 Magisterial District Judge  
 Gerald E. Shoemaker

Dover Borough  
 Conewago Township  
 Dover Township

Magisterial District 19-3-09:  
 Magisterial District Judge  
 Scott J. Gross

Goldsboro Borough  
 Lewisberry Borough  
 York Haven Borough  
 Fairview Township  
 Newberry Township

[Pa.B. Doc. No. 11-721. Filed for public inspection April 29, 2011, 9:00 a.m.]

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**Modification of the Magisterial Districts Within the Twelfth Judicial District; No. 280 Magisterial Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 15th day of April, 2011, upon consideration of the Request of the President Judge of Dauphin County to eliminate Magisterial District 12-1-03 of the Twelfth Judicial District (Dauphin County) of the Com-

monwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Request is granted. This Order is effective January 2, 2012. The vacancy for District 12-1-03 shall not appear on the ballot for the primary or general election in 2011.

The President Judge of Dauphin County shall submit to the Administrative Office of Pennsylvania Courts a recommendation for the distribution of the wards contained within that district to other magisterial districts.

[Pa.B. Doc. No. 11-722. Filed for public inspection April 29, 2011, 9:00 a.m.]

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**Provisions for Electronic Filing of Attorney Registration Statements; No. 99 Disciplinary Rules Doc.**

**Order**

*Per Curiam:*

*And Now*, this 13th day of April, 2011, the Disciplinary Board having established a procedure for Attorney Annual Registration Statements and accompanying fees required by Pa.R.D.E. 219 and 502 and Pa.R.P.C. 1.15 to be filed electronically beginning with the 2011 reporting year.

*It Is Ordered* that the submission of the Attorney Annual Registration Statement through electronic means signifies the Attorney's intent to sign the form. By submitting the form electronically, the attorney certifies that the electronic filing is true and correct.

This order shall be effective immediately.

[Pa.B. Doc. No. 11-723. Filed for public inspection April 29, 2011, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, May 11, 2011. The hearing will be part of the Commission's regular business meeting. The conference session and business meeting both are open to the public and will be held at the West Trenton Volunteer Fire Company, 40 West Upper Ferry Road, West Trenton, NJ.

The conference among the commissioners and staff will begin at 11 a.m. and will consist of two presentations: a report by Deputy Delaware River Master Gary N. Paulachok, P.G. of the United States Geological Survey on a 1-year extension of the Flexible Flow Management Plan; and a report by Dr. Jonathan H. Sharp of the University of Delaware on the Delaware Estuary Boat Run Monitoring Program.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed as follows:

1. *U.S. Steel, D-1978-068-3*. An application to renew Commission approval for the discharge of up to 0.163 million gallon per day (mgd) of treated sanitary wastewater from the applicant's wastewater treatment plant (WWTP) by means of Outfall No. 203 and 3.75 mgd of treated industrial wastewater and noncontact cooling water (NCCW) from the applicant's industrial wastewater treatment plant (IWTP) by means of Outfall No. 103 as well as to continue a Total Dissolved Solids (TDS) Determination that allows TDS effluent concentrations of up to 1,100 mg/l as a monthly average; 2,200 mg/l as a daily maximum; and 2,750 mg/l as an instantaneous maximum, by means of combined Outfall No. 003. Internal Outfalls Nos. 103, 203 and 303 (stormwater only) will continue to discharge to the Delaware River by means of combined Outfall No. 003. The combined discharge from the applicant's WWTP and IWTP is made by means of Outfall No. 003 to the tidal region of Water Quality Zone 2 of the Delaware River at River Mile 127. The WWTP and IWTP are located in Falls Township, Bucks County, PA.

2. *French Creek State Park, D-1980-007 CP-4*. An application to renew Commission approval to continue to withdraw up to 3.1 million gallons per month (mgm) of groundwater to supply the French Creek State Park from existing Wells in the Hammer Creek Formation. The project is located in the French Creek Watershed in Union Township, Berks County, PA, within the Southeastern Pennsylvania Ground Water Protected Area.

3. *GenOn Energy, Inc., D-1987-26-3*. An application to renew Commission approval of discharges of treated industrial wastewater effluent from the Titus Generating Station (TGS) to the Schuylkill River as follows: the TGS IWTP by means of Outfall 002; coal-ash leachate from the Beagle Club Ash Disposal (BCAD) site by means of Outfall 004; and combined NCCW, intake screen backwash, and stormwater by means of Outfall 001. The

applicant has requested that the intermittent discharge from Outfall 004 continue to have an effluent limit of 3,500 mg/l of TDS as a monthly average. Effluent limits for the existing NCCW discharge (Outfall 001), IWTP (Outfall 002) and BCAD site (Outfall 004) will continue to be based on average annual flows of 1.469 mgd, 2.149 mgd and 1.007 mgd, respectively. The IWTP is hydraulically designed for 3.2 mgd. The TGS facilities will continue to discharge to the Schuylkill River. The project is located in Cumru Township, Berks County, PA.

4. *Middletown Township, Middletown Country Club, D-1996-032 CP-2*. An application for approval of an existing groundwater withdrawal project to continue to supply up to 4.13 mgm of water to the applicant's golf course from existing Well No. 1-G. The project is located in the Precambrian Felsic Gneiss in the Neshaminy Creek Watershed in Middletown Township, Bucks County, PA within the Southeastern Pennsylvania Ground Water Protected Area.

5. *Concord Township Sewer Authority, D-1997-019 CP-3*. An application for approval to continue discharging 1.8 mgd of treated effluent from the Concord Township WWTP. The WWTP will continue to discharge to the West Branch Chester Creek at River Mile 82.93—8.9—5.4 (Delaware River—Chester Creek—West Branch Chester Creek) in Concord Township, Delaware County, PA.

6. *Bedminster Municipal Authority—Pennland Farms, D-2006-010 CP-2*. An application to renew Commission approval of the existing 0.06 mgd Pennland Farms WWTP. The WWTP discharges to an unnamed tributary of Deep Run Creek at River Mile 157—4.7—7.1—0.1 (Delaware River—Tohickon Creek—Deep Run Creek—UNT). It is located in Bedminster Township, Bucks County, PA within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

7. *Exelon Generation Company, LLC—Schuylkill Generating Station, D-1964-074 CP-2*. An application for a decrease in the approved surface water withdrawal (SWWD) allocation associated with Intake No. 1 to 5,180 mgm, of which 2,483 mgm would be for use at the Schuylkill Generating Station (SGS). Intake No. 1 supplies water to the Grays Ferry Cogen Facility (GFCF) and the Tri-Gen Corporation Facility (Tri-Gen) as well as to the SGS. The three facilities are located adjacent to one another on a Schuylkill River site formerly owned and operated by the Philadelphia Energy Company. The GFCF and Tri-Gen generating stations and subsidiary water allocations were approved on June 28, 1995, by Docket Nos. D-95-32 and D-95-10, respectively. The Commission staff evaluated the current and 10-year projected uses for all three facilities. The current average and maximum SWWDs are 2,982 mgm and 4,473 mgm, respectively. The 10-year combined maximum SWWD is estimated to be 5,180 mgm, less than the 8,277 mgm formerly approved by the Commission in the facilities' three separate dockets. The SGS is located in the City of Philadelphia, PA.

8. *E.I. du Pont de Nemours and Company (DuPont), D-1988-085-3*. An application to renew Commission approval of discharges from the DuPont Chambers Works

IWTP and to approve modifications to the IWTP, including the construction of a new 48" diameter IWTP outfall pipe with a multi-port diffuser and additional modifications to accommodate the new outfall. The proposed outfall will be located approximately 400 feet south of the existing outfall. By supplemental submission filed on July 22, 2010, the docket holder also seeks approval for an alternative mixing zone in accordance with section 4.20.5.A.1.f of the Water Quality Regulations. The IWTP outfall will continue to discharge treated effluent from the IWTP, noncontact cooling water, and stormwater to the Delaware River Estuary in Water Quality Zone 5. The project IWTP is located in Pennsville and Carneys Point Townships, Salem County, NJ.

9. *Sunnybrook Golf Club, D-1997-007-2*. An application to approve an existing groundwater withdrawal (GWD) project of up to 4.6 mgm for irrigation of the applicant's golf course from existing Wells Nos. 1 and 2. The previous Commission approval expired before a renewal application was received. The project is located in the Ledger Dolomite in the Wissahickon Creek Watershed in Whitmarsh Township, Montgomery County, PA, within the Southeastern Pennsylvania Ground Water Protected Area.

10. *Portland Borough Authority, D-1997-029 CP-4*. Application for approval of a GWD project to increase the existing allocation from all system wells from 5.7 million gallons per 30 days (mg/30 days) to 12.4 mgm. The increased allocation is requested to meet projected increases in service area demand. Docket No. D-1997-029 CP-3 approved the current groundwater allocation of up to 4.32 mgm of water from new Well No. 4 to serve the applicant's public water supply system. The project well is completed in the Martinsburg Formation and is located in the Slateford Creek Watershed in Upper Mount Bethel Township, Northampton County, PA. The site is located within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

11. *Johnson Matthey, Inc., D-1999-038-3*. An application for approval of the existing IWTP. The IWTP will continue to treat 0.08 mgd of industrial wastewater generated by its pharmaceutical manufacturing facility. The previous Commission approval—Docket No. D-1999-038-2 issued on May 10, 2007—expired on April 30, 2010. The IWTP will continue to discharge to the Schuylkill River by means of the Matsunk Creek culvert. The project is located in Upper Merion Township, Montgomery County, PA.

12. *Reading Area Water Authority (RAWA), D-2000-59 CP-2*. An application for approval of the bulk sale interconnection and transfer up to 1.5 mgd of potable water from the RAWA system to the Pennsylvania American Water Company (PAWC) Glen Alsace District water distribution system. Some of the water supply is also needed to serve PAWC's customers in its Douglassville District by means of an existing interconnection. The application also includes the revision of the RAWA Operating Plan to reflect conservation release modifications from the Lake Ontelaunee Reservoir. The reservoir is located in Ontelaunee Township, Berks County, PA and is situated on Maiden Creek in the Schuylkill River Watershed.

13. *Buckingham Township, D-2004-015 CP-2*. An application for approval of the existing Buckingham Village

WWTP and Furlong Sewage Treatment Lagoon System (Furlong WWTP). The previous Commission approval—Docket No. D-2004-015 CP-1 issued October 27, 2004—expired on October 27, 2009. The Buckingham Village WWTP will continue to discharge up to 0.236 mgd of treated sewage effluent to Mill Creek, a tributary of the Neshaminy Creek; however, from April 1 to November 30, the Buckingham Village WWTP will divert the treated sewage effluent for spray irrigation to spray fields associated with the Furlong WWTP. The Furlong WWTP is designed to treat a flow of up to 302,268 gallons per day (gpd) and currently permitted by Department of Environmental Protection to treat up to 257,000 gpd. The facility is located in Buckingham Township, Bucks County, PA.

14. *Lafarge North America, D-1974-189-2*. An application for approval of a GWD and SWWD project to supply up to 70.68 mgm of water to the applicant's cement manufacturing plant from existing Wells Nos. 1 and 2 and an existing surface water intake on the Lehigh River. The withdrawals are used for processing and noncontact cooling. The project withdrawals were previously approved by Docket No. D 1975-115 issued for the cooling water discharge on August 27, 1975. Consistent with current Commission practice, a separate withdrawal docket is now required. The project wells and quarry are completed in the Jacksonburg Formation. The project is located in the Coplay Creek and Lehigh River Watersheds in Whitehall Township, Lehigh County, PA within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

15. *City of Trenton, D-1998-009 CP-2*. An application for approval of an existing SWWD project to withdraw up to 1,350 mgm of surface water through one existing surface water intake. The application includes a request to retroactively approve the construction of an expansion and upgrade of the existing water filtration plant (WFP) from 45 mgd to 60 mgd. The allocation and expansion and upgrade of the WFP are required in order to meet projected increases in service area demand. The surface water intake withdraws water from the main stem Delaware River. The project is located in the Delaware River Watershed in the City of Trenton, Mercer County, NJ, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

16. *Butter Valley Golf Port, D-2010-013-1*. An application for a new GWD and SWWD project to supply the applicant's golf course irrigation system with up to 5.89 mgm of water as a combined total from all sources. Sources are proposed to include one existing surface water intake (Pond Intake No. 1), one new surface water intake (Pond Intake No. 2) and one new groundwater well (Well B). The project well is located in the Brunswick Group in the West Branch Perkiomen Creek Watershed in Upper Hanover Township, Montgomery County, PA within the Southeastern Pennsylvania Ground Water Protected Area.

17. *XTO Energy, Inc., D-2010-022-1*. An application for approval of a SWWD project to supply up to 0.25 mgd or 7.50 mgm of water for the applicant's natural gas exploration and production activities in Broome and Delaware Counties, NY. Surface water will be withdrawn at a site on Oquaga Creek within the Oquaga Creek Watershed in the Town of Sanford, Broome County, NY. Oquaga Creek

drains to the West Branch Delaware River. The withdrawal site is located within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters.

18. *Exelon Generation Company, LLC—Schuylkill, D-2010-040 CP-1*. An application for the approval of an existing combined discharge of up to 231.84 mgd of NCCW and traveling screen backwash from the SGS by means of Outfall No. 001. Outfall No. 001 discharges to the tidal portion of the Schuylkill River at River Mile 92.47—5.6 (Delaware River—Schuylkill River) in Water Quality Zone 4 in the City of Philadelphia, PA.

19. *South Jersey Port Corporation, D-2010-044 CP-1*. An application for approval of the Paulsboro Marine Terminal dredging and wharf construction project. The proposed project includes: the construction of a deep water marine terminal consisting of a 150-foot wide by 2,850-foot long wharf providing for: four berths for the loading and unloading of a variety of general bulk and break bulk cargo; dredging in the Delaware River of approximately 334,000 cubic yards; the construction of a public, bi-directional access roadway between Paradise Road in the Township of West Deptford and Universal Road in the Borough of Paulsboro; and the construction of a 25-foot high, three span composite steel plate girder bridge across Mantua Creek just upstream of its confluence with the Delaware River. The proposed Paulsboro Marine Terminal site is located at the former 130-acre BP Oil Terminal site and adjacent 60-acre Essex Industrial Chemicals site in the Borough of Paulsboro, Gloucester County, NJ, along the Delaware River in Water Quality Zone 4 at approximately River Mile 90.

In addition to the standard business meeting items, consisting of adoption of the Minutes of the Commission's March 2, 2011, business meeting, announcements of upcoming meetings and events, a report on hydrologic conditions, reports by the Executive Director and the Commission's General Counsel, and public dialogue, the business meeting also will include public hearings on: (a) a resolution to increase the maximum daily surface water withdrawal from the Schuylkill River by Exelon's Limerick Generating Station (LGS), without increasing LGS's total monthly allocation; (b) a hearing at which the Lambertville Municipal Utilities Authority is requested to show cause why it should not be assessed a penalty in accordance with the *Delaware River Basin Compact* and Commission regulations for failing to obtain Commission review and approval prior to undertaking improvements

to its wastewater treatment plant; (c) a resolution authorizing the Executive Director to enter into agreements for information technology upgrades to improve data management and retrieval; and (d) a resolution amending Resolution No. 2010-11 to increase the authorized amount of the Commission's contract for management of comments received on a proposed rulemaking concerning natural gas development. The Commissioners also will consider a Resolution for the Minutes authorizing the Executive Director to award a contract for janitorial services; a resolution to adopt the Commission's current expense and capital budgets for Fiscal Year 2012 (on which the Commission held a public hearing on March 2, 2011); and a resolution approving election of the Commission Chair, Vice Chair and Second Vice Chair for fiscal year 2012.

Draft dockets scheduled for public hearing on May 11, 2011, can be accessed through the Notice of Commission Meeting and Public Hearing on the Commission's web site, drbc.net, 10 days prior to the meeting date. Additional public records relating to the dockets may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

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

Individuals who wish to comment for the record on a hearing item or to address the Commissioners informally during the public dialogue portion of the meeting are asked to sign up in advance by contacting Paula Schmitt of the Commission staff, at paula.schmitt@drbc.state.nj.us or (609) 883-9500, Ext. 224.

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

PAMELA M. BUSH, Esq.,  
Secretary

[Pa.B. Doc. No. 11-724. Filed for public inspection April 29, 2011, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 12, 2011.

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

## NOTICES

## BANKING INSTITUTIONS

## Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-8-2011	<p><i>From:</i> Univest National Bank and Trust Co. Souderton Montgomery County</p> <p><i>To:</i> Univest Bank and Trust Co. Souderton Montgomery County</p> <p>Application for approval to convert from a national bank and trust company to a state-chartered bank and trust company.</p>	Filed

## Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-12-2011	<p>Kieran W. Goodwin</p> <p>Application for approval to acquire up to 35.3% of the common stock of Colonial American Bank, Horsham.</p>	Approved
4-12-2011	<p>The Snyder Group</p> <p>Application for approval to acquire up to 51.0% of the common stock of NexTier, Inc., Butler, and thereby indirectly acquire up to 51.0% of NexTier Bank, National Association, Butler.</p>	Approved

## Branch Applications

## De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-4-2011	Standard Bank, PaSB Murrysville Westmoreland County	Eastgate Shopping Center 5150 US Route 30 Greensburg Westmoreland County	Opened

## Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-18-2011	ACNB Bank Gettysburg Adams County	<p><i>Into:</i> 39 Carlisle Road Newville Cumberland County</p> <p><i>From:</i> 1 West Big Spring Avenue Newville Cumberland County</p>	Effective

## Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-11-2011	Graystone Tower Bank Lancaster Lancaster County	Westgate Plaza 309 Lancaster Avenue Frazer Chester County	Approved
4-11-2011	Graystone Tower Bank Lancaster Lancaster County	849 West Baltimore Pike West Grove Chester County	Approved

## SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

No activity.

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

PAUL WENTZEL,  
*Acting Secretary*

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS212216 (Storm Water)	Berks Products Ready Mix Concrete Plant 3110 Bath Pike Nazareth, PA 18064	Northampton County Upper Nazareth Township	Unnamed Tributary to East Branch Monocacy Creek (2-C) HQ-CWF	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060623 (Sewage)	Silver Lake Township Municipal Authority (Quaker Lake WWTP) S R 4002, Quaker Lake Road Brackney, PA 18812	Susquehanna County Silver Lake Township	Unnamed Tributary to Little Rhiney Creek (4-E)	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>
PA0041645 (Sewage)	PA DOT Rest Area L PA DOT Design Bureau P. O. Box 3060 Harrisburg, PA 17105-3060	Erie County Springfield Township	Unnamed tributary to Turkey Creek 15	Y
PA0102482 (Sewage)	James E. Kriley d/b/a Green Acres MHP 797 Pittsburgh Road Butler, PA 16002	Butler County Penn Township	Unnamed tributary of Glade Run 20-C	Y
PA0103411 (Industrial Waste)	Ellwood Quality Steels Company 700 Moravia Street New Castle, PA 16101	Lawrence County City of New Castle	Shenango River (Outfall 001) and Neshannock Creek (Outfalls 002)	Y
PA0221970 (Industrial Waste)	Greenville Borough WTP South Water Street Greenville, PA 16125	Mercer County Hempfield Township	Shenango River 20-A	Y
PA0032727 (Sewage)	PA Department of Transportation Bureau of Design Rest Area 21 P. O. Box 3060 Harrisburg, PA 17105-3060	Venango County Irwin Township	Unnamed tributary to the East Branch Wolf Creek 30-C	Y
PA0032778 (Sewage)	PA Department of Transportation Bureau of Design Rest Area 22 P. O. Box 3060 Harrisburg, PA 17105-3060	Venango County Irwin Township	Unnamed tributary to the Scrubgrass Creek 16-G	Y

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

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

**PA0058947**, Stormwater Industrial, SIC Code 3273, **JDM Materials**, and 851 County Line Road, Huntingdon Valley, PA 19006-1111. Facility Name: JDM Materials Grant Ave Plant. This existing facility is located in City of Philadelphia, **Philadelphia County**.

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

The receiving stream(s), Wooden Bridge Run, is located in State Water Plan watershed 3J and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a stormwater.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Annual Average</i>	<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Minimum</i>		<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)		6.0			9.0
Total Suspended Solids			50	100	100
Oil and Grease			Report		Report

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

1. Remedial Measures
2. Necessary Property Rights

3. Small Stream Discharge
4. BAT/ELG Reopener Clause
5. Sludge Disposal
6. Change of ownership
7. TMDL/WLA Analysis
8. IMAX limits on DMR
9. Laboratory Certification
10. Stormwater Discharge
11. Stormwater BMP
12. Additional Requirements for Concrete Batch Facilities

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

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

**PA0008231**, Industrial Waste, SIC Code 2258 (NAICS Code 313312), **Gold Mills, LLC**, PO Box 26969, Greensboro, NC 27410. Facility Name: Gold Mills, LLC. This existing facility is located in Pine Grove Borough, **Schuylkill County**.

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

The receiving stream(s), Swatara Creek, is located in State Water Plan watershed 7-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD <sub>5</sub>	217	792	XXX	XXX	XXX	XXX
Chemical Oxygen Demand	3470	6930	XXX	XXX	XXX	XXX
Total Suspended Solids	417	834	XXX	XXX	XXX	XXX
Oil and Grease	250	500	XXX	15.0	30.0	XXX
Total Antimony (Interim)	0.917	1.834	XXX	0.055	0.110	0.138
Total Antimony (Final)	0.30	0.47	XXX	0.018	0.028	0.045
Total Chromium	4.33	8.67	XXX	XXX	XXX	XXX
Total Sulfide	8.67	17.3	XXX	XXX	XXX	XXX
Total Phenols	4.33	8.67	XXX	XXX	XXX	XXX
Total Aluminum	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Iron	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Manganese	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	7065			
Net Total Phosphorus	Report	271			

Outfalls 002 through 008 discharge only uncontaminated stormwater runoff. There are no effluent limitations or monitoring requirements for these outfalls.

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and



Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin upon issuance of the permit. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28 of each year.

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

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

1. Chesapeake Bay Nutrient Requirements
2. Requirements Applicable to Stormwater Outfalls
3. Chemical Additives
4. Toxics Reduction Evaluation (TRE)

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

The EPA Waiver is not in effect.

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

**PA0097764**, Sewage, **BHW Holdings, LLC**, 312 Irving Terrace, Kenmore, NY 14223

This application is for renewal of an NPDES permit to discharge treated sewage from BHW Holdings STP in Mt. Pleasant Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Shupe Run, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Westmoreland County Municipal Authority, McKeesport on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.009 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instant. Maximum
CBOD-5 Day	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
May 1 to Oct 31	2.0			4.0
Nov 1 to Apr 30	4.5			9.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.09			0.21
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0044067**, Industrial Waste, SIC Code 0273, **PA Fish & Boat Comm**, 1735 Shiloh Road, State College, PA 16801-8451. Facility Name: Union City Fish Culture Station. This existing facility is located in Union Township, **Erie County**.

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

The receiving stream, Bentley Run, is located in State Water Plan watershed 16-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.144 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	XXX	Report Daily Avg	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Nitrogen	Report	Report	XXX	Report	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.265 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
		Daily Avg				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Nitrogen	Report	Report	XXX	Report	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.375 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
		Daily Avg				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Nitrogen	Report	Report	XXX	Report	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0.18 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
		Daily Avg				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Nitrogen	Report	Report	XXX	Report	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0.144 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
		Daily Avg				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Nitrogen	Report	Report	XXX	Report	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0.648 MGD.\*\*

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average</i>	<i>Daily</i>	<i>Minimum</i>	<i>Average</i>	<i>Daily</i>	<i>Instant.</i>
	<i>Monthly</i>	<i>Maximum</i>		<i>Monthly</i>	<i>Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
		Daily Avg				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Nitrogen	Report	XXX	Report	Report	XXX	
Total Phosphorus	Report	Report	XXX	Report	Report	XXX

\*\* this outfall would contain any residual therapeutic chemicals used for treating fish disease. Authorized therapeutic chemicals for this hatchery are listed in Part C.II.1., along with maximum usage rates.

The proposed effluent limits for Outfall 007 are based on a design flow of 0.144 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Average	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	4	XXX	8
Total Iron	XXX	XXX	XXX	2	XXX	4
Total Manganese	XXX	XXX	XXX	1	XXX	2

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

1. Approved Therapeutic Chemicals and Maximum Usage Rates

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

The EPA Waiver is in effect.

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

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

**WQM Permit No. 5411404**, Sewerage, **Butler Township Municipal Authority**, 572 Dutchtown Rd., PO Box 382, Ashland, PA 17921

This proposed facility is located in Butler Twp., **Schuylkill County**, PA.

Description of Proposed Action/Activity: The proposed project involves conversion of the existing gas chlorination system to a sodium hypochlorite system.

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

**WQM Permit No. 4286201**, Industrial Waste, Amendment No. 1, **American Refining Group Inc.**, 77 North Kendall Avenue, Bradford, PA 16701-1726

This existing facility is located in City of Bradford, **McKean County**.

Description of Proposed Action/Activity: The proposed project proposes modifications and additions to the existing plant. Modification includes replacing the existing WEMCO Induced Air Filtration unit with a flocculation tank and Dissolved Air Flotation (DAF) unit and replacement of a "cut tank" with larger solids decant tank. Being added is a flocculation tank and new DAF unit after the biotowers, solids decant tanks, sludge pumps, and hypochlorite disinfection with dechlorination.

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

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

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

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

*Lehigh County Conservation District: Lehigh County Ag. Center, Ste. 102, 4184 Dorney Park Rd., 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>
PAI023911009	Anthony Caciolo Monogram Land Holding, Ltd. 6366 Robin Lane Coopersburg, PA 18036	Lehigh	Upper Macungie Twp.	Little Lehigh Creek, HQ-CWF, MF

*Northampton County Conservation District: Greystone Building, 14 Gracedale Ave., Nazareth, PA 18064, 610-746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804011(1)	DeLuca Homes 107 Floral Vale Blvd. Yardley, PA 19076	Northampton	Upper Nazareth Twp.	Monocacy Creek, HQ-CWF, MF

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

<i>NPDES Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032111001	Earl Parshall Borough of Shippensburg 111 North Fayette Street Shippensburg, PA 17257	Cumberland	Shippensburg Boro. and Shippensburg Twp.	UNT to Middle Spring Creek, CWF/MF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

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#### **CAFO Notices of Intent Received**

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

**PAG124841**, CAFO SIC 0213, 0212, **Troxell Farms**, Broc Troxell, 250 Showers Road, New Columbia, PA 17856.

This proposed facility is located in White Deer Township, **Union County**.

Description of Size and Scope of Proposed Operation/Activity: 741.18 AEUs, Swine finishing, beef cow/calf.

The receiving stream, UNT to West Branch of the Susquehanna River, is in watershed White Deer Creek 10C and classified for: 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 general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

### **STATE CONSERVATION COMMISSION**

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

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

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

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

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Four Winds Dairy, LLC Rick Van Etten 400 Van Etten Rd Ulysses, PA 16948	Potter	1472	2213	Dairy	HQ Trib to Lehman Hollow Swartz Hollow	Renewal
Shady Rill Farm 252 Tharp Road Mt. Pleasant Mills, PA 17853	Snyder	1231  537.1 Owned & 105.5 Rented for manure application	915.99	Swine	N/A	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Application No. 4611511** Public Water Supply  
Applicant **Schwenksville Borough Authority**

Borough Schwenksville  
County **Montgomery**  
Responsible Official Michael Sullivan, Executive Director  
298 Main Street  
P. O. Box 458  
Schwenksville, PA 19473  
Type of Facility PWS  
Consulting Engineering Ebert Engineering, Inc.  
P. O. Box 540  
4092 Skippack Pike, Suite-202  
Skippack, PA 19474  
Application Received Date April 4, 2011  
Description of Action Interconnection between North Penn Water Authority & Schwenksville Borough Authority.

**Application No. 4611512** Public Water Supply

Applicant **Aqua PA**  
Township Perioikiomen  
County **Montgomery**  
Responsible Official J. Preston Luitweiler, P.E.  
762 West Lancaster Avenue  
Bryn, Mawr, PA 19010  
Type of Facility PWS  
Consulting Engineering Aqua PA  
762 West Lancaster Avenue  
Bryn, Mawr, PA 19010  
Application Received Date April 14, 2011  
Description of Action Development of Meyers Tract Well A.

**Application No. 1511514** Public Water Supply

Applicant **Aqua Pennsylvania, Inc.**  
Township West Brandywine  
County **Chester**  
Responsible Official Joseph Thurwanger, P.E.  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010  
Type of Facility PWS

Consulting Engineering Gannett Fleming Inc.  
P. O. Box 80791  
Valley Forge, PA 19494

Application Received Date April 14, 2011

Description of Action Construct a 1.0 MG, partially buried, concrete water storage tank, a booster pumping station. A 1732 & 1736 horseshoe Pike (Rte. 322) in West Brandywine Township, Chester PA.

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

**Application No.1011502, Public Water Supply**

Applicant **Evans City Borough**

Township or Borough Evans City Borough, **Butler County**

Responsible Official Norman Nelson, Director of Public Works

Consulting Engineer Daniel E. Dow, PE  
Herbert, Rowland & Grubic, Inc.  
200 W. Kensington Drive  
Suite 400  
Cranberry Township, PA 16066

Application Received Date 04/11/2011

Description of Action Request to become a consecutive water supplier & purchase bulk water from Pennsylvania American Water Company.

**MINOR AMENDMENT**

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

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

**Application No. 3511503MA, Minor Amendment.**

Applicant **PA American Water Company**  
Mr. David Kaufman  
Vice President-Engineering  
800 West Hershey Park Drive  
Hershey, PA. 17033

[Township or Borough] Dalton Borough, **Lackawanna County**

Responsible Official David Kaufman

Type of Facility Public Water Supply

Consulting Engineer Mr. Daniel Rickard, PE.  
PA American Water Company  
100 N. Pennsylvania Avenue  
Wilkes-Barre, PA. 18701

Application Received Date April 8, 2011

Description of Action Installation of new contact main in order to achieve 4-Log disinfection and replace chlorine gas with liquid chlorine solution for Upper Dalton Well.

**WATER ALLOCATIONS**

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

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

**WA 10-1012, Water Allocations. Evans City Borough, 204B South Jackson St. Evans City, PA 16033, Jackson Township, Butler County.** The project consists of construction of an interconnection with PA American Water-Ellwood City to provide 500,000 gpd of water to Evans City Borough. This source will replace their existing water source, which is Likens Run reservoir.

**BIOSOLIDS INDIVIDUAL PERMITS (PABIG AND PABIS)**

The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to land apply biosolids subject to certain requirements in the permit.

Persons wishing to comment on a proposed permit are invited to submit statements to the responsible Department regional office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determination regarding an application. A response should include the name, address and telephone number of the writer and a concise statement of a comment and the relevant facts upon which it is based. A public hearing may be held if the regional office considers the public response significant.

Following the 30-day comment period, the water management regional manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board (Board).

The application and related documents, comments received and other information on file and may be inspected and arrangements made for copying at the responsible Department regional office indicated before the application.

Persons with a disability who require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Biosolids Individual Permits (PABIG and PABIS)**

DEP is soliciting comments for the individual site permit, PABIS-9901, for Blackwood in Tremont, PA. The permittee is WeCare Organics of Jordan, NY.

## 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—6026.907)**

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

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

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

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

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

**Palmer Property**, 188 Spring Box Lane, Lake Township, **Wayne County**. Richard D. Trimpi and Janine Jacobs, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 have submitted a Notice of Intent to Remediate (on behalf of their client Patrick Palmer, 610 King Road, Royersford, PA 19468). Concerning the remediation of soil, groundwater, and surface water found to have been impacted by No. 2 fuel oil as a result of a release from a fuel oil line of an aboveground storage tank, which was damaged during an act of vandalism. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil, groundwater, and surface water. The intended future use of the site is residential. A summary of the Notice of Intent to Remediate was published in *The Scranton Times* on March 18, 2011.

**Quadrant Engineering Plastics Property**, Laurel Line Drive, Scranton City, **Lackawanna County**. Martin Gilgallon, P.G., Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Notice of Intent to Remediate (on behalf of his client, Quadrant EPP USA, Inc., 900 North-South Road, Scranton, PA 18504), concerning the remediation of soil and groundwater found to have been impacted by hydraulic fluids as a result of a release from a large press located at the property. The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standard for soil and groundwater. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Donald Young Residence**, 288 Bear Creek Road, Wayne Township, **Schuylkill County**. Richard D. Trimpi and Janine Jacobs submitted a Notice of Intent to Remediate (on behalf of their client, Donald Young, 288 Bear Creek Road, Schuylkill Haven, PA 17972), concerning the remediation of soil and groundwater found to have been impacted by kerosene as a result of a release from a 275-gallon aboveground storage tank due to a broken fuel line. The applicant proposes to remediate the site to meet the Residential Statewide health Standard for soil and groundwater. The intended future use of the site is residential. A summary of the Notice of Intent to Remediate was published in *The South Schuylkill News* on March 24, 2011.

**Poseidon Pools (AKA Eberhard Faber)**, Corner of Elmwood Drive and Crestwood Road, Crestwood Industrial Park, Wright Township, **Luzerne County**. Dave Fife and Daniel Nealon, Quad Three Group, Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507 have submitted a Notice of Intent to Remediate (on behalf of their client, Greater Wilkes-Barre Industrial Fund, Inc., 2 Public Square, Wilkes-Barre, PA 18711), concerning the remediation of soil found to be impacted by lead and the remediation of groundwater found to be impacted by TCE and Bis(2-ethylhexyl)phthalate as a result of a historical operations at the site when the facility was operated by Eberhard Faber, which operated several aboveground storage tanks, containing several different types of chemicals. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil and groundwater. The future intentions for the property are for the existing structure to be demolished and the parcel to be sold and redeveloped. A summary of the Notice of

Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**135-137 North Cedar Street Properties**, Lititz Borough, **Lancaster County**. Roux Associates, Inc. 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066, on behalf of Keith and Bena Montgomery 748 Snyder Hill Road, Lititz, PA 17543, and Edmunds Cable, P. O. Box 484, Manchester, PA 17345, submitted a Notice of Intent to Remediate soil contaminated with No. 2 fuel oil. The site will be remediated to the Statewide Health standard. Future use of the site is Residential.

**Clocktower Site**, City of Lancaster, **Lancaster County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of General Dynamics Ordnance & Tactical Systems, Inc., 11399 16th Court North, Suite 200, Saint Petersburg, FL 33716; Clock Towers Condo Association, 917 Columbia Avenue, Lancaster, PA 17603; and The New School of Lancaster, 935 Columbia Avenue, Lancaster, PA 17603, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs. The site will be remediated to a combination of the Statewide Health and Site-specific standards. Future use of the site is residential and commercial.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Scottdale Housing Former Gas Station**, Scottdale Borough, **Westmoreland County**. Cribbs and Associates, Inc., PO Box 44, Delmont, Pa 15626 on behalf of Scottdale Housing L.P., 218 South Maple Avenue, Greensburg, PA 15601 has submitted a Notice of Intent to Remediate. Leaking USTs have resulted in the release of leaded gasoline to the site. Groundwater is contaminated with chlorinated solvents from historical use as an autobody repair shop. A combination of Statewide Health and Site Specific Standards may be used to achieve liability protection. The end use will be residential.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

#### Renewal Applications Received

**Bio-Team Mobile, LLC.**, 6 East Kendig Road, Willow Street, PA 17584-9590. License No. PA-HC 0225. Received on March 23, 2011.

**Bio-Haz Solutions, Inc.**, P. O. Box 420, Lehighton, PA 18235. License No. PA-HC 0191. Received on April 4, 2011.

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

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

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

**Permit Application No. 101494.** Waste Management of Pennsylvania, Inc. (Tullytown Resource Recovery Facility Landfill), 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification application is seeking the approval to utilize an alternate geosynthetic final cover system by the removal of the 10 oz/sy nonwoven geotextile beneath the 50-mil combination geomembrane/drainage layer at Tullytown Resource Recovery Facility Landfill Facility, a municipal solid waste facility located in Tullytown Borough and Falls Township, **Bucks County**. The application was received by the Southeast Regional Office by on March 24, 2011.

**Permit Application No. 101680.** Waste Management Disposal Services of Pennsylvania Inc., (GROWS North Landfill), 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification application is seeking the approval to utilize an alternate geosynthetic final cover system by the removal of the 10 oz/sy nonwoven geotextile beneath the 50-mil combination geomembrane/drainage layer at GROWS North Landfill Facility, a municipal solid waste facility located in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office by on March 24, 2011.

**Permit Application No. 100148.** Waste Management Disposal Services of Pennsylvania Inc., (GROWS Landfill), 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification application is seeking the approval to utilize an alternate geosynthetic final cover system by the removal of the 10 oz/sy nonwoven geotextile beneath the 50-mil combination geomembrane/drainage layer at GROWS Landfill Facility, a municipal solid waste facility located in Falls Township, **Bucks County**. The application was received by the Southeast Regional Office by on March 24, 2011.

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

**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. WMGM019SE001.** MJC Labor Solutions, LLC, 1720 South State Road, Lot No. 201, Upper Darby PA 19082. This Determination of Applicability Application is to process for beneficial use of waste concrete and asphalt, as well as, timber waste, leaf and yard waste at MJC Labor Solutions, LLC d/b/a The Lawn Works Co., located at 1720 South State Road, Lot No. 201, in Upper Darby Township, **Delaware County**. The application for determination of applicability was



accepted as administratively complete by the Southeast Regional Office on April 14, 2011.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

### PLAN APPROVALS

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

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

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

**37-332A: Amerikohl Aggregates, Inc.—McMillin Mine** (1384 State Route 711, Stahlstown, PA 15687) for construction of a limestone processing plant at their facility in Wayne Township, **Lawrence County**.

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

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**57-00003A: Sullivan County School District** (101 East Main Street, PO Box 346, Dushore, PA 18614-0346) for A plan approval to construct a 4.0 million Btu per hour, biomass-fired boiler at their facility in Laporte Borough, **Sullivan County**. The respective facility is a state only (natural minor) facility for which a state only operating permit has not been issued.

The Department's review of the information submitted by Sullivan County School District indicates that construction of the boiler will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to issue a plan approval for the construction of the boiler. Additionally, if the Department determines the boiler is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a state only (natural minor) operating permit.

The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. The nitrogen oxides (NO<sub>x</sub>, expressed as NO<sub>2</sub>) emissions from the boiler shall not exceed 0.22 pounds per million Btu, 0.88 pounds per hour and 2.88 tons in any 12 consecutive month period.
2. The carbon monoxide emissions from the boiler shall not exceed 0.16 pounds per million Btu, 0.64 pounds per hour and 2.10 tons in any 12 consecutive month period.
3. The volatile organic compound emissions from the boiler shall not exceed 0.017 pounds per million Btu, 0.07 pounds per hour and 0.23 tons in any 12 consecutive month period.
4. The particulate matter emissions from the boiler shall not exceed 0.23 pounds per million Btu, 0.92 pounds per hour and 3.01 tons in any 12 consecutive month period.
5. The sulfur oxide (SO<sub>x</sub>, expressed as SO<sub>2</sub>) emissions from the boiler shall not exceed 0.025 pounds per million Btu, 0.10 pounds per hour and 0.33 tons in any 12 consecutive month period.
6. The boiler shall not be operated more than 6,552 hours in any 12 consecutive month period.
7. The boiler shall only be fired on green or kiln dried wood. At no time, shall wood laminates, particleboard, treated wood, construction and demolition waste or materials other than wood be fired in the boiler.
8. All wood fuel intended for use in the boiler shall be stored in an enclosed building.

9. The permittee shall, upon Department request, provide analyses or samples of the wood fuel used to fire the boiler.

10. The cyclone collector shall be equipped with instrumentation to continuously monitor the differential pressure across the device.

11. The collection, storage and handling of ash generated by the boiler shall not result in the emission of fugitive air contaminants.

12. The permittee shall perform stack testing to determine compliance with the nitrogen oxides (NOx, expressed as NO<sub>2</sub>), carbon monoxide and particulate matter emission limitations established herein.

13. Source 031 is subject to Subpart JJJJJJ of the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Industrial Boilers Area Sources. The permittee shall comply with all applicable requirements specified in 40 CFR Sections 63.11193 through 63.11237.

14. The permittee shall conduct a biennial performance tune-up of Source 031 in accordance with subsections (1) through (7) of this condition. Each biennial tune-up must be conducted no more than 25 months after the previous tune-up.

a. As applicable, inspect the burner, and clean or replace any components of the burner as necessary (the permittee may delay the burner inspection until the next scheduled unit shutdown, but you must inspect each burner at least once every 36 months).

b. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available.

c. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly.

d. Optimize total emissions of carbon monoxide. This optimization should be consistent with the manufacturer's specifications, if available.

e. Measure the concentrations in the effluent stream of carbon monoxide in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made).

f. Maintain onsite and submit, if requested by the Department, biennial report containing the following information:

- The concentrations of carbon monoxide in the effluent stream in parts per million, by volume, and oxygen in volume percent, measured before and after the tune-up of Source 031.

- A description of any corrective actions taken as a part of the tune-up of Source 031.

- The type and amount of fuel used over the 12 months prior to the biennial tune-up of Source 031.

g. If Source 031 is not operating on the required date for a tune-up, the tune-up must be conducted within one week of startup.

**08-00040A: Seaboard International, Inc.** (PO Box 213, Ulster, PA 18850) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval to construct a wellhead equipment

repair operation incorporating a surface coating operation at their facility located in Ulster Township, **Bradford County**. The respective facility is a state only (natural minor) facility for which a state only operating permit has not been issued.

The Department's review of the information submitted by Seaboard International, Inc. indicates that construction of the wellhead equipment repair operation and associated surface coating operation will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to issue a plan approval for the construction of the boiler. Additionally, if the Department determines the boiler is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into a state only (natural minor) operating permit.

The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. The permittee shall not permit the emission of filterable particulate matter into the outdoor atmosphere from Source P101 in such a manner that the concentration in the effluent gas from Control Device C101 exceeds 0.005 grains per dry standard cubic foot of effluent gas volume.

2. Compliance with this condition also ensures compliance with 25 Pa. Code Section 123.13.

3. The overspray filters shall be equipped with instrumentation to continuously monitor the differential pressure across the device.

4. The emission of volatile organic compounds and volatile hazardous air pollutants from the surface coating operation shall not exceed 2.59 tons and 0.69 tons, respectively, in any 12 consecutive month period.

5. Sherwin Williams Polane<sup>®</sup> S Plus Polyurethane Enamel (green), Sherwin Williams Kankote<sup>™</sup> High Solids Primer (light gray) and Sherwin Williams Kem Bond<sup>®</sup> HS Universal Metal Primer (gray) shall be the only surface coatings used in the surface coating operation. Approval to use surface coatings not authorized for use may be requested by the permittee by submitting a written request to the Department. The request shall contain sufficient supporting documentation which demonstrates the surface coating has an equal or lower potential to emit volatile organic compounds and volatile hazardous air pollutants.

6. No more than 500 gallons of Sherwin Williams Polane<sup>®</sup> S Plus Polyurethane Enamel (or equivalent surface coating), no more than 500 gallons of Sherwin Williams Kankote<sup>™</sup> High Solids Primer (or equivalent surface coating) and no more than 500 gallons of Sherwin Williams Kem Bond<sup>®</sup> HS Universal Metal Primer (or equivalent surface coating) shall be used in the surface coating operation in any 12 consecutive month period.

7. Methyl amyl ketone, acetone and Xylol shall be the only solvents used for cleanup and to thin surface coatings in the surface coating operation. Approval to use solvents not authorized for use may be requested by the permittee by submitting a written request to the Department. The request shall contain sufficient supporting documentation which demonstrates the solvent has an equal or lower potential to emit volatile organic compounds and volatile hazardous air pollutants.

8. No more than 50 gallons of methyl amyl ketone (or equivalent solvent), no more than 50 gallons of acetone (or equivalent solvent) and no more than 50 gallons of Xylol (or equivalent solvent) shall be used in the surface coating operation in any 12 consecutive month period.

9. Surface coatings applied in the surface coating operation shall only be applied with high volume, low pressure (HVLP) technology or an application technique determined by the Department to have an equivalent, or lower, air contaminant emission potential.

10. Spray equipment, lines, etc. used in the surface coating operation shall be cleaned by either flushing a solid liquid stream of solvent into a container or by soaking spray guns in an enclosed container of solvent. Under no circumstances shall solvent be flushed into a container in the form of an atomized spray or flushed/sprayed into the atmosphere. Containers of cleaning solvents, coatings, thinners and any other volatile organic compound-containing, volatile hazardous air pollutant containing or acetone-containing materials shall be kept closed except when taking material out of the container or putting material into the container. Solvent-wet rags or cloths shall be kept in closed containers when not in actual use. Under no circumstances shall waste solvent or other volatile organic compound-containing, volatile hazardous air pollutant-containing or acetone-containing materials be treated in any manner which intentionally promotes evaporative loss.

11. All containers of coatings, solvents and any other volatile organic compound-containing, volatile hazardous air pollutant-containing and/or acetone-containing materials shall be kept closed except when taking material out of the container or putting material into the container.

12. The volatile organic compound content of each as applied surface coating used in the surface coating operation shall not exceed the 6.67 pounds of volatile organic compounds per gallon coating solids standard specified in Table I of 25 Pa. Code Section 129.52 for miscellaneous metal parts and products—extreme performance coatings. The volatile organic compound content of the as applied coating, expressed in units of weight of volatile organic compound per volume of coating solids, shall be calculated as follows:

$$\text{VOC} = (\text{W}_o)(\text{D}_c)/\text{V}_n$$

Where:

VOC = VOC content in lb VOC/gal of coating solids

W<sub>o</sub> = Weight percent of VOC (W<sub>v</sub>-W<sub>w</sub>-W<sub>ex</sub>)

W<sub>v</sub> = Weight percent of total volatiles (100%-weight percent solids)

W<sub>w</sub> = Weight percent of water

W<sub>ex</sub> = Weight percent of exempt solvent(s)

D<sub>c</sub> = Density of coating, lb/gal, at 25°C

V<sub>n</sub> = Volume percent of solids of the as applied coating

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

**08-00041A: Appalachia Midstream Services, LLC** (P.O. Box 54382, Oklahoma City OK 73154) for the construction of 5 compressor-engines and the ancillary

equipment (storage tanks, flanges, valves, etc.) needed for the proposed Stagecoach Compressor Station. The proposed Stagecoach Compressor Station will be located in Wyalusing Township, **Bradford County**.

The Department of Environmental Protection's (Department) review of the information submitted by Appalachia indicates that the engine-compressors to be constructed will comply with applicable regulatory requirements pertaining to air contamination sources. These requirements include the best available technology (BAT) requirements of 25 Pa. Code Section 127.1 and 127.12 as well as the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines specified in 40 CFR 60, Subpart JJJJ. Pursuant to the requirements of BAT, the engine-compressors are restricted to emit emissions for the following pollutants at a rate above; 0.50 g/Bhp-hr for NO<sub>x</sub>, 0.19 g/Bhp-hr for CO, 0.16 g/Bhp-hr for NMNEHC, and 0.04 g/Bhp-hr for formaldehyde. To demonstrate compliance with these limitations, Appalachia will be required to conduct EPA reference method testing on each engine's exhaust for NO<sub>x</sub>, CO, VOC, and CH<sub>2</sub>O emissions. Continuous compliance demonstration will include monitoring of operational parameters of the catalyst and EPA reference method testing for NO<sub>x</sub> and CO on an approximate annual basis.

Each engine-compressor has a site rating of 3,550 bhp. The compressor-engines are required to use only pipeline quality natural gas as fuel for operation. Based on the findings above, the Department proposes to issue a plan approval with annual emission restrictions as well as monitoring, recordkeeping, reporting, and work practice requirements for the proposed construction as summarized below

The air contaminate emissions from all sources at the proposed compressor station will be restricted to the following annual 12 consecutive month limitations; 98.0 tpy for NO<sub>x</sub>, 49.5 tpy for VOC, and 6.75 tpy for formaldehyde. Compliance requirement for these annual limitations include monthly recordkeeping of emissions from each source at the proposed station.

In addition to the emission limitations above, the following is a summary of the types of conditions the Department intends to place in Plan Approval 08-00041A to ensure compliance with applicable Federal and State regulatory requirements including the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12.

Monitoring requirement to take representative samples of gas into the station or recordkeeping of fuel certification by fuel tariff sheets, purchase contract, or transportation contract

Monitoring requirement for the inlet and outlet exhaust temperature of catalysts and recordkeeping of these parameters to demonstrate continuous compliance with the destruction efficiency of the catalyst

Recordkeeping requirements catalyst replacement and service information

Recordkeeping requirement for engine-compressors' gas usage and operational hours

Work practice requirement to construct and operate in accordance with the manufacturer's recommendations and good air pollution control practices.

A requirement to limit the emission of malodors to level undetectable outside the property

A requirement to restrict fugitive emissions from the compressor station across property boundaries

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing shall be directed to Muhammad Q. Zaman, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648 within 30 days of the publication date for this notice.

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

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

**25-025R: General Electric Transportation—Erie Plant** (2901 East Lake Road, Bldg 9-201, Erie, PA 16531), for the construction of a new paint booth in building 6 and the use of alternate recordkeeping requirements in Lawrence Park Township, **Erie County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State Only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- Subject to 25 Pa. Code 123.13
- Subject to 25 Pa. Code 129.52
- Subject to 40 CFR 63 Subpart M
- The permittee shall maintain a record of certification of the VOC content of each coating used. A certification will be required when there is a new supplier, a reformulation of an existing coating, or the addition of a new coating not previously certified. The certification must demonstrate that the VOC content was determined in accordance with 40 CFR 60, Appendix A - Reference Method 24.
- The permittee shall maintain a record of all scheduled preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed.
- The permittee shall maintain a record of the following parameter from the operational inspections:
  - Pressure drop across the control device
  - A facility, regardless of the facility's annual emission rate, which contains surface coating processes shall maintain records sufficient to demonstrate compliance with their emission limitation. At a minimum, a facility shall maintain records of:
    - The following parameters for each coating, thinner and other component as supplied:
      - The coating, thinner or component name and identification number.
      - The volume used.
      - The mix ratio.
      - The density or specific gravity.

- The weight percent of total volatiles, water, solids and exempt solvents.
- The volume percent of solids for Table I surface coating process.
- The VOC content of each coating, thinner and other component as supplied.
- The VOC content of each as applied coating.
- The facility shall implement a system that takes data from the material tracking system that reports materials delivered to each coating work station during the month and divides the amount of material delivered by the number of days the coating station was in operation to produce a "daily use" material quantity for each day.
- The facility shall calculate VOC emissions monthly, using a system that tracks and records when each container of coating is dispatched to a work station from the warehouse. Each month, the facility shall total the amount of each coating used at each work station and determine the amount of VOC emitted from each work station.
- The use of the above will show compliance with the requirements in 25 PA Code 129.52(c) and may be used in lieu of it.
- The permittee shall perform a weekly operational inspection of the control device.
- The permittee shall maintain a manometer or similar device to measure the pressure drop across the control device.
- The permittee shall operate the control device at all times that the source is in operation.
- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications, in accordance with good air pollution control practices, or in accordance with good engineering practices.

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

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

**AMS 11058: (GE International, Inc., 1040 East Erie Avenue, Philadelphia, PA 19124)** for installing a varnish dip tank, a Imprex VPI tank, a transformer cutting booth, a natural gas fired 2.22 heat cleaning oven, a 0.25 natural gas fired bake oven, a diesel fired 0.35 MMBTU/hr portable steam cleaner, and a natural gas fired 0.44 MMBTU/hr stationary steam cleaner. There will be a potential emission increase of 3.8 tons for Volatile Organic Compounds (VOCs) and 1.4 tons/yr of Nitrogen Oxides (NO<sub>x</sub>) for the facility. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

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

**36-05142: Mars Snack Foods, US LLC** (295 Brown Street, Elizabethtown, PA 17022) for operation of their snack food processing plant in Elizabethtown Borough, **Lancaster County**.

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

The subject facility emits about 67 tons per year (tpy) of VOCs, 61.0 tpy of PM10/PM2.5, 10.2 tpy of NOx 8.4 tpy of CO, and 0.64 tpy of SOx. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

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

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

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

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940*

**24-00012: Graftech USA, LLC—CG Electrodes LLC** (800 Theresia Street, Saint Marys, PA 15857-1831) for reissuance of the Title V Operating Permit in the City of Saint Marys, **Elk County**. The facility manufactures carbon and graphite products. The facility's major emission sources include coke unloading, storage, preheaters, screening and crushing, petroleum coke flour mill, pitch impregnation, mixer-feeder-scale, shot blast machine, material handling and screening, 48" extrusion press system, scrap electrode process, burn off oven, liquid pitch storage, air/vegetable oil quench system, pitch storage(2) - plant 3, coke handling plant 3, carbotoms, longitudinal graphitizers, 25 inch press, shot blast (LG Rods), sagger sand handling system, parts cleaners (3), graphite bagging system, mass bake furnaces, sagger bake furnaces

and machining operation. The facility is a major facility due to its potential to emit of oxides of nitrogen and oxides of sulphur. The facility is subject to the Compliance Assurance Monitoring Rule (CAM) found in 40 C.F.R. Part 64. Appropriate permit conditions to address the applicable CAM requirements have been included in the permit.

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

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

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

**23-00030: Dee Paper Co.** (100 Broomall Street, Chester, PA 19013) for a non-Title V, State Only, Synthetic Minor Operating Permit in the City of Chester, **Delaware County**. This action is a renewal of the State Only Operating Permit. The initial permit was issued on 7-11-2006. The permit is for the operation of their cardboard box printing facility that uses three (3) sheet-fed, offset lithographic printing presses. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00072: PA Air National Guard** (1120 Fairchild Street, 201 RHS DET 1, Willow Grove ARS, PA 19090) for a revision to the original notice published on March 19, 2011. The facility is a Synthetic Minor Operating permit not Natural Minor, the original application had a fuel limit to reduce NOx emissions, majority of the sources have been removed so in lieu of the fuel limit the Department has established a NOx limit of less than 25 tons per year. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

**46-00228: Plymouth Meeting Mall, Inc.** (500 Germantown Pike, Suite 150, Plymouth Meeting, PA 19462) for operation of a retail shopping mall in Plymouth Township, **Montgomery County**. The permit is for a non-Title V (State only) facility. Sources of air emissions are two (2) boilers and one emergency generator. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00075: Dunmore Corp.** (145 Wharton Road, Bristol, PA 19007) for operation of a plastic and film sheet coating facility in Bristol Township, **Bucks County**. The permit is for a non-Title V (State only) facility. Sources of air emissions are three (3) gravure printing presses, one mixing room and an oxidizer for VOC control. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00184: Doylestown Hospital** (595 West State Street, Doylestown, PA 18901) for renewal of a State Only Operating Permit in Doylestown Township, **Bucks County**. The facility operates four boilers, six emergency generators, and two fire pump engines. Doylestown Hospital is categorized as a natural minor facility for NOx emissions. The permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**08-00025: Northern Bradford Crematory** (502 North Keystone Ave., South Waverly, PA 18840) for issuance of a State-Only Operating Permit renewal for operation of its crematory facility located in the Borough of South Waverly, **Bradford County**.

The facility operates one human crematory incinerator and one natural-gas fired furnace.

The facility has the potential to emit up to 0.93 tons of PM/PM10, insignificant amounts of HAPs, insignificant amounts of SOx, 3.02 tons of NOx, 0.04 tons of VOCs, and 0.21 tons of CO per year.

The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection (Department) proposes to issue State-Only Operating Permit 08-00025. The Department intends to incorporate into the operating permit all conditions currently contained in NMOP 08-00025. The proposed renewal operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

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

**65-00657: Tresco Paving Corporation—TPC Salem Plant** (Route 66 Slickville County Rd, Export PA 15632) for operation of a hot mix asphalt facility located in Salem Township, **Westmoreland County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of two asphalt plants: 120 ton per hour batch mix and a 325 ton per hour drum mix; 325 ton per hour rap processing plant and a concrete plant. The batch plant is limited to 1,300 hours per year and 156,000 tons production in any consecutive 12-month period. The drum mix plant is limited to 1,500 hours per year, 487,500 tons production in any 12-month consecutive period, and 900,000 gallons of No.2 fuel oil. Both plants are authorized to utilize No.2 fuel oil and natural gas. The facility has the potential to emit: 62.88 tpy CO; 22.76 tpy NOx; 13.34 tpy SOx; 11.90 tpy VOC; 2.69 tpy HAP; 24.49 tpy PM; and 17.11 tpy PM10. The facility is required to conduct annual burner tune up tests, annual black light/dye test of the baghouses, and daily survey of the facility to ensure compliance with the operating permit limitations. The proposed authorization is subject to State and Federal Regulations (40 CFR Part 60, Subpart I and OOO). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

**04-00006: Brighton Electric Steel Casting Company** (510 45th Street, Beaver Falls, PA 15010) for the manufacture of Alloy Steel Castings at their facility located in Beaver Falls, **Beaver County**. This is a state only operating permit renewal submittal.

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

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

**43-00316: Three Rivers Aggregates, LLC**, Mercer plant previously Ennstone Inc. (840 Perry Highway, Mercer, PA 16137-0269) for a Natural Minor Permit to operate a sand and gravel processing plant in East Lackawannock Township, **Mercer County**. The sources include sand and aggregate processing equipment and a diesel generator. The facility is natural minor because the emissions of pollutants from the facility are less than Title V threshold limit and there was a plan approval.

**43-00335: J. Bradley McGonigle Funeral Home** (1090 East State Street, Sharon, PA 16146-3367), to issue a renewal State Only Operating Permit for the human cremator located in Sharon City, **Mercer County**. The facility is a Natural Minor. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## OPERATING PERMITS

### PUBLIC HEARINGS

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

#### **Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing and Notice of Intent to Issue Renewal Air Quality Title V Operating Permit 59-00004**

Approval of a Reasonably Available Control Technology (RACT) plan for Ward Manufacturing, LLC located in Blossburg Borough, Tioga County.

In accordance with 25 Pa. Code Sections 129.91 through 129.95, the Department of Environmental Protection has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for the gray iron foundry facility owned and operated by Ward Manufacturing, LLC in Blossburg Borough, Tioga County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility, which are intended to comply with current regulations.

The proposed RACT determination, if finally approved, will be incorporated into renewal Title V Operating Permit 59-00004 for the facility and will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan. The Department's Notice of Intent to Issue Renewal Air Quality Title V Operating Permit 59-00004 notice is also enclosed in this publication of the *Pennsylvania Bulletin*.

The following is a summary of the proposed RACT determination for this operation:

*Source*

- RACT Limit or Requirement

*Core making machines incorporated in Source P149*

- The total combined volatile organic compound emissions shall not exceed 145.32 tons in any 12 consecutive month period.

- The warm box core making machines incorporated in Source P149 shall only be fired on natural gas or propane.

*Cupola incorporated in Source P101*

- The total amount of iron poured shall not exceed 226,680 tons in any 12 consecutive month period.

- The melt rate shall not exceed 37.78 tons of iron per hour.

- The cupola shall be equipped with an afterburner incorporating two (2) 5.2 million Btu per hour, natural gas-fired Maxon burners (Control Device C10), or equivalent as determined by the Department.

- The emission of volatile organic hazardous air pollutants shall not exceed 20 parts per million by volume (ppmv), corrected to 10 percent oxygen.

- The 15-minute average combustion zone temperature of the afterburner shall not fall below 1,300 degrees Fahrenheit. Periods when the cupola is off blast and for 15 minutes after going on blast from an off blast condition are not included in the 15-minute average.

*Scrap and charge handling operation incorporated in Source P183*

- The scrap and charge handling operation shall comply with the certification requirements in subsection (a) of this condition, or prepare and implement a plan for the selection and inspection of scrap according to the requirements in subsection (b) of this condition. The permittee may have certain scrap subject to subsection (a) of this condition and other scrap subject to subsection (b) of this condition at your facility provided the scrap remains segregated until charge make-up.

(a) The permittee shall prepare and operate at all times according to a written certification that the foundry purchases and uses only metal ingots, pig iron, slitter, or other materials that do not include post-consumer automotive body scrap, post-consumer engine blocks, post-consumer oil filters, oily turnings, plastics, or free organic liquids. For the purpose of this condition, "free organic liquids" is defined as material that fails the paint filter test by EPA Method 9095A, "Paint Filter Liquids Test" (Revision 1, December 1996), as published in EPA Publication SW-846 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (incorporated by reference—see 40 CFR Section 63.14). Any post-consumer engine blocks, post-consumer oil filters, or oily turnings that are processed and/or cleaned to the extent practicable such that the materials do not include chlorinated plastics or free organic liquids can be included in this certification; or

(b) The permittee shall prepare and operate at all times according to a written plan for the selection and inspection of iron and steel scrap to minimize, to the extent practicable, the amount of organics in the charge materials used by the iron and steel foundry. This scrap selection and inspection plan is subject to approval by the Administrator. You must keep a copy of the plan onsite and readily available to all plant personnel with materials acquisition or inspection duties. You must provide a copy of the material specifications to each of your scrap vendors. Each plan must include the information specified in paragraphs (c)(1) through (3) of 40 CFR Section 63.7700.

*Foundry equipment incorporated in Source P199 and Source P173 (SPO casting lines)*

- The total combined volatile organic compound emissions shall not exceed the following rates:

(a) 55.3 pounds per hour

(b) 165.9 tons in any 12 consecutive month period

- The permittee shall provide an ignition source to mold vents of sand mold systems in each pouring area and pouring station unless the permittee determines the mold vent gases either are not ignitable, ignite automatically, or cannot be ignited due to accessibility or safety issues. The permittee shall document and maintain records of this determination. The determination of ignitability, accessibility, and safety may encompass multiple casting patterns provided the castings utilize similar sand-to-metal ratios, binder formulations, and coating materials. The determination of ignitability must be based on observations of the mold vents within 5 minutes of pouring, and the flame must be present for at least 15 seconds for the mold vent to be considered ignited. For the purpose of this determination:

(a) Mold vents that ignite more than 75 percent of the time without the presence of an auxiliary ignition source are considered to ignite automatically; and

(b) Mold vents that do not ignite automatically and cannot be ignited in the presence of an auxiliary ignition source more than 25 percent of the time are considered to be not ignitable.

*Emergency generators incorporated in Source P189*

- The potential to emit volatile organic compounds shall never exceed 3 pounds per hour, 15 pounds per day or 2.7 tons per year (as determined by the Department).

- The emergency generators shall only be fired in natural gas or propane.

- The GENERAC model 041190 generator shall not be operated more than 500 hours in any 12 consecutive month period and the GENERAC model SG0065 generator shall not be operated more than 450 hours in any 12 consecutive month period.

*Cold batch cleaning machines incorporated in Source P191*

- The cold batch cleaning machines shall be equipped with a cover(s) that shall be closed at all times except during the cleaning of parts or the addition or removal of solvent. A perforated drain with a diameter of not more than 6 inches shall constitute an acceptable cover.

- The cold batch cleaning machines incorporated in Source P191 shall have a permanent, conspicuous label summarizing the following operating requirements:

(a) Waste solvent shall be collected and stored in closed containers. The closed containers may contain a device that allows pressure relief, but does not allow liquid solvent to drain from the container.

(b) Flushing of parts using a flexible hose or other flushing device shall be performed only within the cold cleaning machine. The solvent spray shall be a solid fluid stream, not an atomized or shower spray.

(c) Sponges, fabric, wood, leather, paper products and other absorbent materials may not be cleaned in the cold cleaning machine.

(d) Air agitated solvent baths may not be used.

(e) Spills during solvent transfer and use of the cold cleaning machine shall be cleaned up immediately.

In addition, the label shall also include the following discretionary good operating practices:

(f) Cleaned parts should be drained at least 15 seconds or until dripping ceases, whichever is longer. Parts having cavities or blind holes shall be tipped or rotated while the part is draining. During the draining, tipping or rotating, the parts should be positioned so that solvent drains directly back to the cold cleaning machine.

(g) When a pump-agitated solvent bath is used, the agitator should be operated to produce a rolling motion of the solvent with no observable splashing of the solvent against the tank walls or the parts being cleaned.

(h) Work area fans should be located and positioned so that they do not blow across the opening of the degreaser unit.

- The cold batch cleaning machines shall be operated in accordance with the following procedures:

(a) Waste solvent shall be collected and stored in closed containers. The closed containers may contain a device that allows pressure relief, but does not allow liquid solvent to drain from the container.

(b) Flushing of parts using a flexible hose or other flushing device shall be performed only within the cold cleaning machine. The solvent spray shall be a solid fluid stream, not an atomized or shower spray.

(c) Sponges, fabric, wood, leather, paper products and other absorbent materials may not be cleaned in the cold cleaning machine.

(d) Air agitated solvent baths may not be used.

(e) Spills during solvent transfer and use of the cold cleaning machine shall be cleaned up immediately.

- The permittee shall maintain accurate and comprehensive records of the following:

(a) The name and address of the solvent supplier.

(b) The type of solvent including the product or vendor identification number.

(c) The vapor pressure of the solvent measured in mm Hg at 20°C (68°F).

All such records shall be retained at least two (2) years and shall be made available to the Department upon request. An invoice, bill of sale, certificate that corresponds to a number of sales, Material Safety Data Sheet (MSDS), or other appropriate documentation acceptable to the Department may be used to comply with this section.

*Air makeup units incorporated in Source 034 and Combustion units incorporated in Source 035*

- The air makeup units and the combustion units shall only be fired on natural gas or propane.

A public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on July 6, 2011 at 11 a.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, Pennsylvania. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at 570-327-3659 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Those unable to attend the hearing but wishing to comment should provide written comments to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments must be received by July 7, 2011.

All pertinent documents are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office by appointment. Appointments for scheduling a review may be made by calling the Department at 570-327-3693.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at 570-327-3659 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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



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

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

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

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

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

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

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

#### *Coal Applications Received*

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

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

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

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

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

**Permit No. 3366BSM2 and NPDES No. PA0249998. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, renewal of NPDES permit, Stonycreek Township, **Somerset County**. Receiving stream(s): unnamed tributaries of Stonycreek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received April 1, 2011.

**Permit No. 56110102 and NPDES No. PA0263184, Marquise Mining Corporation**, P. O. Box 338, Blairsville, PA 15717, commencement, operation and restoration of a bituminous surface mine in Lincoln Township, **Somerset County**, affecting 45.5 acres. Receiving stream(s): Quemahoning Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received March 2, 2011.

**32050107 and NPDES No. PA0249858. Amerikohl Mining, Inc.**, P. O. Box 260, Stahlstown, PA 15687, permit renewal for reclamation only of a bituminous surface mine in Center Township, **Indiana County**, affecting 128.3 acres. Receiving stream(s): UTS to Yellow Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received April 1, 2011.

**56050109 and NPDES No. PA0249769. PBS Coals, Inc.**, 1576 Stoystown Road, Friedens, PA 15541, permit

renewal for reclamation only of a bituminous surface mine in Somerset Township, **Somerset County**, affecting 43.0 acres. Receiving stream(s): Kimberly Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received April 1, 2011.

**32020105. Forcey Coal, Inc.**, P. O. Box 225, Madera, PA 16661, transfer of an existing bituminous surface and auger mine from T & D Kraynak Mining Corporation, 3266 Firetower Road, Mahaffey, PA 15757, located in Grant and Green Townships, **Indiana County**, affecting 126.0 acres. Receiving stream(s): tributaries to/and Little Mahoning Creek classified for the following use(s): high quality - cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received April 7, 2011.

**32990103 and NPDES No. PA0212687. TLH Coal Company**, 4401 Pollock Road, Marion Center, PA 15759, permit renewal for reclamation only of a bituminous surface mine in Grant Township, **Indiana County**, affecting 30.1 acres. Receiving stream(s): unnamed tributaries to/and East Run classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received April 14, 2011.

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

**33110101 and NPDES Permit No. PA0259063. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801) Commencement, operation and restoration of a bituminous strip in Beaver Township, **Jefferson County** affecting 42.5 acres. Receiving streams: Unnamed tributary to Reitz Run, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is the Hawthorn Redbank Municipal Authority. Application received: April 7, 2011.

**1361-33110101-CB-01. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801) Application for a stream encroachment to mine within 100 feet but no closer than 25 feet of an unnamed tributary to Reitz Run in Beaver Township, **Jefferson County**. Receiving streams: Unnamed tributary to Reitz Run, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is the Hawthorn Redbank Municipal Authority. Application received: April 7, 2011.

**33910106. Terry Coal Sales, Inc.** (P. O. Box 58, Distant, PA 16223) Renewal of an existing bituminous strip and auger operation in Perry Township, **Jefferson County** affecting 195.0 acres. Receiving streams: Two unnamed tributaries to Foundry Run and Foundry Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: April 7, 2011.

**16100104 and NPDES Permit No. PA0258911. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255) Revision to an existing bituminous strip and tippel refuse disposal operation to add 0.6 acre to the surface mining permit in Licking Township, **Clarion County** affecting 182.6 acres. Receiving streams: Two unnamed tributaries to Licking Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: April 14, 2011.

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

**54803019C3 and NPDES Permit No. PA0224995. Rausch Creek Land, LP**, (978 Gap Street, Valley, PA 17983), correction to an existing anthracite surface mine operation to add an NPDES Permit for discharge of treated mine drainage in Hegins and Porter Townships, **Schuylkill County** affecting 1313.0 acres, receiving stream: East Branch Rausch Creek, classified for the following use: cold water fishes. Application received: April 8, 2011.

**40900203R4. Northampton Fuel Supply Co., Inc.**, (1 Horwith Drive, Northampton, PA 18067), renewal of an existing anthracite coal refuse reprocessing operation in Newport Township, **Luzerne County** affecting 49.5 acres, receiving stream: Newport Creek, classified for the following uses: cold water and migratory fishes. Application received: April 15, 2011.

**54900205R4. Wheelabrator Culm Service, Inc.**, (4 Liberty Lane West, Hampton, NJ 03842), renewal of an existing anthracite coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 580.0 acres, receiving stream: none. Application received: April 15, 2011.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-1067—Wissahickon Valley Watershed Association;** 12 Morris Road, Ambler, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities across the Wissahickon Creek (TSF):

1. To install approximately nineteen blocks of poured-in-place concrete stepping stones, 1' wide x 2' long at 18-inch spacing associated with the Green Ribbon Trail project.

2. To install and maintain a temporary cofferdam.

The site is approximately 682 feet southwest of Church Avenue and approximately 455 feet northeast of Morris Road, in Upper Dublin Township, Montgomery County. (Ambler, PA USGS Quadrangle N: 3.50 inches; W: 13.50 inch).

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

**E13-166. Jason R. & Judith A. Bretz,** 306 Lauchnor Road, Lehighon, PA 18235, East Penn Township, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 12-foot wide steel I-beam bridge having an 18-foot span and an underclearance of approximately 5 feet across a tributary to Lizard Creek for the purpose of accessing a single family home. The project is located on the west side of Lauchnor Road near the intersection of Shelby Drive (Nesquehoning, PA Quadrangle Latitude: 40° 45' 31.0"; Longitude: -75° 45' 35.4") in East Penn Township, Carbon County.

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

**E07-435: Pennsylvania State University, Altoona Campus Spring Run Stream Stabilization,** Ian Salada, 101P Physical Plant Building, University Park, PA 16802-1118, Logan Township and City of Altoona, **Blair County**, ACOE Baltimore District

The project proposes to maintain, repair, and install new stabilization features along the Spring Run streambanks. The project includes the replacement and maintenance of approximately 53.0 linear feet of gabion baskets, the installation and maintenance of 39.0 linear feet of new gabion baskets, the replacement and maintenance of 27.0 linear feet of gabion baskets with riprap protection, the installation and maintenance of 350.0 linear feet of riprap streambank protection, 120.0 linear feet of riprap protection to an existing exposed concrete wall footer along the stream channel bottom, 105.0 linear feet of gabion toe jacketing, and approximately 250.0 linear feet of gravel bar removal, in and along Spring Run (WWF, MF) for the purpose of streambank stabilization and stream restoration. The project limits are from Park Avenue at the downstream end to immediately upstream of the footbridge adjacent to Penn State's Laurel Pavilion

at the upstream end. The project is located in Logan Township and the City of Altoona, Blair County (Altoona, PA Quadrangle; N: 7.23 inches, W: 4.68 inches; Latitude: 40°32'23.4", Longitude: -78°24'31.3").

**E22-574: HACC—Central Pennsylvania's Community College,** One HACC Drive, Harrisburg, PA 17110 in City of Harrisburg, **Dauphin County**, ACOE Baltimore District.

To construct the following activities: 1) place and maintain fill in a total of 0.28 acre of PEM wetland and 0.02 acre of PFO wetland; 2) construct and maintain a single span pedestrian bridge having a width of 12.0 feet, a normal span of approximately 78.0 feet, and an underclearance of approximately 23.0 feet across Paxton Creek (WWF); 3) construct and maintain two 4.0-inch PVC conduits for electrical and telephone services attached to the pedestrian bridge and crossing the floodway of Paxton Creek (WWF) and the attached PFO wetlands; 4) construct and maintain a 53.0-foot, 36.0-inch pipe culvert in the PFO wetlands on the left side of Paxton Creek; 5) place and maintain 167,775.0 cubic feet of fill in the floodway of Paxton Creek (WWF); and 6) construct and maintain a 15.0-inch HDPE stormwater pipe outfall in the floodway along Paxton Creek (WWF).

All impacts are associated with the proposed expansion and improvements at the Senator John J. Shumaker Public Safety Center (PSC). The project is located on the Harrisburg campus of the Harrisburg Area Community College (HACC) (Harrisburg West, PA Quadrangle; N: 9.3 inches, W: 1.8 inches; Latitude: 40°18'7.0", Longitude: -76°53'9.5") in the City of Harrisburg, Dauphin County.

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

**E18-462. City of Lock Haven,** 20 East Church Street, Lock Haven, PA 17745. Lock Haven Sewage Treatment Plant, in City of Lock Haven, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 47°07'52"; W: 77°26'03").

To construct and maintain: 1) An area of approximately 11,500 square feet at the northeast corner of the Biological Treatment Facility's Sequencing Batch Reactors extends into a 100-year "ponding" area eliminating approximately 2,640 cubic feet of 100-year "ponding" volume. 2) Immediately adjacent to this "fill" area, a stormwater infiltration basin is proposed for construction and will provide an estimated additional 12,600 cubic feet of 100-year "ponding" volume below the 554.30 elevation. 3) In addition, between the Sewage Treatment Plant Upgrade Site and the existing Sewage Treatment Plant, a shallow impoundment area will be excavated to allow stormwater to drain into a new stormwater inlet with a grate elevation 553.60, 0.7 feet below the 100-year "ponding" elevation. This shallow impoundment area will provide an additional 1,960 cubic feet of 100-year "ponding" volume. 4) Finally, along the access road to the existing Sewage Treatment Plant, which represents the south side of the Sewage Treatment Plant Upgrade Site, there are grading changes that modifies the configuration of the 554 and 555 contours, but results in no net change to the 100-year "ponding" area or volume. In summary, on the Sewage Treatment Plant Upgrade Site, after construction, there is an estimated increase in the 100-year "ponding" volume of +/- 11,900 cubic feet. The project does not propose any temporary or permanent impacts to the nearby Bald Eagle Creek.

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

**E04-336, Center Township Water Authority**, 224 Center Grange Road, Aliquippa, PA 15001. To construct in Special Flood Hazard Areas (Zone AE), Potter Township, **Beaver County**, Pittsburgh ACOE District (Beaver, PA Quadrangle; (N: 9.5 inches, W 10.9 inches; Latitude: 40° 40' 37", Longitude: 80° 19' 42"). The applicant proposes to construct and maintain a new radial collector well, lateral collection screens and associated appurtenances in and along the left bank of the Ohio River (WWF). The applicant also proposes to place fill within the Ohio River floodplain in order to construct a control building above the 100 year floodplain elevation and extend an existing storm sewer outlet with protection. The project is located on the left (south) bank of the Ohio River approximately 500 LF east of the Route 60 bridge.

**E65-939. Ligonier Township Supervisors**, 1 Municipal Park Drive, Ligonier, PA 15658. To construct and maintain a Truss Pedestrian bridge having a clear span of 90 feet and an underclearance of 11.5 feet on the existing concrete abutment of an abandoned railroad bridge across Mill Creek (CWF) as part of the new Ligonier Valley Trail System. The project is located in Ligonier Township, Westmoreland County (Ligonier, PA Quadrangle N: 22.5 inches; W: 15.25 inches; Latitude: 40° 14' 56"; Longitude: 79° 14' 03") in Ligonier Township, **Westmoreland County**.

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

**E5829-002. Williams Field Services Company, LLC.**, 2800 Post Oak Blvd, Houston, TX 77056; Springville Townships, **Susquehanna County**, ACOE Baltimore District.

1. Impact 2658: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Monroe Creek listed as a Chap. 93 CWF temporarily impacting 74 s.f.; (Springville, PA Quadrangle: Lat. 41° 38.655' N; Long. -75° 52.640' W.)

2. Impact 2687: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland temporarily impacting 9,898 s.f.; (Springville, PA Quadrangle: Lat. 41° 38.837' N; Long. -75° 52.749' W.)

3. Impact 2695W: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland permanently impacting 9,555 s.f.; (Springville, PA Quadrangle: Lat. 41° 38.887' N; Long. -75° 52.755' W.)

4. Impact 2695S: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Perennial Unnamed Tributary to Monroe Creek listed as a Chap. 93 CWF temporarily impacting 702 s.f.; (Springville, PA Quadrangle: Lat. 41° 38.909' N; Long. -75° 52.780' W.)

5. Impact 2726: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Monroe Creek listed as a Chap. 93 CWF temporarily impacting 936 s.f.; (Hop Bottom, PA Quadrangle: Lat. 41° 39.075' N; Long. -75° 52.501' W.)

6. Impact 2808A: To install, operate, and maintain a Palustrine Emergent (PEM) Wetland crossing utilizing wood mats temporarily impacting 5 s.f.; (Hop Bottom, PA Quadrangle Lat. 41° 39.734' N; Long. -75° 52.342' W.)

7. Impact 2808B: To install, operate, and maintain a Palustrine Emergent (PEM) Wetland crossings utilizing wood mats temporarily impacting 1,884 s.f.; (Hop Bottom, PA Quadrangle Lat. 41° 39.721' N; Long. -75° 52.341' W)

8. Impact 2840: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath Palustrine Emergent (PEM) Wetland temporarily impacting 6,135 s.f.; (Hop Bottom, PA Quadrangle: Lat. 41° 39.965' N; Long. -75° 52.420' W.)

9. Impact 2875: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland temporarily impacting 4,548 s.f.; (Hop Bottom, PA Quadrangle: Lat. 41° 40.190' N; Long. -75° 52.176' W.)

10. Impact 2900: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland temporarily impacting 40,686 s.f.; (Hop Bottom, PA Quadrangle: Lat. 41° 40.459' N; Long. -75° 52.188' W.)

11. Impact 2908: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath Perennial Pond Brook listed as a Chap. 93 CWF temporarily impacting 243 s.f.; (Hop Bottom, PA Quadrangle: Lat. 41° 40.469' N; Long. -75° 52.171' W.)

12. Impact 3044: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an ephemeral Unnamed Tributary to Meshoppen Creek listed as a Chap. 93 CWF temporarily impacting 225 s.f.; (Springville, PA Quadrangle: Lat. 41° 41.371' N; Long. -75° 52.757' W.)

13. Impact 3089: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Seasonal Unnamed Tributary to Meshoppen Creek listed as a Chap. 93 CWF temporarily impacting 2,134 s.f.; (Springville, PA Quadrangle: Lat. 41° 41.753' N; Long. -75° 52.742' W.)

14. Impact 3097: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland temporarily impacting 2,692 s.f.; (Springville, PA Quadrangle: Lat. 41° 41.818' N; Long. -75° 52.767' W.)

15. Impact 3131: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath Perennial Meshoppen Creek listed as a Chap. 93 CWF temporarily impacting 2,292 s.f.; (Springville, PA Quadrangle: Lat. 41° 41.967' N; Long. -75° 53.038' W.)

16. Impact 3155: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Perennial Unnamed Tributary to Meshoppen Creek listed as a Chap. 93 CWF temporarily impacting 1,940 s.f.; (Springville, PA Quadrangle: Lat. 41° 41.972' N; Long. -75° 53.305' W.)

17. Impact 3197: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Stevens Creek listed as a Chap. 93 CWF temporarily impacting 1,089 s.f.; (Springville, PA Quadrangle: Lat. 41° 42.156' N; Long. -75° 53.655' W.)

18. Impact 3253W: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland temporarily impacting 1,912 s.f.; (Springville, PA Quadrangle: Lat. 41° 42.473' N; Long. -75° 54.024' W.)

19. Impact 3253S: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Ephem-

eral Unnamed Tributary to Stevens Creek listed as a Chap. 93 CWF temporarily impacting 524 s.f.; (Springville, PA Quadrangle: Lat. 41° 42.452' N; Long. -75° 54.024' W.)

20. Impact 3259S1: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Meshoppen Creek listed as a Chap. 93 CWF temporarily impacting 784 s.f.; (Springville, PA Quadrangle: Lat. 41° 42.456' N; Long. -75° 54.080' W.)

21. Impact 3259S2: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Meshoppen Creek listed as a Chap. 93 CWF temporarily impacting 336 s.f.; (Springville, PA Quadrangle: Lat. 41° 42.449' N; Long. -75° 54.078' W.)

22. Impact 3259W: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland temporarily impacting 128 s.f.; (Springville, PA Quadrangle: Lat. 41° 42.463' N; Long. -75° 54.098' W.)

23. Impact 3260: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland temporarily impacting 1,825 s.f.; (Springville, PA Quadrangle: Lat. 41° 42.470' N; Long. -75° 54.115' W.)

24. Impact 3312: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland temporarily impacting 2,074 s.f.; (Springville, PA Quadrangle: Lat. 41° 42.591' N; Long. -75° 54.775' W.)

25. Impact 3331A: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Intermittent Thomas Creek listed as a Chap. 93 CWF temporarily impacting 264 s.f.; (Springville, PA Quadrangle: Lat. 41° 42.522' N; Long. -75° 54.925' W.)

26. Impact 3331B: To install, operate, and maintain a temporary flume and timber mat access across an Intermittent Thomas Creek listed as a Chap. 93 CWF temporarily impacting 264 s.f.; (Springville, PA Quadrangle: Lat. 41° 42.522' N; Long. -75° 54.925' W.)

27. To install, operate, and maintain a 24" Natural Gas Gathering Pipeline from a point (Lat. 41° 42.752573' N, Long. 75° 55.084310' W) North of Springville, PA in the county of Susquehanna to a point (Lat. 41° 20.725316' N, Long. 75° 56.498261' W) Northeast of Dallas, PA in the county of Luzerne where it will connect the northern gas fields to the Transco Pipeline for distribution to market. Stream Impacts are 46,314 square feet (1.063 acres) for the scope of the project, which includes portions in Luzerne, Wyoming, and Susquehanna Counties. Wetland mitigation will be determined by the PA DEP during the review process.

**E4029-001. Williams Field Services Company, LLC.**, 2800 Post Oak Blvd, Houston, TX 77056; Dallas and Franklin Townships, **Luzerne County**, ACOE Baltimore District.

1. Impact 0072: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Trib. to Trout Brook listed as a Chap. 93 CWF permanently impacting 2,002 s.f.; (Kingston, PA Quadrangle: Lat. 41° 21.163' N; Long. -75° 56.098' W.)

2. Impact 0074: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Trib. to Trout Brook listed as a Chap. 93 CWF

permanently impacting 1,065 s.f.; (Kingston, PA Quadrangle: Lat. 41° 21.179' N; Long. -75° 56.111' W.)

3. Impact 0139: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Trib. to Trout Brook listed as a Chap. 93 CWF permanently impacting 1,965 s.f.; (Kingston, PA Quadrangle: Lat. 41° 21.636' N; Long. -75° 56.078' W.)

4. Impact 0140: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Palustrine Scrub Shrub (PSS) Wetland permanently impacting 8,230 s.f.; (Kingston, PA Quadrangle: Lat. 41° 21.637' N; Long. -75° 56.096' W.)

5. Impact 0177: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Trout Brook listed as a Chap. 93 CWF permanently impacting 944 s.f.; (Kingston, PA Quadrangle: Lat. 41° 21.879' N; Long. -75° 56.055' W.)

6. Impact 0245: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland permanently impacting 1,081.5 s.f.; (Kingston, PA Quadrangle: Lat. 41° 22.331' N; Long. -75° 55.773' W.)

7. Impact 0323S: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Intermittent Sutton Creek listed as a Chap. 93 CWF permanently impacting 13 s.f.; (Kingston, PA Quadrangle: Lat. 41° 22.957' N; Long. -75° 55.906' W.)

8. Impact 0323W1: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland permanently impacting 436 s.f.; (Kingston, PA Quadrangle: Lat. 41° 22.957' N; Long. -75° 56.904' W.)

9. Impact 0323W2: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland permanently impacting 436 s.f.; (Kingston, PA Quadrangle: Lat. 41° 22.953' N; Long. -75° 55.938' W.)

10. Impact 0409: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Lake Louise listed as a Chap. 93 CWF permanently impacting 849 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 23.341' N; Long. -75° 55.397' W.)

11. Impact 0520: To install, operate, and maintain a 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Sutton Creek listed as a Chap. 93 CWF permanently impacting 254 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 24.100' N; Long. -75° 54.947' W.)

12. To install, operate, and maintain a 24" Natural Gas Gathering Pipeline from a point (Lat. 41° 42.752573' N, Long. -75° 55.084310' W) North of Springville, PA in the county of Susquehanna to a point (Lat. 41° 20.725316' N, Long. -75° 56.498261' W) Northeast of Dallas, PA in the county of Luzerne where it will connect the northern gas fields to the Transco Pipeline for distribution to market. Stream Impacts are 46,314 square feet (1.063 acres) for the scope of the project, which includes portions in Luzerne, Wyoming, and Susquehanna Counties. Wetland mitigation will be determined by the PA DEP during the review process.

**E6629-001. Williams Field Services Company, LLC.**, 2800 Post Oak Blvd, Houston, TX 77056; Eaton, Lemon, Nicholson, Northmoreland, and Tunkhannock Townships, **Wyoming County**, ACOE Baltimore District.

1. Impact 0583: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Perennial Whitelock Creek listed as a Chap. 93 CWF and a Naturally Reproducing Trout Stream by the PA Fish and Boat Commission permanently impacting 31 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 24.581' N; Long. -75° 55.194' W.)
2. Impact 0586: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres permanently impacting 78 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 24.644' N; Long. -75° 55.182' W.)
3. Impact 0587: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Scrub Shrub (PSS) Wetland associated with a wetland complex greater than 10 acres permanently impacting 155 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 24.652' N; Long. -75° 55.190' W.)
4. Impact 0589: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres permanently impacting 126 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 24.662' N; Long. -75° 55.197' W.)
5. Impact 0591: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres permanently impacting 81 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 24.683' N; Long. -75° 55.214' W.)
6. Impact 0617: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Seasonal Unnamed Tributary to Whitelock Creek listed as a Chap. 93 CWF permanently impacting 1,609 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 24.855' N; Long. -75° 55.317' W.)
7. Impact 0713: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Perennial Unnamed Tributary to Whitelock Creek listed as a Chap. 93 CWF permanently impacting 2,444 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 25.562' N; Long. -75° 55.491' W.)
8. Impact 0722: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Palustrine Emergent (PEM) Wetland permanently impacting 4,474 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 25.612' N; Long. -75° 55.490' W.)
9. Impact 0723: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Whitelock Creek listed as a Chap. 93 CWF permanently impacting 315 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 25.628' N; Long. -75° 55.497' W.)
10. Impact 0831-A: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres temporarily impacting 4,964 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 26.261' N; Long. -75° 55.896' W.)
11. Impact 0831-B: To install, operate, and maintain a timber mat crossing a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres temporarily impacting 4,964 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 26.261' N; Long. -75° 55.896' W.)
12. Impact 0832-A: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Perennial Mill Creek listed as a Chap. 93 CWF and a Naturally Reproducing Trout Stream by the PA Fish and Boat Commission permanently impacting 250 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 26.309' N; Long. -75° 55.870' W.)
13. Impact 0832-B: To install, operate, and maintain an flume and timber mat crossing a Perennial Mill Creek listed as a Chap. 93 CWF and a Naturally Reproducing Trout Stream by the PA Fish and Boat Commission permanently impacting 250 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 26.309' N; Long. -75° 55.870' W.)
14. Impact 0954: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Martin Creek listed as a Chap. 93 CWF permanently impacting 712 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 27.313' N; Long. -75° 55.637' W.)
15. Impact 0972: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Martin Creek listed as a Chap. 93 CWF permanently impacting 120 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 27.450' N; Long. -75° 55.681' W.)
16. Impact 0976: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Palustrine Emergent (PEM) Wetland permanently impacting 118.3 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 27.489' N; Long. -75° 55.672' W.)
17. Impact 0989: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 16,774 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 27.547' N; Long. -75° 55.565' W.)
18. Impact 1157: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Moneypenny Creek listed as a Chap. 93 CWF permanently impacting 276 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 28.746' N; Long. -75° 55.136' W.)
19. Impact 1166: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Moneypenny Creek (Perennial) listed as a Chap. 93 CWF permanently impacting 5,924 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 28.781' N; Long. -75° 55.177' W.)
20. Impact 1173: To install, operate, and maintain a temporary timber mat crossing of an Intermittent Unnamed Trib. to Whitelock Creek listed as a Chap. 93 CWF temporarily impacting 0 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 28.861' N; Long. -75° 55.033' W.)
21. Impact 1286: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Susquehanna River listed as a Chap. 93 CWF permanently impacting 375 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 29.763' N; Long. -75° 55.566' W.)
22. Impact 1293: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Susquehanna River listed as a Chap. 93 CWF permanently impacting 470 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 29.822' N; Long. -75° 55.530' W.)
23. Impact 1294: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Susquehanna River listed as a

Chap. 93 CWF permanently impacting 445 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 29.830' N; Long. -75° 55.533' W.)

24. Impact 1351: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Susquehanna River listed as a Chap. 93 CWF permanently impacting 369 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 29.799' N; Long. -75° 54.917' W.)

25. Impact 1354: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Susquehanna River listed as a Chap. 93 CWF permanently impacting 175 s.f.; (Center Moreland, PA Quadrangle: Lat. 41° 29.805' N; Long. -75° 54.856' W.)

26. Impact 1451: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath the Perennial Susquehanna River listed as a Chap. 93 WWF permanently impacting 1,452 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 30.583' N; Long. -75° 54.603' W.)

27. Impact 1510: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Susquehanna River listed as a Chap. 93 WWF permanently impacting 890 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 30.941' N; Long. -75° 54.206' W.)

28. Impact 1562: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland permanently impacting 4,187 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 31.288' N; Long. -75° 53.870' W.)

29. Impact 1566: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Susquehanna River listed as a Chap. 93 CWF permanently impacting 450 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 31.323' N; Long. -75° 53.877' W.)

30. Impact 1573W: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland permanently impacting 4,423 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 31.382' N; Long. -75° 53.850' W.)

31. Impact 1573S: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Susquehanna River listed as a Chap. 93 CWF permanently impacting 1,088 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 31.369' N; Long. -75° 53.855' W.)

32. Impact 1595: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Susquehanna River listed as a Chap. 93 CWF permanently impacting 228 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 31.568' N; Long. -75° 53.815' W.)

33. Impact 1876: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath the Perennial Tunkhannock Creek listed as a Chap. 93 CWF-TS.F. permanently impacting 419 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 33.141' N; Long. -75° 55.136' W.)

34. Impact 1963: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Billings Mill Brook listed as a Chap. 93 CWF permanently impacting 124 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 33.808' N; Long. -75° 54.689' W.)

35. Impact 2097W: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Scrub Shrub (PSS) Wetland permanently impacting 2,816 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 34.565' N; Long. -75° 53.841' W.)

36. Impact 2097S: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Tunkhannock Creek listed as a Chap. 93 CWF permanently impacting 180 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 34.569' N; Long. -75° 53.844' W.)

37. Impact 2100W: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Scrub Shrub (PSS) Wetland associated with a wetland complex greater than 10 acres permanently impacting 7,065 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 34.602' N; Long. -75° 53.832' W.)

38. Impact 2100S: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Tunkhannock Creek listed as a Chap. 93 CWF permanently impacting 183 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 34.591' N; Long. -75° 53.822' W.)

39. Impact 2110: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Scrub Shrub (PSS) Wetland associated with a wetland complex greater than 10 acres permanently impacting 27,963 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 34.682' N; Long. -75° 53.836' W.)

40. Impact 2147: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Scrub Shrub (PSS) Wetland permanently impacting 6,728 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 34.998' N; Long. -75° 53.778' W.)

41. Impact 2327: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Perennial Oxbow Creek listed as a Chap. 93 CWF permanently impacting 699 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 36.243' N; Long. -75° 52.991' W.)

42. Impact 2347: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Horton Creek listed as a Chap. 93 CWF permanently impacting 67.3 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 36.411' N; Long. -75° 53.011' W.)

43. Impact 2389W: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Scrub Shrub (PSS) Wetland permanently impacting 1,452 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 36.766' N; Long. -75° 53.051' W.)

44. Impact 2389S: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Horton Creek listed as a Chap. 93 CWF permanently impacting 700 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 36.777' N; Long. -75° 53.049' W.)

45. Impact 2394: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Ephemeral Unnamed Tributary to Horton Creek listed as a Chap. 93 CWF permanently impacting 530 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 36.813' N; Long. -75° 53.037' W.)

46. Impact 2419: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Horton Creek listed as a Chap. 93 CWF permanently impacting 1,607 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.008' N; Long. -75° 52.982' W.)

47. Impact 2426: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 491 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.045' N; Long. -75° 52.910'W.)

48. Impact 2428: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 1,715 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.042' N; Long. -75° 52.890'W.)

49. Impact 2430W: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres permanently impacting 6,003 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.065' N; Long. -75° 52.867'W.)

50. Impact 2430S: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Perennial Horton Creek listed as a Chap. 93 CWF permanently impacting 1257 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.045' N; Long. -75° 52.864'W.)

51. Impact 2433: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres permanently impacting 15,804 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.045' N; Long. -75° 52.832'W.)

52. Impact 2453: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Horton Creek listed as a Chap. 93 CWF permanently impacting 630 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.153' N; Long. -75° 52.724'W.)

53. Impact 2456: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Horton Creek listed as a Chap. 93 CWF permanently impacting 64 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.169' N; Long. -75° 52.749'W.)

54. Impact 2457: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres permanently impacting 9,440 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.188' N; Long. -75° 52.719'W.)

55. Impact 2481W: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Scrub Shrub (PSS) Wetland associated with a wetland complex greater than 10 acres permanently impacting 880 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.354' N; Long. -75° 52.782'W.)

56. Impact 2481S1: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Tributary to Horton Creek listed as a Chap. 93 CWF permanently impacting 324 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.334' N; Long. -75° 52.780'W.)

57. Impact 2481S2: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Perennial Horton Creek listed as a Chap. 93 CWF permanently impacting 784 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.386' N; Long. -75° 52.775'W.)

58. Impact 2484: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Perennial Horton Creek listed as a Chap. 93 CWF permanently

impacting 740 s.f.; (Tunkhannock, PA Quadrangle: Lat. 41° 37.410' N; Long. -75° 52.791'W.)

59. Impact 2522: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Ephemeral Unnamed Trib. to Horton Creek listed as a Chap. 93 CWF permanently impacting 380 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.679' N; Long. -75° 53.010'W.)

60. Impact 2523: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland permanently impacting 575 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.684' N; Long. -75° 53.030'W.)

61. Impact 2526W: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 987 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.709' N; Long. -75° 53.015'W.)

62. Impact 2526S: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Ephemeral Unnamed Trib. to Horton Creek listed as a Chap. 93 CWF permanently impacting 86 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.708' N; Long. -75° 53.007'W.)

63. Impact 2542: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 1,888 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.857' N; Long. -75° 53.017'W.)

64. Impact 2550: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 11,671 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.929' N; Long. -75° 53.019'W.)

65. Impact 2553: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 467 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.950' N; Long. -75° 53.023'W.)

66. Impact 2559: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Emergent (PEM) Wetland associated with a wetland complex greater than 10 acres permanently impacting 2,556 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.999' N; Long. -75° 53.041'W.)

67. Impact 2560: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath Perennial Horton Creek listed as a Chap. 93 CWF permanently impacting 344 s.f.; (Springville, PA Quadrangle: Lat. 41° 37.975' N; Long. -75° 53.030'W.)

68. Impact 2571: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres using permanently impacting 10,068 s.f.; (Springville, PA Quadrangle: Lat. 41° 38.090' N; Long. -75° 53.051'W.)

69. Impact 2575W: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath a Palustrine Forested (PFO) Wetland associated with a wetland complex greater than 10 acres permanently impacting 2,964 s.f.; (Springville, PA Quadrangle: Lat. 41° 38.128' N; Long. -75° 53.080'W.)



70. Impact 2575S: To install, operate, and maintain 24" Natural Gas Gathering Pipeline beneath an Intermittent Unnamed Trib. to Horton Creek listed as a Chap. 93 CWF permanently impacting 424 s.f.; (Springville, PA Quadrangle: Lat. 41° 38.108' N; Long. -75° 53.094' W.)

71. To install, operate, and maintain a 24" Natural Gas Gathering Pipeline from a point (Lat. 41° 42.752573' N, Long. 75° 55.084310' W) North of Springville, PA in the county of Susquehanna to a point (Lat. 41° 20.725316' N,

Long. 75° 56.498261' W) Northeast of Dallas, PA in the county of Luzerne where it will connect the northern gas fields to the Transco Pipeline for distribution to market. Stream Impacts are 46,314 square feet (1.063 acres) for the scope of the project, which includes portions in Luzerne, Wyoming, and Susquehanna Counties. Wetland mitigation will be determined by the PA DEP during the review process.

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

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

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

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

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

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

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#### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0031917 (Sewage)	Blue Mountain School District Blue Mountain High School 1076 West Market Street Schuylkill Haven, PA 17972	Schuylkill County North Manheim Township	Mahorney Creek (3-A) CWF & MF	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060348 (Sewage)	PA DOT Rest Area Site 62 I-84 West Palmyra Twp, PA 18426	Pike County Palmyra Township	An unnamed tributary to Kleinhans Creek (1-C) HQ CWF	N
<i>Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0209201 (Sewage)	Terrace Hills MHP Camptown, PA 18853	Bradford County	Wyalusing Township Wyalusing Creek (4-D)	Y
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481</i>				
<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>
PA0238520 (Sewage)	Moraine Trails Council BSA Camp Bucoco 830 Morton Avenue Ext. Butler, PA 16001	Butler County Slippery Rock Township	Unnamed tributary to Slippery Rock Creek 20-C	Y
PA0001872 (Industrial Waste)	Saint-Gobain Containers Inc. 1 Glass Place Port Allegany, PA 16743	McKean County Port Allegany Borough	Allegheny River 16-C	Y
PA0239631 (Sewage)	Monroe Township STP 142 Monroe Woods Drive Clarion, PA 16214	Clarion County Monroe Township	Brush Run 17-B	Y
PA0025739 (Sewage)	Port Allegany Borough STP 45 W. Maple Street Port Allegany, PA 16743	McKean County Port Allegany Borough	Allegheny River 16-C	Y

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

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

**NPDES Permit No. PA0050148**, Renewal, Sewage, **Warwick Township Water and Sewer Authority**, P. O. Box 315, Jamison, PA 18929.

This proposed facility is located in Lansdale Borough, **Montgomery County**.

Description of Action/Activity: Approval for renewal of an NPDES permit to discharge an average annual flow of 0.85 mgd to Fish Creek, a tributary Neshaminy Creek in Watershed 2F.

**NPDES Permit No. PA0058548**, Amendment, Sewage, **The Keelersville Club**, 2522 Ridge Road, Perkasio, PA 18944-3731.

This proposed facility is located in East Rockhill Township, **Bucks County**.

Description of Action/Activity: Approval for amendment of an NPDES permit to discharge treated sewage from referenced facility initiated by DEP to tributary Threemile Run in Watershed 2D.

**NPDES Permit No. PA0024651**, Renewal, Sewage, **Atglen Borough Municipal Authority**, 120 West Main Street, P. O. Box 250, Atglen, PA 19310.

This proposed facility is located in Atglen Borough, **Chester County**.

Description of Action/Activity: Approval for renewal of an NPDES permit for existing discharge of treated sewage from Atglen Borough STP to Valley Creek a tributary to East Branch Ontario Creek in Watershed 7-K.

**NPDES Permit No. PA0028614**, Renewal, Sewage, **Spring City Borough**, 6 S. Church Street, Spring City, PA 19475-1809.

This proposed facility is located in Spring City Borough, **Chester County**.

Description of Action/Activity: Approval for renewal of an NPDES permit to discharge 0.345 mgd of treated sewage for STP serving Spring City to Schuylkill River in Watershed 3-D.

**NPDES Permit No. PA0050105**, Renewal, Sewage, **Lower Frederick Township**, 53 Spring Mount Road, Zeiglerville, PA 19492.

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

Description of Action/Activity: Approval for renewal of an NPDES permit to discharge 0.2 mgd of treated sewage from Lower Frederick Twp STP to Perkiomen Creek in Watershed 3-E.

**NPDES Permit No. PA0057916**, Renewal, Industrial Waste, **Schlumberger Technology Corporation**, 300 Schlumberger Drive, Sugar Land, TX 77478.

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

Description of Action/Activity: Approval to reissue an NPDES permit to discharge 50,000 gpd of treated groundwater from the North Penn Area 12 Superfund Site to an unnamed tributary of Stony Creek in Watershed 3-F.

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

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

**WQM Permit No. 4110407**, Sewerage 4952, **Lycoming County Water and Sewer Authority**, 216 Old Cement Road, PO Box 186, Montoursville, PA 17744.

This facility is located in Fairfield Township, **Lycoming County**.

Description of Proposed Action/Activity: The applicant is approved to upgrades and modifications to the existing treatment plant that include: additional aeration and increased horsepower of blowers in the existing Sequencing Batch Reactors (SBRs), chemical addition of ferric chloride (phosphorus removal) and magnesium hydroxide (alkalinity adjustment) in SBR system, a 325,000 gallon sludge holding tank and a mechanical mixer (gravity belt thickener), an aluminum Airbeam cover for digester #1, a new air supply and diffuser system for each digester, a new belt filter press, all related metering, pumping, and alarm systems related to the upgrades and modifications, an 8,500 square foot equipment building to accommodate proposed facilities, and all other proposals as described in WQM Permit Application No. 4110407.

The permit also acknowledges the elimination of the existing septage receiving station and mechanical sludge dewatering unit.

WQM Permit No. 1411401, SIC Code 4952, **James A. Sherry**, 3196 S. Eagle Valley Road, Julian, PA 16844.

This proposed facility is located in Union Township, **Centre County**.

Description of Proposed Action/Activity: Construction of a new small flow treatment system as a repair for failed residential on-lot septic system for existing single family residence. A new small flow treatment system consists of 1,000 gallon septic tank, 500 gallon dose tank, subsurface sand filter, UV disinfection system, and the discharge point.

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

**WQM Permit No. 3292202-A2T3**, Industrial Waste, **GenOn Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317

This existing facility is located in West Wheatfield Township, **Indiana County**

Description of Proposed Action/Activity: Permit amendment issuance to upgrade existing FGDS Wastewater Treatment System.

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### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01461003	Township of Lower Merion 75 East Lancaster Avenue Ardmore, PA 19003	Montgomery	Lower Merion Township	Schuylkill River (WWF)

*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>
PAI025810002	Pennsylvania Department of Transportation Engineering District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Susquehanna	Montrose Borough and Bridgewater Township	Pettis Creek, WWF, MF; Snake Creek, CWF, MF; Meshoppen Creek, CWF, MF
PAI025410004	SBA Communications, Inc. 5900 Broken Sound Parkway Boca Raton, FL 33487	Schuylkill	Ringtown Borough and Union Township	UNT to Dark Run, HQ-CWF, MF
PAI024010005	Piast Home Builders Co. 12 Jaskiewicz Way White Haven, PA 18661	Luzerne	Rice Township	Big Wapwallopen Creek, HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026410003	Pennsylvania Department of Transportation Engineering District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Wayne	Dreher Township	Wallenpaupack Creek, HQ-CWF, MF

*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>
PAS10F106(5)	Penn State University East Campus 113 Physical Plant Bldg University Park, PA 16802	Centre	College Township State College Borough	Slab Cabin Run CWF Thompson Run HQ-CWF

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041811001	Suburban Water Authority 326 Main St Mill Hall, PA 17751	Clinton	Colebrook Township Woodward Township	Lick Run HQ Queens Run HQ Whiskey Run HQ West Branch of Susquehanna River WWF

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

*Greene County Conservation District, 19 South Washington Street, Waynesburg, PA 15370-2053 (724-852-5278)*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056310005	Joseph DeNardo Majestic Hill, LLC 3625 Washington Pike Bridgeville, PA 15017	Washington	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)

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

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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

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### **List of NPDES and/or Other General Permit Types**

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PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bensalem Township Bucks County	PAG0200 091044	ABC Construction Co., Inc. 714 Dunksferry Road Bensalem, PA 19020-6414	Delaware River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tullytown Borough Bucks County	PAG0200 091106	Department of Conservation and Natural Resources Rachel Carson Office Building PO Box 8451 - 8th Floor Harrisburg, PA 17105-8451	Martin's Creek/ Delaware Canal	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAR10- D570-R-1	Georgiana S. Coles PO Box 245, 2336 Holicong Rd Holicong, PA 18928	Mill Creek (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Thornbury Township Delaware River	PAG0200 2306019-R	Glen Mills School PO Box 5001 Concordville PA 19331	Unnamed Tributary Chester Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Cheltenham Township Montgomery County	PAG0200 461038	1509 Ashbourne Road, LP 8900 Roosevelt Boulevard Philadelphia, PA 19115	Unknown Tributary Tookany Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Moreland Township Montgomery County	PAG0200 461090	Mathew K. Cherian 61 Sunflower Way Huntingdon Valley, PA 19006	Huntingdon Valley Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 461088	The Shipley School 814 Yarrow Street Bryn Mawr, PA 19010	Mill Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chestnuthill Twp., Monroe County	PAG02004510006	New Brodheadsville LP Joseph P. Hanyon Route 209 Merwine Commons Brodheadsville, PA 18322	Weir Creek, CWF, MF	Monroe Co. Cons. Dist. 570-629-3060
City of Bethlehem, Northampton County	PAG02004811002	John Inglis Freedom Land Holdings 1489 Willowbrook Drive Bethlehem, PA 18015	Unnamed Tributary to Saucon Creek—East Branch CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
City of Altoona, Blair County	PAG02000711003	Joseph Sheetz, Sheetz Residence Timberline Estates, 309 Cardinal Drive, Hollidaysburg, PA 16648	Burgoon Run (TSF) & Sugar Run (CWF)	Blair County Conservation District, 814-696-0877 ext 5
Spring Township Centre County	PAG2001411005	Graymont, Inc. 985 E College Ave Bellefonte, PA 16823	Nittany Creek CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Scott Township Columbia County	PAG2001910006(1)	Nancy J. Marr Marr Rentals, LLC 812-D Central Rd Bloomsburg, PA 17815	UNT to Fishing Creek CWF, MF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102
Fairfield Township Lycoming County	PAG2004111001	Lycoming County Water & Sewer Authority 216 Old Cement Rd Montoursville, PA 17754	Tules Run WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Loyalsock Township City of Williamsport Lycoming County	PAG2004111002	Loyalsock Township 2501 E Third St Williamsport, PA 17701	Millers Run WWF West Branch of Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Milton Borough Northumberland County	PAG2004910017	Rolling Ridge Intersection of Red Hill Rd & Golf Course Dr Milton, PA 17847	Muddy Run WWF	Northumberland County Conservation District RR 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, X 4
Turbot Township Northumberland County	PAG2004910023	Christ Wesleyan Church 363 Stamm Rd Milton, PA 17847	UNT to Limestone Run WWF	Northumberland County Conservation District RR 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, X 4
Kelly Township Union County	PAG2006011005	Kevin Gardner PO Box 423 Lewisburg, PA 17837	UNT to Buffalo Creek WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Westmoreland County Hempfield Township	PAG02006510031	Pittsburgh Independent Auto Auction 378 Hunker Waltz Mill Road New Stanton, PA 15672	Little Sewickley (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601
Westmoreland County Unity Township	PAG02006511002	George Heskey Modal, Inc. 757 Lloyd Avenue PO Box 472 Latrobe, PA 15650	Tributary to Ninemile Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601
Adams Township Butler County	PAG02 0010 11 004	Fairview Farms Development LLC 1272 Mars Evens City Road Evans City PA 16033	Breakneck Creek WWF	Butler Conservation District 724-284-5270
Millcreek Township Erie County	PAG02 0025 11 009	Asbury Pointe Subdivision Citadel Development PO Box 8328 Erie PA 16505	UNT Lake Erie WWF; MF	Erie Conservation District 814-825-6403

*General Permit Type—PAG-3**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Williamsport Lycoming County	PAR804823	Lycoming Engines 652 Oliver Street Williamsport, PA 17701	Lycoming Creek Cemetery Run—10-A	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Canton Township Washington County	PAR206163	West Penn Wire 2833 West Chestnut Street Washington, PA 15301	UNT to Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Centerville Borough Washington County	PAR806228	Centerville Borough 685 National Pike West Brownsville, PA 15417	UNT to the Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Sharon City, Mercer County	PAR208365	Sharon Coating 277 Sharpsville Avenue Sharon, PA 16146	Shenango River 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4**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>
Union Township Centre County	PAG045273	James A. Sherry 3196 S Eagle Valley Road Julian, PA 16844	Unnamed Tributary to Bald Eagle Creek—9-C	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

*General Permit Type—PAG-8**Facility Location:*

<i>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>
Rush Township Centre County	PAG-084819	Moshannon Valley Joint Sewer Authority 829 North Ninth Street, Phillipsburg, PA 16866	Moshannon Valley Joint Sewer Authority Sewage Treatment Plant Rush Township Centre County	NCRO 570-327-0526

*General Permit Type—PAG-8 (SSN)**Facility Location:*

<i>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>
Hamilton Township Tioga County	PAG 08 9908	Kyler Environmental 1269 Piedmont Road Somerset, PA 15501	South Mountain Mine Reclamation Site Hamilton Township Tioga County	NCRO 570-327-0526

General Permit Type—PAG-12 CAFO

Facility Location:

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
Walker Township, Schuylkill County	PAG122203	Heisler's Egg Farm Todd Heisler 757 Valley Road Tamaqua, PA 18252	Beaver	PA DEP Northeast Region 2 Public Square Wilkes-Barre, PA 18701 570-826-2511

**STATE CONSERVATION COMMISSION  
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR  
NPDES PERMITS FOR CAFOs**

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

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

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

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

**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>
Country View Family Farm, LLC Beaverton Sow Farm 429 Beaverton Lane Beavertown, PA 17813	Snyder	100.00  But 0 for manure App.	790.93	Swine	N/A	Approved
Ridge Valley Farms II—Swine Robert Martin (Mailing Address) 4227 Ridge Road Beaver Springs, PA 17812 (Farm Address) 206 Lowell Road McClure, PA 17841	Snyder	81 Acres  29 for manure application	452.28	Swine	N/A	Approved

**PUBLIC WATER SUPPLY (PWS) PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor,

Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that



permitted by applicable statutes and decisional law.

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

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

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

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

**Permit No. 0611502 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Borough of Boyertown</b>
Municipality	Earl Township
County	<b>Berks</b>
Responsible Official	Patricia A Spaide, Manager 100 S Washington Street Boyertown, PA 19512
Type of Facility	Relocation of soda ash feed point to after filtration.
Consulting Engineer	Steven R Henning, P.E. The Pidcock Company 2451 Parkwood Drive Allentown, PA 18103
Permit to Construct Issued:	4/11/2011

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

**Permit No. 1810501—Construction Public Water Supply.**

Applicant	<b>Suburban Lock Haven Water Authority</b>
[Township or Borough]	Colebrook Township
County	<b>Clinton</b>
Responsible Official	Mr. Jack Peters, Chairman Suburban Lock Haven Water 326 Main Street Mill Hall, PA 17751
Type of Facility	Public Water Supply
Consulting Engineer	David M. Swisher, P.E. HRG, Inc. 474 Windmere Drive, Suite 100 State College, PA 16801
Permit Issued Date	April 13, 2011
Description of Action	Addition of a booster station and transmission main to the Whiskey Run area.

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

**Permit No. 1810501—Construction Public Water Supply.**

Applicant	<b>Suburban Lock Haven Water Authority</b>
[Township or Borough]	Colebrook Township
County	<b>Clinton</b>
Responsible Official	Mr. Jack Peters, Chairman Suburban Lock Haven Water 326 Main Street Mill Hall, PA 17751
Type of Facility	Public Water Supply
Consulting Engineer	David M. Swisher, P.E. HRG, Inc. 474 Windmere Drive, Suite 100 State College, PA 16801
Permit Issued Date	April 13, 2011
Description of Action	Addition of a booster station and transmission main to the Whiskey Run area.

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

**Permit No. 6509502—Resubmittal, Public Water Supply.**

Applicant	<b>Highridge Water Authority,</b> 17 Maple Avenue, Blairsville, PA 15717
[Borough or Township]	Derry Township
County	<b>Westmoreland</b>
Type of Facility	Sundial water project
Consulting Engineer	Gibson-Thomas Engineering Co., Inc., 1004 Ligonier Street, PO Box 853, Latrobe, PA 15650
Permit to Construct Issued	August 5, 2009

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

**Operations Permit** issued to **Borough of East Brady**, PWSID, #6160003, East Brady Borough, **Clarion County**. Permit Number 1604502-MA4, issued April 6, 2011, for operation of 4-Log treatment of viruses for Entry Point No. 101. This permit action is taken under the requirements of the Groundwater Rule and is applied to operation permit 1604502, issued January 23, 2006.

**Operations Permit** issued to **Aiken Water Company**, PWSID, #6420010, Keating Township, **McKean County**. Permit Number 4297502-MA2, issued April 8, 2011, for operation of 4-Log treatment of viruses for Entry Point 101. This permit action is taken under the requirements of the Groundwater Rule and is applied to operation permit 4297502, issued May 12, 1997.

**Operations Permit(s)** issued to **Cranberry Venango County General Authority**, PWSID, #6610031, Cranberry Township, **Venango County**. Permit Number 6184501-MA1, issued April 8, 2011, for operation of 4-Log treatment of viruses for Entry Point 101, Permit Number 6182501-MA2, issued April 8, 2011, for operation of 4-Log treatment of viruses for Entry Point 102. These permit actions are taken under the requirements of the Groundwater Rule and are applied to operation permit 6184501 and operation permit 6182501, respectively.

**Operations Permit** issued to **Pine Grove Township Municipal Authority**, PWSID, #6620029, Pine Grove Township, **Warren County**. Permit Number 6286503-MA1, issued April 8, 2011, for operation of 4-Log treatment of viruses for Entry Point No. 138. This permit action is taken under the requirements of the Groundwater Rule and is applied to operation permit 6286503, issued December 4, 1986.

**Operations Permit** issued to **Concordia Lutheran Ministries**, PWSID, #5100025, Jefferson Township, **Butler County**. Permit Number 1007503, issued April 8, 2011, for operation of Well No. 4(D) and the additional treatment for Iron & Manganese. This permit action is in response to an operation inspection conducted by Department personnel on February 16, 2011, and in accordance with construction Permit No. 1007503, issued March 28, 2008.

**Operations Permit** issued to **Pennsylvania American Water Company**, Butler, PWSID, #5100012, City of Butler, **Butler County**. Permit Number 1010503, issued April 12, 2011, for operation of the Saxonburg Booster Station, located at Maple Avenue in Butler. This permit action is in response to an operation inspection conducted by Department personnel on April 5, 2011, and in accordance with construction Permit No. 1010503, issued December 15, 2010.

**Operations Permit** issued to **Corner Water Supply & Service Corp.**, PWSID, #6160027, Paint & Elk Townships, **Clarion County**. Permit Number 8898-W-MA3, issued April 12, 2011, for operation of 4-Log treatment of viruses for Entry Point No. 108. This permit action is taken under the requirements of the Groundwater Rule and is applied to operation permit 8898-W.

**Operations Permit** issued to **Borough of Stoneboro**, PWSID, #6420056, Stoneboro Borough, **Mercer County**. Permit Number 4379503-MA2, issued April 12, 2011, for operation of 4-Log treatment of viruses for Entry Point No. 100. This permit action is taken under the requirements of the Groundwater Rule and is applied to operation permit 4379503.

**Operations Permit** issued to **Youngsville Borough**, PWSID, #6620039, Youngsville Borough, **Warren County**. Permit Number 6200501-MA4, issued April 12, 2011, for operation of 4-Log treatment of viruses for Entry Points No. 100 and No. 142. This permit action is taken under the requirements of the Groundwater Rule and is applied to operation permit 6200501, December 8, 2008.

**Operations Permit** issued to **Aqua Pennsylvania, Inc.**, PWSID, #6620021, Clarendon Borough, **Warren County**. Permit Number 6207504-T1-MA1, issued April 12, 2011, for operation of the newly installed chlorine contact line at the existing water treatment plant to provide minimum contact time for 4-Log treatment of viruses for Entry Point No. 101. This permit action is taken under the requirements of the Groundwater Rule and is applied to construction permit 6207504-T1-MA1, issued December 30, 2010.

**Operations Permit** issued to **Millcreek Township Water Authority**, PWSID, #6250076, Millcreek Township, **Erie County**. Permit Number 2590505-MA4, issued April 13, 2011, for 4-Log treatment of viruses for Entry Point No. 102. This permit action is taken under the requirements of the Groundwater Rule and is applied to operation permit 2590505, issued December 6, 2000.

**Operations Permit** issued to **City of Corry**, PWSID, #6250012, City of Corry, **Erie County**. Permit Number

2594505-T1-MA2, issued April 13, 2011, for 4-Log treatment of viruses for Entry Point No. 100. This permit action is taken under the requirements of the Groundwater Rule and is applied to operation permit 2594505.

**Operations Permit** issued to **Jamestown Municipal Authority**, PWSID, #6430043, Jamestown Borough, **Mercer County**. Permit Number 4392503-MA4, issued April 14, 2011, for 4-Log treatment of viruses for Entry Point No. 100. This permit action is taken under the requirements of the Groundwater Rule and is applied to operation permit 4392503, issued June 7, 1994.

**Operations Permit** issued to **Summerville Borough Municipal Authority**, PWSID, #6330012, Summerville Borough, **Jefferson County**. Permit Number 3388501-MA1, issued April 15, 2011, for 4-Log treatment of viruses for Entry Point No. 121. This permit action is taken under the requirements of the Groundwater Rule and is applied to operation permit 3388501, issued February 12, 1991.

## STORMWATER MANAGEMENT

### Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)

*Bureau of Watershed Management, P. O. Box 8775, Harrisburg, Pennsylvania 17105-8775*

The York County Act 167 Stormwater Management Plan, submitted by York County and entitled the "York County Integrated Water Resources Plan (IWRP)", was approved on April 15, 2011. This plan applies to all watersheds and to all areas within York County.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If re-

quired, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Racz-Muth Property**, 8937 Breinig Run Circle, Upper Macungie Township, **Lehigh County**. Richard D. Trimpi and Janine Jacobs, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 have submitted a Final Report (on behalf of their client, Aniko Racz-Muth, 8937 Breinig Run Circle, Breinigsville, PA 18031), concerning the remediation of soil and groundwater found to have been impacted by kerosene as a result of a release from a corroded, 275-gallon aboveground storage tank. The report was submitted to document attainment of the Statewide Health Standard for soil and groundwater.

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

**135-137 North Cedar Street Properties**, Lititz Borough, **Lancaster County**. Roux Associates, Inc. 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066, on behalf of Keith and Bena Montgomery, 748 Snyder Hill Road, Lititz, PA 17543, and Edmunds Cable, P. O. Box 484, Manchester, PA 17345, 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.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a

remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**J. Blaisure 1H/6H Well Site**, Elk Lake Road (Route 3001), Dimock Township, **Susquehanna County**. James Pinta, Jr. and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a Final Report (on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276), concerning the remediation of soil found to have been impacted by drilling constituents due to a reserve pit release. The report documented attainment of the Statewide Health Standard for soil and also documented attainment of the Background Standard for soils. The Final Report was approved on April 1, 2011. The report was originally submitted within 90 days of the release.

**Venezia Hauling, Inc., AKA Chemical Leaman Tank Lines, Inc., Quality Carriers, Inc.**, 3987 Easton-Nazareth Road (Route 248), Lower Nazareth Township, **Northampton County**. Ryan B. Beebe, Earth Data Northeast, Inc., 924 Springdale Drive, Exton, PA 19341 submitted a combined Remedial Investigation Report/Final Report (on behalf of his client, Venezia Hauling, Inc., P. O. Box 909, Royersford, PA 19468), concerning the remediation of soil found to have been impacted by VOCs as a result of historic wastewater containment operations at the site. The combined report documented attainment of the Site-Specific Standard for soil using pathway elimination and was approved on April 13, 2011.

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

**Harborton Place Estates**, Middletown Borough, **Dauphin County**. Herbert, Rowland and Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of

Harborton Place MHC, LLC, 1518 Avon Street, Burbank, CA 91505 and Minuteman Spill Response, Inc., 401 Richardson Road, Middletown, PA 17057, submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on April 12, 2011.

**G.A. & F.C. Wagman, Inc., Property**, Manchester Township, York County. EA Engineering, Science and Technology, Inc. One Marketway West, Suite 4C, York, PA 17401, on behalf of Mr. W. Edwin Jackson, 3290 North Susquehanna Trail, York, PA 17406, submitted a Final Report concerning the remediation of site soils contaminated with petroleum. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on April 13, 2011.

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

**Earl Page Property Fuel Release**, Castanea Township, Clinton County. Pennsylvania Tectonics, Inc., 328 Main St., Peckville, PA 198452 on behalf of Earl Page, Castanea Manor, 200 East Keller St., Lot #51, Castanea, PA 17726 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 7, 2011.

**Muncy Valley Hospital**, Muncy Creek Township, Lycoming County. Converse Consultants, 2738 W. College Ave., State College, PA 16801 on behalf of Susquehanna Health Systems, 215 E. Water St., Muncy, PA 17756 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 7, 2011.

**KBD Transportation US Route 15S Accident**. City of Williamsport, Lycoming County. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of KDB Transportation, 10739 County Road 2, Iroquois, ON, Canada has submitted within 90 days of the release a Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 12, 2011.

**EJA Trucking Inc. I-80 Exit 212B Accident**, Turbot Township, Northumberland County. Northridge Group, Inc. 1172 Ridge Road, Northumberland, PA 17857 on behalf of EJA Trucking, Inc., 6040 Baumgartner Industrial Drive, St. Louis, MO 63129 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 12, 2011.

**Evangelical Community Hospital**, Kelly Township, Union County. Northridge Group, Inc. 1172 Ridge Road, Northumberland, PA 17857 on behalf of Evangelical Community Hospital, 1 Hospital Drive, Lewisburg, PA 17837 has submitted a Final Report concerning remediation of soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 12, 2011.

## HAZARDOUS WASTE TRANSPORTER LICENSE

### Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

#### *Hazardous Waste Transporter License Renewed*

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

**Lionetti Oil Recovery, Inc.**, DBA Lorco, 450 South Front Street, Elizabeth, NJ 07202. License No. PA-AH 0567. Effective March 21, 2011.

**Triad Transport, Inc.**, P. O. Box 818, Mcalester, OK 74502. License No. PA-AH 0392. Effective March 22, 2011.

**Hazmat Environmental Group, Inc.**, 60 Commerce Drive, Buffalo, NY 14218-1040. License No. PA-AH 0315. Effective March 25, 2011.

**Republic Environmental Systems**, 21 Church Road, Hatfield, PA 19440. License No. PA-AH 0317. Effective March 28, 2011.

**EQ Industrial Services, Inc.**, 2701 N. I-94 Service Drive, Ypsilanti, MI 48198. License No. PA-AH 0615. Effective March 30, 2011.

**A & D Environmental Services, Inc.**, 2718 Uwharrie Road, Archdale, NC 27263. License No. PA-AH 0760. Effective March 30, 2011.

**Wade Salvage, Inc.**, 382 Jackson Road, Atco, NJ 08004. License No. PA-AH S246. Effective April 7, 2011.

**Parts Cleaning Technologies, LLC.**, 24901 Northwestern Highway, Suite 209, Southfield, MI 48075. License No. PA-AH 0719. Effective April 8, 2011.

**Joseph Moving & Storage Company**, P. O. Box 5, Woodland, PA 16881. License No. PA-AH 0390. Effective April 12, 2011.

**Hittman Transport Services, Inc.**, 628 Gallaher Road, Kingston, TN 37763. License No. PA-AH S239. Effective April 12, 2011.

#### *Hazardous Waste Transporter License Voluntarily Terminated*

**Marcor Remediation, Inc.**, 246 Cockeyville Road, Suite 1, Hunt Valley, MD 21030-2149. License No. PA-AH 0568. Effective January 31, 2011.

## INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

### Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

#### *Infectious and Chemotherapeutic Waste Transporter License Renewed*

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

**Bio-Team Mobile, LLC.**, 6 East Kendig Road, Willow Street, PA 17584-9590. License No. PA-HC 0225. Effective April 4, 2011.

**Bio-Haz Solutions, Inc.**, P. O. Box 420, Lehighton, PA 18235. License No. PA-HC 0191. Effective April 12, 2011.

**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Application(s) Issued Under the Solid Waste Management Act, 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.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Permit Application No. 301257. PPL Martins Creek Ash Basin No. 4**, PPL Martins Creek, LLC, Two North Ninth Street, GENPL-6, Allentown, PA 18101-1179. A major permit modification to modify the closure and post-closure plan for this captive, Class II residual waste disposal impoundment located in Lower Mount Bethel Township, **Northampton County**. The permit modification was approved and issued by the Regional Office on March 24, 2011.

Person interested in reviewing the permit may contact Bill Tomayko, Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**58-310-039GP3: Popple Construction Inc.** (215 E. Saylor Avenue, Laflin, PA 18702) on April 11, 2011 for construction and operation of a Portable Crushing Operation with watersprays at the Little Meadows Marcellus No.1 Quarry in Apolaccon Twp., **Susquehanna County**.

**58-329-026GP9: Popple Construction, Inc.** (215 E. Saylor Avenue, Laflin, PA 18702) on April 11, 2011 for installation and operation of Diesel I/C engines at the Little Meadows Marcellus No. 1 Quarry in Apolaccon Twp., **Susquehanna County**

**66-310-022GP3: Meshoppen Stone, Inc.** (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on April 11, 2011, for construction and operation of a Portable Crushing Operation with watersprays at the Wheaton Quarry Site in Washington Twp., **Wyoming County**.

**66-329-009GP9: Meshoppen Stone, Inc.** (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on April 11, 2011, for the installation and operation of a Diesel I/C engine located at the Wheaton Quarry Site in Washington Twp., **Wyoming County**.

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

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

**GP3-21-05042B: Pennsy Supply, Inc.** (PO Box 3331, 1001 Paxton Street, Harrisburg, PA 17105) on April 12, 2011, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Silver Spring Township, **Cumberland County**.

**GP9-21-05042B: Pennsy Supply, Inc.** (PO Box 3331, 1001 Paxton Street, Harrisburg, PA 17105) on April 12, 2011, for Diesel or No.2 fuel-fired Internal Combustion Engine(s) under GP9 in Silver Spring Township, **Cumberland County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-03-00247A: Snyder Brothers Inc.** (90 Glade Drive, Kittanning, PA 16201) on April 12, 2011, for installation and operation of an additional natural gas-fired compressor engine rated at 1005 bhp and controlled by an oxidation catalyst under GP-5 for natural gas production at the Furnace Run compressor Station, located in East Franklin Township, **Armstrong County**. A total of two compressor engines are authorized for operation at this site.

**GP5-30-00186A: CNX Gas Company LLC** (200 Evergreen Drive, Waynesburg, PA 15370) on April 19, 2011, to allow installation and operation of two additional natural gas-fired compressor engines rated at 425 bhp under GP-5 for natural gas production at the Deer Lick compressor Station, located in Morris Township, **Greene County**. A total of six compressor engines are authorized for operation at this site.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**45-303-011: Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) on March 3, 2011, for construction and operation of a Recycled Asphalt System (RAP) at their facility in the Hamilton Township, **Monroe County**.

**45-310-056: Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) on February 28, 2011, for replacement of rock crushing equipment at their facility in the Hamilton Township, **Monroe County**.

**45-310-057: Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) On March 17, 2011 for replacement of the pan feeder with a vibrating grizzly feeder at their facility in the Hamilton Township, **Monroe County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**30-00194: EQT Gathering, LLC** (625 Liberty Avenue, Pittsburgh, PA 15222) on March 29, 2011, with an

expiration date of September 28, 2012, to authorize construction and temporary operation of air contamination sources and controls associated with a natural gas compressor facility at their Callisto Compressor Station in Morris Township, **Greene County**.

**63-00936D: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on April 13, 2011, to install and begin initial temporary operation of a fractionator tower and a hot oil heater rated at 148 MMBtu/hr at the Houston Gas Plant in Chartiers Township, **Washington County**. Houston Gas Plant's natural gas processing capacity will increase to 355 MMscf/day as a result of this expansion.

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

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

**10-309E: Harsco Metals** (8050 Rowan Road, P. O. Box 5003, Cranberry Township, PA 16066) on April 7, 2011, to install a slag pot dumping station equipped with water sprays and additional control activities. Harsco Metals will increase slag handling capacity to handle the increased production projected by AK Steel. This action is under Plan Approval 10-309E for the facility located adjacent to the AK Steel plant along Route 8, in Butler Township, **Butler County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**PA-30-00072E: Consol Pennsylvania Coal Co., LLC** (1525 Pleasant Grove Road, Claysville, PA 15323) on April 10, 2011, with an expiration date of October 10, 2011, for continued temporary operation of sources associated with the Crabapple Overland Conveyor, in Richhill Township, **Greene County**. This is a Plan Approval has been extended.

**PA-63-00549A: Arden Landfill, Inc.** (625 Cherrington Parkway, Moon Township, PA 15108) on April 14, 2011, for a modification of the Plan Approval to incorporate the use of the existing candlestick open flare as a back-up to the existing enclosed flare under additional circumstances at their Gas to Energy Plant at Arden Landfill at Chartiers Township, **Washington County**. This is a Plan Approval modification.

**PA-65-00661C: Derry Construction Co., Inc.** (527 Route 217, Latrobe, PA 15650) on April 14, 2011, with an expiration date of October 14, 2011, for continued temporary operation of sources associated with the Delmont Asphalt Facility, in Salem Township, **Westmoreland County**. This Plan Approval has been extended.

**PA-30-00150A: Wellington Development - WVDL, LLC**, (1620 Locust Avenue, Fairmont, WV 26554) on April 6, 2011, for modification and extension for two waste coal fired, circulating fluidized bed boilers with a net generating capacity of 525 megawatts at the Greene Energy Resource Recovery Project in Cumberland Township, **Greene County**. The plan approval has been modified to require more restrictive allowable emission rates, to require additional ambient modeling, to require addi-

tional performance testing, and to require additional emission reporting. The plan approval has also been extended effective April 6, 2011 and expires on April 6, 2016.

**PA-63-00943A: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) on April 18, 2011, as a result of equipment startup on April 4, 2011, to the establish 180-day period of temporary operation of the Propane Storage and Delivery Terminal authorized under plan approval PA-63-00943A, until October 4, 2011, at the Charleroi Propane Station, in Fallowfield Township, **Washington County**. This Plan Approval has been extended.

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

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

**10-284E: Seneca Landfill, Inc.** (421 Hartmann Road, Evans City, PA 16033) on April 30, 2011, for modification of plan approval 10-284D conditions with regards to start-up, shutdown, and ceramic media curing procedures associated with the thermal oxidizer in Jackson Township, **Butler County**. This is a Title V facility.

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

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940*

**24-00009: Domtar Paper Co.—Johnsonburg Mill** (100 Center Street, Johnsonburg, PA 15845-1301) on April 11, 2011, to operate a paper mill, in Johnsonburg Borough, **Elk County**. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the potential to emit NO<sub>x</sub>, SO<sub>x</sub>, VOCs, and HAPs.

**37-00243: INMETCO** (1 Inmetco Drive, Ellwood City, PA 16117-6231) on April 13, 2011, to operate a secondary nonferrous metals recovery facility, in Ellwood City Borough, **Lawrence County**.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**46-00108: Highway Materials, Inc.** (1126 Crusher Road, Perkiomenville, PA 18074) on April 11, 2011, for renewal of their State Only Operating Permit in Marlborough Township, **Montgomery County**. Highway Materials operates a quarry and crushing plant with various crushers, screens, and conveyors. The primary pollutant of concern is particulate matter emissions (PM/PM-10/PM-2.5) from the crushing operation. The plant is categorized as a synthetic minor facility. Control devices include three baghouses and water spray dust suppression system which is required to be operated at all times. Source No. 119 (Portable Screen) and an exempt Robo-Trac Screen Deutz Engine have been removed from the facility. The permit will include monitoring, record keep-

ing and reporting requirements designed to address all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**40-00098: Koehler-Bright Star LLC** (380 Stewart Road, Hanover Township, PA 18706-1459) on April 14, 2011, for the lighting equipment manufacturing facility in Hanover Township, **Luzerne County**.

**40-00100: Toner Holdings, LLC** (411 Country Club Road, Dallas, PA 18612-9170) on April 13, 2011, for the manufacturing of cyclic crudes and intermediates at the facility located in Dallas Township, **Luzerne County**.

**45-00004: Tobyhanna Army Depot** (11 HAP Arnold Blvd, Tobyhanna, PA 18466-5086) on February 10, 2011, for material preparation and spray coating of manufactured parts in Coolbaugh Township, **Monroe County**.

**64-00010: John Sexton Sand & Gravel Corporation—Rosencranse Landfill** (2801 Lakeside Drive, Suite No. 100, Bannockburn, IL 60015) on March 8, 2011, for operation of a landfill gas flare in Berlin Township, **Wayne County**.

**48-00066: Polymer Products Co., Inc.** (100 Station Avenue, Stockertown, PA 18083) on April 19, 2011, for manufacture of custom compound purchased resins facility in Stockertown Borough, **Northampton County**. This is a renewal of the State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**03-00209: Buffalo Limestone, Inc.—Stitt Mine Plant** (805 Garretts Run Road, Ford City, PA 16226) on April 12, 2011, the Department issued a Natural Minor Operating Permit is for the processing of limestone. The operation of the facility's air contamination source consisting: crushing, screening, transferring, stockpiling, and unloading/loading. The facility utilizes two diesel engines to operate the processing equipment for the facility located in the Kittanning Township, **Armstrong County**.

**04-00698: Hanson Aggregates BMC, Inc.—Thaddus Carr Dredge Plant** (2200 Springfield Pike, Connelville, PA 15425) on April 12, 2011, for processing of natural sand and gravel for construction aggregates. Sand and gravel is obtained via dredging the Ohio River. The operation of the facility's air contamination source consisting: crushing, screening, transferring, and unloading/loading of barges for the facility in the Townships of Aliquippa, Baden and Hopewell, **Beaver County**.

**03-00193: Glacial Sand and Gravel Co.—Bridgeburg Coal Tipple Plant** (4023 Tarrtown Road, Adrian, PA 16210) on April 13, 2011, for processing non-metallic minerals and coal. The operation of the facility's air contamination source consisting of one crusher, one single deck screen, two dump bins, two transfer belts, stockpiles, and unloading/loading of trucks. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the fugitive emission and

malodor restrictions in 25 Pa. Code §§ 123.1, 123.2, and 123.31. Records of the weekly surveys performed must be recorded including date, time, observer, observation taken and if any corrective action. The permit also includes operation requirements, monitoring requirements, and recordkeeping requirements for the facility located in East Franklin Township, **Armstrong County**.

**65-00807: Hanson Aggregates BMC, Inc.—Whitney Quarry** (Armel Hollow Road, Latrobe, PA 15650) on April 13, 2011, for processing crushed limestone into various construction aggregate products, bituminous asphalt, concrete and general construction purposes. The operation of the facility's air contamination source consisting 5 crushers, 3 triple deck screens, feed hopper, 17 transfer belts, 5 bins, 5 stockpiles, and unloading/loading of trucks located in Unity Township, **Westmoreland County**.

**65-00143: Hanson Aggregates BMC, Inc.—Torrance Quarry** (311 Quarry Road, Blairsville, PA 15717) on April 13, 2011, for processing crushed limestone into various construction aggregate products, bituminous asphalt, concrete and general construction purposes. The operation of the facility's air contamination source consisting 4 crushers, 4 triple deck screens, 5 feed hopper, 21 transfer belts, a sand screw, 6 stockpiles, and unloading/loading of trucks. The facility is required to conduct a daily survey of the facility during daylight hours while the facility is operating to ensure compliance with the fugitive emission and malodor restrictions in 25 Pa. Code §§ 123.1, 123.2, and 123.31. Records of the weekly surveys performed must be recorded including date, time, observer, observation taken and if any corrective action. The permit also includes operation requirements, monitoring requirements, and recordkeeping requirements for the facility located in Derry Township, **Westmoreland County**.

**03-00152: Glacial Sand and Gravel Co.—Tarrtown Land Plant** (4023 Tarrtown Road, Adrian, PA 16210) on April 13, 2011, for processing sand and decorative gravel. The facility consists of four crushers, three screens, two wet screens, two dewatering screens, two sand screws, three sand tanks and various transfer conveyors. The plant also consists of two wash tanks to remove surface stains from the sand and gravel as well as two hydroclones that remove further unwanted debris from the final material. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the fugitive emission and malodor restrictions in 25 Pa. Code §§ 123.1, 123.2, and 123.31. Records of the weekly surveys performed must be recorded including date, time, observer, observation taken and if any corrective action. The permit also includes operation requirements, monitoring requirements, and recordkeeping requirements for the facility located in East Franklin Township, **Armstrong County**.

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

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

**33-00147: Dominion Transmission, Inc.—Big Run Station** (1875 Grange Road, Charleroi, PA 15022) on April 11, 2011, to modify the State Only Operating Permit to clarify that the requirement for the dehydrator that the source will only operate when the thermal oxidizer is operating properly. The thermal oxidizer was not installed to meet any emission limits, NSPS, or MACT requirements, but only to alleviate odor problems from the source. As such, in the event of a problem with the

thermal oxidizer, the source should not be restricted in its operation as long as it continues to meet any emissions limitations in the permit. The modification will also correct an error in the required outlet temperature as identified by the manufacturer and approved by the Department through a Request for Determination. The outlet temperature shall be greater than 1200 degrees F. For source 102, the testing requirement will be modified to reflect that the engine must be tested at the maximum full available load during portable testing.

**43-00305: Champion Carrier** (2755 Kirila Blvd., Hermitage, PA 16148) on April 12, 2011, for the facility located in Hermitage Township, **Mercer County**. s at the facility include natural gas heating, three spray booths, and clean-up operations. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**46-00169: Constantia Colmar, Inc.** (92 County Line Road, Colmar, PA 18915) on April 12, 2011, for an Administrative Amendment to State Only (Synthetic Minor) Operating Permit No. 46-00169 for their facility in Hatfield Township, **Montgomery County**. The Administrative Amendment modifies the date by which source testing is required to be performed for the regenerative thermal oxidizer at the facility. The Administrative Amendment is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**23-00001: Sunoco, Inc.—R and M** (Delaware Avenue and Green Street, P. O. Box 426, Marcus Hook, PA 19061-0426) on April 14, 2011, in Marcus Hook Borough, **Delaware County** on January 8, 2008 to incorporate plan approval 23-0001AA into the Title V Operating Permit.

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

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

**22-03004: H.B. Reese Candy Co.** (925 Reese Avenue, Hershey, PA 17033-2271) on April 12, 2011, for their candy manufacturing facility in Derry Township, **Dauphin**. The State-only permit was administratively amended to incorporate the provisions of the Plan Approval No. 22-03004A.

**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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

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

**46-329-020GP: Highway Materials, Inc.** (1128 Crusher Road, Perkiomenville, PA 18074). On April 13,

2011, for revocation of their General Operating Permit/Plan Approval for a 115 HP, John Deere, Portable Diesel Water Pump Engine located at the Perkiomenville Quarry site in Marlborough Township, **Montgomery County**. This general operating permit and plan approval was revoked because this source has been removed from the site.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001-4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

*Coal Permits Actions*

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

**02080101 and NPDES Permit No. PA0251461. Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205-9604). Permit issued to revise permit boundaries for continued operation and reclamation of a bituminous surface mine, located in Findlay Township, **Allegheny County**, affecting 91 acres. Receiving stream: unnamed tributary to Potato Garden Run. Application received: January 20, 2011. Permit issued: April 13, 2011.

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

**10100101 and NPDES Permit No. PA0258865. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous strip operation in Karns City Borough & Fairview Township, **Butler County** affecting 47.1 acres. Receiving streams: Unnamed tributaries to South Branch Bear Creek. Application received: April 5, 2010. Permit Issued: April 11, 2011.

**1475-10100101-E-1. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 2 to South Branch Bear Creek in Karns City Borough & Fairview Township, **Butler County**. Receiving streams: Unnamed tributaries to South Branch Bear Creek. Application received: April 5, 2010. Permit Issued: April 11, 2011.

**1475-10100101-E-2. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 4 to South Branch Bear Creek in Karns City Borough & Fairview Township, **Butler County**. Receiving streams: Unnamed tributaries to



South Branch Bear Creek. Application received: April 5, 2010. Permit Issued: April 11, 2011.

**61050102. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous strip operation in Scrubgrass Township, **Venango County** affecting 92.0 acres. Receiving streams: Unnamed tributaries to Scrubgrass Creek. This renewal is issued for reclamation only. Application received: February 1, 2011. Permit Issued: April 13, 2011.

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

**17040112 and NPDES No. PA0256129. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Permit renewal for reclamation activities only on an existing bituminous surface mine located in Penn Township, **Clearfield County** affecting 55.1 acres. Receiving streams: unnamed tributaries to Kratzer Run classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: April 5, 2011. Permit issued 4/12/11.

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

**54040103T. Hammond Mining Co., Inc.**, (PO Box 427, Minersville, PA 17954), transfer of an existing anthracite surface mine and refuse disposal operation in Schuylkill and Blythe Townships, **Schuylkill County** affecting 785.0 acres, receiving streams: unnamed tributaries to Schuylkill River. Application received: October 21, 2010. Transfer issued: April 19, 2011.

**54040103GP104. Hammond Mining Co., Inc.**, (PO Box 427, Minersville, PA 17954), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54040103 in Schuylkill and Blythe Townships, **Schuylkill County**, receiving streams: unnamed tributaries to Schuylkill River. Application received: December 13, 2010. Permit issued: April 19, 2011.

#### *Noncoal Permits Actions*

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

**26102802. Mon River Energy Corp.** (P. O. Box 466, Brier Hill, PA 15415). Permit issued for commencement, operation and reclamation of a small noncoal surface mine, located in Redstone Township, **Fayette County**, affecting .97 acres. Receiving stream: Fourmile Run. Application received: November 16, 2010. Permit issued: April 14, 2011.

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

**12112801 Solveson Contracting Inc.** (340 Catlin Hollow, Emporium, PA 15834), Commencement, operation and restoration of an existing small noncoal (sandstone) operation in Shippen Township, **Cameron County** affecting 2.0 acres. This is an upgrade from 2,000 tons per year to 10,000 tons per year. Receiving stream(s): Unnamed Tributary to Bell Run and Beldin Hollow to East Branch Hicks Run. Application received: April 5, 2011. Permit issued April 7, 2011.

**08062805. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16804). Transfer of an existing small noncoal sand and gravel operation from Bronson

Construction Company, Inc. in North Towanda Township, **Bradford County** affecting 5.0 acres. Receiving stream(s): Sugar Creek and Susquehanna River. Application received: November 9, 2010. Permit issued: April 7, 2011.

**08062805GP104. Glenn O. Hawbaker, Inc.**, (1952 Waddle Road, State College, PA 16804), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with mining activities on Surface Mining Permit. 08062805 in North Towanda Township, **Bradford County**. Receiving stream: Sugar Creek and Susquehanna River. Application received: March 17, 2011. Permit issued: April 7, 2011.

**17102802 Lee Coal Contracting, Inc.** (P. O. Box 147, Drifting, PA 16834). Commencement, operation and restoration of an existing small noncoal shale operation in Cooper Township, **Clearfield County** affecting 5.0 acres. This is an upgrade from 2,000 tons per year to 10,000 tons per year. Receiving stream(s): Unnamed Tributary to Basin Run and Rolling Stone Run to West Branch of the Susquehanna River. Application received: November 8, 2010. Permit issued April 13, 2011.

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

**6475SM8A1C4 and NPDES General Permit No. 6475SM8GP104. Hunlock Sand & Gravel Company**, (121 Gravel Road, Hunlock Creek, PA 18621), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 6475SM8 in Hunlock Township, **Luzerne County**, receiving stream: Roaring Brook. Application received: January 10, 2011. Permit issued: April 14, 2011.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

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**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

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#### *Blasting Permits Actions*

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

**65114003. RWS Development** (8958 Hill Drive, North Huntingdon, PA 15642). Blasting activity permit for the construction of the Kingsbury Development, located in North Huntingdon Township, **Westmoreland County**. The duration of blasting is expected to last five days. Blasting permit issued: April 14, 2011.

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

**14114105. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866). Blasting for commercial development located in College Township, **Centre County**. Permit issued April 15, 2011. Permit expires April 12, 2012.

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

**36114116. Midstream Explosives, LLC**, (289 Southside Drive, Newville, PA 17241), construction blasting for Marietta Discharge Pipeline in East Donegal

Township, **Lancaster County** and Lower Windsor and Hellam Townships, **York County** with an expiration date of March 12, 2012. Permit issued: April 12, 2011.

**64114102. Northeast Blasting**, (403 Middle Creek Road, Honesdale, PA 18431), construction blasting for Dulay Home in Texas Township, **Wayne County** with an expiration date of April 1, 2012. Permit issued: April 12, 2011.

**66114002. Doug Wathen, LLC**, (16208 State Highway 13, Suite 100, Branson West, MO 65737), construction blasting for the Hawley Water Impoundment Project in Meshoppen Township, **Wyoming County** with an expiration date of March 1, 2012. Permit issued: April 12, 2011.

**58114107. Maine Drilling & Blasting**, (PO Box 1140, Gardiner, ME 04345), construction blasting for Marbaker Retention Pond in Auburn Township, **Susquehanna County** with an expiration date of April 13, 2012. Permit issued: April 13, 2011.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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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 Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E38-170: City of Lebanon Authority**, 2311 Ridgeview Road, Lebanon, PA 17042, North Cornwall Township, **Lebanon County**, ACOE Baltimore District

To remove existing structures and to construct and maintain a 50.0-foot wide x 75.0-foot long primary power station, 12.0-foot wide x 36.0-foot long UV building, 75.0-foot wide x 160.0-foot long denitrification filter building, a 4.0-foot wide x 190.0-foot long detention basin, a 28.0-foot wide x 3.0-foot long secondary distribution chamber, a 22.0-foot wide x 22.0-foot long bio-reactor distribution center, a 13.0-foot wide x 19.0-foot long flow management chamber biosolids processing building, a 24.0-foot wide x 62.0-foot long mixed liquor pump station, a 10.0-foot wide x 10.0-foot long plant effluent metering chamber, and the placement of 3,914.0 cubic yards of fill and the excavation of 1,190 cubic yards of fill, all in the 100-year FEMA floodway of Quittapahilla and Snitz Creeks for the purpose of upgrading a wastewater treatment facility. The project is located approximately 0.25 mile southwest of the intersection of Chestnut Street and Ridgeview Road (Lebanon, PA Quadrangle; N: 15.8 inches, W: 12.1 inches; Latitude: 40°20'15", Longitude: -76°27'46") in North Cornwall Township, Lebanon County.

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

**E02-1622. Bryan Gentile**, 134 South Drive, Pittsburgh, PA 15238. To dredge an existing 0.60 acre pond (POW); to excavate approximately 0.06 acre of wetlands (PEM) located within and along the pond; to construct and maintain a storm water pipe through the wetland, temporarily impacting 0.003 acre of wetland (PEM); remove an existing 6-inch diameter outfall pipe for the existing pond and to construct and maintain a new 24-inch diameter outfall pipe approximately 110 feet long in unnamed tributary to Shaffers Run (Tributary of Deer Creek, CWF); for the purpose of expanding the existing pond and converting the existing pond to a stormwater management facility. To place and maintain fill in approximately 0.03 acre of the aforementioned wetland and place and maintain fill within the floodway of an unnamed Tributary to Shaffers Run (Tributary to Deer Creek, CWF) for a distance of approximately 220.0 feet for the purpose of constructing an outdoor riding arena. The project is located approximately 1,600.0 feet west from the intersection of Church Lane Road and Church Lane (Glenshaw, PA Quadrangle: N: 14.2 inches; W: 4.0 inches; Latitude: 40° 34' 43"; Longitude: 79° 54' 14") in Indiana Township, **Allegheny County**. The impacted watercourse has a drainage area less than 100 acres. To mitigate for wetland impacts, the applicant will create 0.10 acre of wetland on site.

**E63-630. Lower Ten Mile Joint Sewer Authority**, 144 Chartiers Road, Jefferson, PA 15344. To construct and maintain a 140 ft by 300 ft waste water treatment lagoon which includes a 200 ft embankment within the left bank floodplain of Ten Mile Creek (WWF). (Mather, PA Quadrangle: N: 18.8 inches; W: 4.8 inches; Latitude: 39° 58' 46"; Longitude: 80° 02' 02") in East Bethlehem Township, **Washington County**.

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

**E24-258, Conservation Forestry, LLC—Elk Timberlands, LLC**, P. O. Box 570, Exeter NH 03833. Elk Timberland Bridge Replacements in Jay Township, **Elk County**, ACOE Pittsburgh District (Rathbun & Kersey, PA Quadrangle N: 41°, 17', 36"; W: 78°, 30', 56").

To construct and maintain 3 single lane permanent steel bridge crossings located at existing stream crossings over Kersey Run (50 ft. span, 15 ft. wide), Hellfire Run (55 ft. span, 15 ft. wide) & Trout Run (40 ft. span, 15 ft. wide).

**E25-737, Edinboro University of Pennsylvania, Construction Office**, Mc Nerney Hall, Suite 207, Edinboro, PA 16444, Ross Hall Pedestrian Bridge in Edinboro Borough, Erie County, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: 41°, 52', 13"; W: -80°, 07', 23").

To construct and maintain an enclosed pedestrian bridge having a total span length of approximately 700 feet supported by 9 concrete columns connecting Ross Hall and Baron Forness Library crossing Darrows Creek with a clear span of 100 feet and a maximum underclearance of 14.75 feet.

**E42-350, McKean County Commissioners**, 500 West Main Street, Smethport, PA 16749. Galico Crossing Road Bridge Replacement in Keating Township, **McKean County**, ACOE Pittsburgh District (Smethport, PA Quadrangle N: 41°, 46', 51.4"; W: 78°, 24', 55.8").

To remove the existing structure and to construct and maintain a 25.3 feet wide pre-stressed concrete spread box beam bridge having a clear span of 78.4' on 70° skew and an average under clearance of 11.9' across Potato Creek and impact to 0.15 acres of adjoining wetland associated with roadway approach fill on T-378 approximately 1,000' west of SR 46. Wetlands will be mitigated by the creation of 0.24 new acres of off-site wetlands along Marvin Creek, a tributary to Potato Creek on county owned property.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued. Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This

paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

1/29/2011

ESCGP-1 No.: ESX11-125-0006

Applicant Name: Range Resources—Appalachia LLC

CONTACT: Carla L Suszkowski

Address: 380 Southpointe Blvd

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): Hopewell

Receiving Stream(s) And Classifications: UNT to Hanen

Run & Opossum Hollow, HQ

Secondary Water: Hanen Run

03/14/2011

ESCGP-1 No.: ESX11-111-0003

Applicant Name: Chief Oil & Gas Co LLC

Contact Person: Michael Hritz

Address: 6051 Wallace Rd Ext Suite 210

City: Wexford State: PA Zip Code: 15090

County: Somerset Township(s): Addison

Receiving Stream(s) and Classifications: UNT to Youghiogheny River Lake CWF, Other

Secondary Water: Youghiogheny River Lake CWF, Caselman River WWF

3/31/2011

ESCGP-1 No.: ESX10-051-0045 Minor Revision

Applicant Name: Phillips Exploration Inc

Contact Person: Michael Hritz

Address: 502 Keystone Drive

City: Warrendale State: Pa Zip Code: 15086

County: Fayette Township(s): Dunbar

Receiving Stream(s) and Classifications: UNT of Dickerson Run WWF, Other

3/1/2011

ESCGP-1 No.: ESX11-059-0017

Applicant Name: Atlas America LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Dr

City: Smithfield State: PA Zip Code: 15478

County: Greene Township(s): Cumberland

Receiving Stream(s) and Classifications: Muddy Creek & Monongahela River/Tenmile Creek, Other

03/25/2011

ESCGP-1 No.: ESX11-059-0012 Minor Revision

Applicant Name: Rice Drilling B LLC

Contact Person: Toby Rice

Address: 171 Hillpointe Dr Suite 301

City: Canonsburg State: PA Zip Code: 15317

COUNTY Greene Township(s): Gray

Receiving Stream(s) and Classifications: Greys Fork, Other

3/14/2011

ESCGP-1 No.: ESX10-059-0093 Major Revision  
 Applicant Name: Laurel Mountain Midstream LLC  
 Contact Person: Clayton Roesler  
 Address: 1550 Coraopolis Heights Road  
 City: Moon Township State: Pa Zip Code: 15108  
 County: Greene Township(s): Greene & Dunkard  
 Receiving Stream(s) and Classifications: UNT's to  
 Whiteley Creek TSF & to Meadow Run WWF Lower  
 Monongahela Watershed, Other  
 Secondary Water: Whiteley Creek TSF

03/14/2011

ESCGP-1 No.: ESX11-005-0005  
 Applicant Name: EXCO Resources (PA) LLC  
 Contact Person: Larry Sanders  
 Address: 3000 Ericsson Drive Suite 200  
 City: Warrendale State: PA Zip Code: 15086  
 County: Armstrong Township(s): Rayburn  
 Receiving Stream(s) and Classifications: Cowanshannock  
 Creek WWF Other

3/14/2011

ESCGP-1 No.: ESX09-059-0035 Major Revision  
 Applicant Name: EQT Gathering LLC  
 Contact Person: Hanna McCoy  
 Address: 625 Liberty Avenue Suite 1700  
 City: Pittsburgh State: PA Zip Code: 15222-3114  
 County: Greene Township(s): Center & Morris  
 Receiving Stream(s) and Classifications: Patterson Creek  
 HQ-WWF HQ, TOehr  
 Secondary Water: Browns Creek HQ-WWF

12/14/2011

ESCGP-1 No.: ESX10-059-0034 Minor Revision  
 Applicant Name: Alpha Shale Resources, LP  
 Contact Person: Toby Rice  
 Address: 171 Hillpointe Drive Suite 301  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Greene Township(s): Center & Wayne  
 Receiving Stream(s) and Classifications: UNT Hargus  
 Creek, HQ

3/14/2011

ESCGP-1 NO.: ESX11-125-0021  
 Applicant Name: Range Resources—Appalachia LLC  
 CONTACT PERSON: Carla Suszkowski  
 ADDRESS: 380 Southpointe Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Buffalo  
 Receiving Stream(s) and Classifications: UNTs of Buffalo  
 Creek/Wheeling-Buffalo Creeks, HQ

3/9/2011

ESCGP-1 NO.: ESX11-125-0019  
 Applicant Name: Range Resources—Appalachia LLC  
 CONTACT: Carla Suszkowski  
 ADDRESS: 380 Southpointe Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Morris  
 Receiving Stream(s) and Classifications: UNT to Tenmile  
 Creek/Tenmile Ck Watershed, Other

3/3/2011

ESCGP-1 NO.: ESX11-051-0006  
 Applicant Name: Chief Oil & Gas LLC  
 CONTACT: Michael Hritz  
 ADDRESS: 6051 Wallace Road Ext. Suite 210  
 City: Wexford State: PA Zip Code: 15090  
 County: Fayette Township(s): Ahenry Clay  
 Receiving Stream(s) and Classifications: 2 UNT to  
 Youghiogheny CWF, Other

3/17/2011

ESCGP-1 NO.: ESX11-125-0023  
 Applicant Name: Range Resources—Appalachia LLC  
 CONTACT: Carla Suszkowski  
 ADDRESS: 380 Southpointe Boulevard Suite 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Amwell  
 Receiving Stream(s) and Classifications: UNT to Brush  
 Run/Tenmile Creek Watershed, Other

1/19/2011

ESCGP-1 NO.: ESX10-051-0023 Major Revision  
 Applicant Name: Atlas Energy Resources, LLC  
 CONTACT: Jeremy Hritz  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Fayette Township(s): Jefferson  
 Receiving Stream(s) and Classifications: UNT to Little  
 Redstone Creek, Other

03/29/2011

ESCGP-1 NO.: ESX11-007-0004  
 Applicant Name: Chesapeake Appalachia LLC  
 CONTACT: Eric Haskins  
 ADDRESS: 101 North Main Street  
 City: Athens State: PA Zip Code: 18810  
 County: Beaver Township(s): South Beaver  
 Receiving Stream(s) and Classifications: UNT to Brush  
 Run HQ-CWF Beaver River, HQ

2/16/2011

ESCGP-1 NO.: ESX11-125-0013  
 Applicant Name: Range Resources—Appalachia LLC  
 CONTACT: Carla Suszkowski  
 ADDRESS: 380 Southpointe Blvd.  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Hopewell  
 Receiving Stream(s) and Classifications: UNT to Dunkle  
 Run and Cross Creek, HQ

3/28/2011

ESCGP-1 NO.: ESX11-125-0012 Subsequent Phase  
 Applicant Name: CNX Gas Company LLC  
 CONTACT: Daniel Bitz  
 ADDRESS: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Washington Township(s): Morris  
 Receiving Stream(s) and Classifications: UNT to Tenmile  
 Creek, Other

1/26/2011

ESCGP-1 NO.: ESX10-059-0065 Major Revision  
 Applicant Name: Atlas Energy Inc  
 CONTACT: Jeremy Hirtz  
 ADDRESS: 800 Mt. View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Greene Township(s): Dunkard  
 Receiving Stream(s) and Classifications: UNT to Crooked  
 Run WWF & Crooked Run WWF/Upper Monongahela

3/3/2011

ESCGP-1 NO.: ESX11-111-0002  
 Applicant Name: Chief Oil & Gas LLC  
 CONTACT: Michael Hritz  
 ADDRESS: 6051 Wallace Rd., Ext. Suite 210  
 City: Wexford State: PA Zip Code: 15090  
 County: Somerset Township(s): Addison  
 Receiving Stream(s) and Classifications: UNT to Whites  
 Creek HQ-CWF Youghiogheny River WWF

12/09/2011

ESCGP-1 NO.: ESX10-111-0007

Applicant Name: Caiman Energy LLC

CONTACT: Steve Skellie

ADDRESS: 5949 Sherry lane Suite 1300

City: Dallas State: PA Zip Code: 75225

County: Someset Township(s): Jefferson/Milford/  
MiddlecreekReceiving Stream(s) and Classifications: Middle Creek/  
Kimmel Run TSF Laurel Hill Creek/lost Creek HQ-  
CWF, Other

Secondary Water: Casselman WWF

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

ESCGP-1 # ESX10-015-0007(02)

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Bradford Township(s) Asylum Twp.

Receiving Stream(s) and Classification(s) Durell Cr  
(WWF, MF)

ESCGP-1 # ESX11-131-0007

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Wyoming Township(s) Windham Twp.

Receiving Stream(s) and Classification(s) Roaring Run  
(CWF), Susquehanna River (WWF)

ESCGP-1 # ESX11-035-0003

Applicant Name Mountain Gathering, LLC

Contact Person Dewey Chalos

Address 810 Houston St

City, State, Zip Fort Worth, TX 76102

County Clinton Township(s) Chapman Twp.

Receiving Stream(s) and Classification(s) UNT to Dry  
Run, Dry Run, UNT to Susquehanna River (HQ)

ESCGP-1 # ESX11-037-0002

Applicant Name Mountain Gathering, LLC

Contact Person Dewey Chalos

Address 810 Houston St

City, State, Zip Fort Worth, TX 76102

County Columbia and Lycoming

Township(s) Pine Twp (Columbia); Jordan Twp (Lycoming)

Receiving Stream(s) and Classification(s) Little Fishing  
Cr, Little Brier Run (EV)

ESCGP-1 # ESX11-015-0058

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Bradford

Township(s) Standing Stone Twp.

Receiving Stream(s) and Classification(s) Rummerfield  
Cr/UNT to Susquehanna R (WWF/WWF), Susquehanna  
R (WWF)

ESCGP-1 # ESX11-015-0061

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Bradford

Township(s) Sheshequin Twp.

Receiving Stream(s) and Classification(s) UNT to Deer  
Lick Cr (WWF), Deer Lick Cr (WWF)

ESCGP-1 # ESX11-015-0059

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Bradford

Township(s) Athens and Smithfield Twp.

Receiving Stream(s) and Classification(s) Wolcott Cr/Buck  
Cr/UNT to Buck Cr (all WWF)

ESCGP-1 # ESX11-015-0007(01)

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Bradford

Township(s) Asylum Twp.

Receiving Stream(s) and Classification(s) Durell Cr  
(WWF/MF)

ESCGP-1 # ESX10-117-0160(01)

Applicant Name SWEPI LP

Contact Person Richard Lewis

Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086

County Tioga

Township(s) Richmond Twp.

Receiving Stream(s) and Classification(s) UNT to North  
Elk Run/Tioga River Basin (CWF), Elk Run—  
Tioga River

ESCGP-1 # ESG11-117-0024

Applicant Name Talisman Energy USA, Inc.

Contact Person Tracy Gregory

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Tioga

Township(s) Ward Twp

Receiving Stream(s) and Classification(s) Fall Brook  
(CWF/MF), Tioga River (CWF/MF),

ESCGP-1 # ESX11-015-0063

Applicant Name Talisman Energy USA, Inc.

Contact Person Tracy Gregory

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford and Susquehanna

Township(s) Stevens Twp (Bradford); Rush Twp

(Susquehanna)

Receiving Stream(s) and Classification(s) Ross Cr (WWF/  
MF), UNT to Wyalusing Cr (WWF/MF), Wyalusing Cr  
(WWF/MF)

ESCGP-1 # ESX11-115-0031

Applicant Name Chief Oil &amp; Gas LLC

Contact Person Michael Hritz

Address 6051 Wallace Road Ext. Ste 210

City, State, Zip Wexford, PA 15090

County Susquehanna

Township(s) Lathrop Twp.

Receiving Stream(s) and Classification(s) UNT to Horton  
Cr (CWF), Tunkhannock Cr (TSF)

ESCGP-1 # ESX11-131-0009

Applicant Name Chief Oil &amp; Gas LLC

Contact Person Michael Hritz

Address 6051 Wallace Road Ext. Ste 210

City, State, Zip Wexford, PA 15090

County Wyoming

Township(s) Nicholson Twp.

Receiving Stream(s) and Classification(s) Field Brook  
(CWF), Tunkhannock Cr (EV)

- ESCGP-1 # ESX11-081-0019  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251-1330  
 County Lycoming  
 Township(s) Mifflin, Cogan House, Lewis Twps.  
 Receiving Stream(s) and Classification(s) UNT to Lick Run (HQ-CWF), UNT to Larrys Cr, Larrys Cr, UNT to Mash Run, 2nd Fork Larrys Cr, UNT to Wolf Run, Wolf Run, Wendell Run (EV)
- ESCGP-1 # ESX11-081-0020  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251-1330  
 County Lycoming  
 Township(s) Loyalsock, Eldred, Gamble, Cascade Twps.  
 Receiving Stream(s) and Classification(s) Millers Run (WWF, MF); Lick Run, Mill Cr (TSF, MF); Roaring Run, Wallis Run, Murray Run, Caleb's Run (EV, MF)
- ESCGP-1 # ESX11-081-0022  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251-1330  
 County Lycoming  
 Township(s) Cummings Twp.  
 Receiving Stream(s) and Classification(s) Pine Cr (HQ-TSF, MF), Bonnell Run (HQ-CWF, MF), UNT Pine Cr (HQ-CWF, MF)
- ESCGP-1 # ESX11-035-0005  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Bertha Nefe  
 Address P. O. Box 1330  
 City, State, Zip Houston, TX 77251-1330  
 County Clinton  
 Township(s) Champan and Noyes Twps.  
 Receiving Stream(s) and Classification(s) UNT Big McCloskey Run, Big McCloskey Run, W. Br. Susquehanna R, Goodman Hollow, UNT Mill Run, Mill Run, Caldwell Run, UNT Boggs Hollow, Boggs Hollow
- ESCGP-1 # ESX11-117-0039  
 Applicant Name SWEPI LP  
 Contact Person Richard Lewis  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Jackson  
 Receiving Stream(s) and Classification(s) Hammond Cr, Susquehanna River in Basin in PA—(CWF), Seeley Cr
- ESCGP-1 # ESX11-117-0037  
 Applicant Name SWEPI LP  
 Contact Person Richard Lewis  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga and Lycoming  
 Township(s) Liberty Twp (Tioga); Jackson Twp (Lycoming)  
 Receiving Stream(s) and Classification(s) Brion Cr, Little Elk Run, Tribs to Brion Cr, Roaring Branch (HQ-CWF, MF)
- ESCGP-1 # ESX11-015-0064  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main St  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Wyalusing Twp.  
 Receiving Stream(s) and Classification(s) Wyalusing Cr & Susquehanna River (WWF, MF)
- ESCGP-1 # ESX11-015-0057  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main St  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Franklin Twp.  
 Receiving Stream(s) and Classification(s) UNT to Towanda Cr/Towanda Cr (CWF/TSF)
- ESCGP-1 # ESX11-015-0066  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Dr  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Wells Twp  
 Receiving Stream(s) and Classification(s) UNT to Seeley Cr, UNT to Roaring Run Cr, Roaring Run Cr (CWF/MF)
- ESCGP-1 # ESX11-015-0052  
 Applicant Name EOG Resources Inc  
 Contact Person Nathan Wells  
 Address 400 Southpointe Blvd, Plaza 1, Ste 300  
 City, State, Zip Canonsburg, PA 15317  
 County Bradford  
 Township(s) Springfield Twp.  
 Receiving Stream(s) and Classification(s) Mill Cr (TSF)/Sugar—Towanda Cr; Sugar Cr (TSF)
- ESCGP-1 # ESX11-015-0053  
 Applicant Name EOG Resources Inc  
 Contact Person Nathan Wells  
 Address 400 Southpointe Blvd, Plaza 1, Ste 300  
 City, State, Zip Canonsburg, PA 15317  
 County Bradford  
 Township(s) Springfield Twp.  
 Receiving Stream(s) and Classification(s) Pisgah Cr (TSF)/Mill Cr, Sugar—Towanda Cr; Mill Cr (TSF)
- ESCGP-1 # ESX11-081-0018  
 Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Carla Suszkowski  
 Address 380 South Pointe Blvd, Ste 300  
 City, State, Zip Canonsburg, PA 15317  
 County Lycoming  
 Township(s) Gamble Twp.  
 Receiving Stream(s) and Classification(s) UNT to Mill Cr (West)
- ESCGP-1 # ESX11-081-0024  
 Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Carla Suszkowski  
 Address 380 South Pointe Blvd, Ste 300  
 City, State, Zip Canonsburg, PA 15317  
 County Lycoming  
 Township(s) Lewis Twp.  
 Receiving Stream(s) and Classification(s) UNT 20565 to Hoagland Run/Antes-Lycoming Creeks (HQ), Hoagland Run
- ESCGP-1 # ESX09-115-0013(01)  
 Applicant Name Williams Production Appalachia LLC  
 Contact Person David Freudenrich  
 Address 1000 Town Center, Ste 130  
 City, State, Zip Canonsburg, PA 15317  
 County Susquehanna  
 Township(s) Middletown Twp.  
 Receiving Stream(s) and Classification(s) UNT to Middle Branch Wyalusing Cr—CWF

ESCGP-1 # ESX10-015-0311(01)  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Eric Potter  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Wells Twp.  
 Receiving Stream(s) and Classification(s) UNTs to Seely  
 Cr (CWF)

ESCGP-1 # ESX10-033-0011  
 Applicant Name Caiman Penn Midstream, LLC  
 Contact Person Steve Skellie  
 Address 5949 Sherry Lane, Ste 645  
 City, State, Zip Dallas, TX 75225  
 County Clearfield  
 Township(s) Boggs and Knox Twps.  
 Receiving Stream(s) and Classification(s) Clearfield Cr  
 (WWF) and Little Clearfield Cr (HQ-CWF/MF) and  
 UNTs

ESCGP-1 # ESX10-105-0036  
 Applicant Name Allegheny Enterprises  
 Contact Person Clint Stout  
 Address 3885 Roller Coaster Road  
 City, State, Zip Corsica, PA 15829-3833  
 County Potter  
 Township(s) Bingham Twp.  
 Receiving Stream(s) and Classification(s) Genesee R, UNT  
 to Genesee R, UNT Turner Creek, Turner Creek—  
 (CWF, Wild Trout)

ESCGP-1 # ESX11-115-0030  
 Applicant Name Appalachia Midstream Services, LLC  
 Contact Person Patrick Myers  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna  
 Township(s) Auburn Twp.  
 Receiving Stream(s) and Classification(s) UNT to Little  
 Meshoppen Cr (CWF), Little Meshoppen Cr (CWF)

ESCGP-1 # ESX11-081-0023  
 Applicant Name Chief Gathering LLC  
 Contact Person Ted Wurfel  
 Address 6051 Wallace Road, Ste 210  
 City, State, Zip Wexford, PA 15090  
 County Lycoming  
 Township(s) Penn Twp.  
 Receiving Stream(s) and Classification(s) Sugar Run  
 (CWF, MF)

ESCGP-1 # ESX10-117-0232(01)  
 Applicant Name SWEPI LP  
 Contact Person Richard Lewis  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Farmington Twp.  
 Receiving Stream(s) and Classification(s) Thornbottom  
 Cr/Susquehanna R Basin in PA—Tioga River (WWF),  
 Cowanesque River

ESCGP-1 # ESX11-015-0065  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Franklin Twp.  
 Receiving Stream(s) and Classification(s) UNT to  
 Towanda Cr (CWF), Towanda Cr (TSF)

ESCGP-1 # ESX11-113-0008  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Sullivan  
 Township(s) Cherry Twp.  
 Receiving Stream(s) and Classification(s) Marsh Run/  
 UNT to Marsh Run (EV/EV)

ESCGP-1 # ESX11-117-0040  
 Applicant Name SWEPI LP  
 Contact Person Richard Lewis  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Charleston Twp.  
 Receiving Stream(s) and Classification(s) UNT to North  
 Elk Run/Susquehanna R (HQ-CWF), North Elk Run/  
 Elk Run/Susquehanna R.

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## SPECIAL NOTICES

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### Application Period for County Planning Grant Applications under Act 101, Section 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988

The Department of Environmental Protection (DEP) announces a request for applications from Pennsylvania counties for grant assistance for municipal solid waste planning pursuant to the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, Section 901.

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the recycling fund.

The maximum grant to a county cannot exceed \$75,000. No county may request or receive more than \$75,000 per fiscal year. Approved costs under this grant are limited to direct costs attributable exclusively to the grant project.

Potential applicants are required to meet with their DEP Regional Planning and Recycling Coordinator prior to submitting an application for funding consideration. Applications can be obtained from the DEP Coordinator or from the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (Keyword: "Planning Grants").

Inquiries concerning this notice should be directed to Mark Vottero, Bureau of Waste Management, Department of Environmental Protection, Rachel Carson State Office Building, PO Box 8472, Harrisburg, PA 17105-8472 or [mvotterostate.pa.us](mailto:mvotterostate.pa.us).

This solicitation is in effect until further notice.

**Regional Planning &  
Recycling Coordinators**

*Southeast Region: Bucks, Chester, Delaware, Montgomery & Philadelphia Counties*

DEP, Bureau of Waste Management, Mr. Calvin Ligons, 2 East Main Street, Ms. Ann Ryan, Norristown, PA 19401, MaryAlice Reisse, (484) 250-5960, (484) 250-5961 fax, Email: cligons@state.pa.us, aryan@state.pa.us, mreisse@state.pa.us

*Northeast Region: Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne & Wyoming Counties*

DEP, Bureau of Waste Management, Mr. Chris Fritz, 2 Public Square (570) 826-2516, Wilkes-Barre, PA 187011915, (570) 826-5448 fax, Email: cfritz@state.pa.us

*Southcentral Region: Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Lancaster, Lebanon, Huntingdon, Juniata, Mifflin, Perry & York Counties*

DEP, Bureau of Waste Management, Mr. John Lundsted, 909 Elmerton Avenue (717) 705-4927, Harrisburg, PA 17110-8200, (717) 705-4930 fax, Email: jlundsted@state.pa.us

*Northcentral Region: Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga & Union Counties*

DEP, Bureau of Waste Management, Ms. Michelle Ferguson, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701, (570) 321-6533, (570) 327-3420 fax, Email: miferguson@state.pa.us

*Southwest Region: Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland Counties*

DEP, Bureau of Waste Management, Ms. Sharon Svitek, Mr. Brad Cunningham, Mr. Stephen Sales, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000, (412) 42-4194 fax, Email: ssvitekstate.pa.us, bcunninghamstate.pa.us, ssales@state.pa.us

*Northwest Region: Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango & Warren Counties*

DEP, Pollution Prevention & Compliance Assistance, Mr. Guy McUmbert, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6848, (814) 332-6117 fax, Email: gmumber@state.pa.us

**General Permit for Short-Term  
Construction Projects**

Approval of Registration/Applications under General Permit for Short-Term Construction Project BMR-GP-103

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

**58111001. Popple Construction, Inc.**, (215 East Saylor Avenue, Laffin, PA 18702), authorization to extract stone in Apolaccon Township, **Susquehanna County** to construct gas well pads for Little Meadows Quarry Project, receiving stream: Apalachin Creek. Application received: January 19, 2011. Authorization approved April 18, 2011.

**58111001GP104. Popple Construction, Inc.**, (215 East Saylor Avenue, Laffin, PA 18702), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58111001 in Apolaccon Township, **Susquehanna County**, receiving

stream: Apalachin Creek. Application received: February 9, 2011. Permit issued: April 18, 2011.

**Request for Comments and Notice of  
Public Meeting for the Proposed Total  
Maximum Daily Loads (TMDLs) Developed for  
the Delaware Run Watershed**

The Pennsylvania Department of Environmental Protection (PADEP) and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on May 2, 2011, at 6:00 p.m., at the Delaware Township Building at 1960 Eighth Street Drive, Watsonstown, PA 17777. The purpose of the meeting is to discuss and accept comments on the proposed TMDL developed for the Delaware Run Watershed. In accordance with the requirements of Section 303(d) of the Clean Water Act, stream segments in the Delaware Run Watershed have been identified as impaired due to high levels of nutrients and sediment, as a result of agricultural land uses.

The proposed TMDLs set allowable loadings to meet water quality standards at specified points in Delaware Run Watershed for nutrients and sediment. Loads have been allocated to nonpoint sources. The TMDLs were established using ArcView Generalized Watershed Loading Function (AVGWLF), a PADEP-approved method.

The data and all supporting documentation used to develop the proposed TMDLs are available from PADEP. The proposed TMDL and information on the TMDL program can be viewed on PADEP's website ([www.dep.state.pa.us/watermanagement/apps/tmdl/](http://www.dep.state.pa.us/watermanagement/apps/tmdl/)). To request a copy of any of the TMDLs, contact Bill Brown, PADEP, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2951.

Written comments will be accepted at the above address and must be postmarked no later than May 30, 2011. PADEP will consider all comments in developing the final TMDL, which will be submitted to the U.S. Environmental Protection Agency for approval.

**Request for Comments and Notice of Public  
Meeting for the Proposed Total Maximum Daily  
Loads (TMDLs) Developed for the Kishacoquillas  
Creek Watershed**

The Pennsylvania Department of Environmental Protection (PADEP) and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on May 11, 2011, at 6:00 p.m., at the Belleville Senior Center at 40 S. Kish Street, Belleville, PA 17004. The purpose of the meeting is to discuss and accept comments on the proposed TMDL developed for the Kishacoquillas Creek Watershed. In accordance with the requirements of Section 303(d) of the Clean Water Act, stream segments in the Kishacoquillas Creek Watershed have been identified as impaired due to high levels of nutrients and sediment, as a result of agricultural land uses.

The proposed TMDLs set allowable loadings to meet water quality standards at specified points in Kishacoquillas Creek Watershed for nutrients and sediment. Loads have been allocated to nonpoint sources. The TMDLs were established using ArcView Generalized Watershed Loading Function (AVGWLF), a PADEP-approved method.

The data and all supporting documentation used to develop the proposed TMDLs are available from PADEP. The proposed TMDL and information on the TMDL program can be viewed on PADEP's website ([www.dep.state.pa.us/watermanagement/apps/tmdl/](http://www.dep.state.pa.us/watermanagement/apps/tmdl/)).



state.pa.us/watermanagement\_apps/tmdl/). To request a copy of any of the TMDLs, contact Bill Brown, PADEP, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2951.

Written comments will be accepted at the above address and must be postmarked no later than May 30, 2011. PADEP will consider all comments in developing the final TMDL, which will be submitted to the U.S. Environmental Protection Agency for approval.

**Request for Comments and Notice of  
Public Meeting for the Proposed Total  
Maximum Daily Loads (TMDLs) Developed for  
the Mahoning Creek Watershed**

The Pennsylvania Department of Environmental Protection (PADEP) and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on May 4, 2011 at 6:00 p.m., at the Mahoning Township Building at 1101 Bloom Road, Danville, PA 17821. The purpose of the meeting is to discuss and accept comments on the proposed TMDL developed for the Mahoning Creek Watershed. In accordance with the requirements of Section 303(d) of the Clean Water Act, stream segments in the Mahoning Creek Watershed have been identified as impaired due to high levels of nutrients and sediment, as a result of agricultural and urban land uses.

The proposed TMDLs set allowable loadings to meet water quality standards at specified points in Mahoning Creek Watershed for nutrients and sediment. Loads have been allocated to nonpoint sources. The TMDLs were established using ArcView Generalized Watershed Loading Function (AVGWLF), a PADEP-approved method.

The data and all supporting documentation used to develop the proposed TMDLs are available from PADEP. The proposed TMDL and information on the TMDL program can be viewed on PADEP's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the TMDLs, contact Bill Brown, PADEP, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2951.

Written comments will be accepted at the above address and must be postmarked no later than May 30, 2011. PADEP will consider all comments in developing the final TMDL, which will be submitted to the U.S. Environmental Protection Agency for approval.

**Request for Comments and Notice of  
Public Meeting for the Proposed Total  
Maximum Daily Loads (TMDLs) Developed for  
the Muddy Run Watershed**

The Pennsylvania Department of Environmental Protection (PADEP) and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on May 5, 2011 at 6:00 p.m., at the Turbot Township Building at 1190 Broadway Rd, Milton, PA 17847. The purpose of the meeting is to discuss and accept comments on the proposed TMDL developed for the Muddy Run Watershed. In accordance with the requirements of Section 303(d) of the Clean Water Act, stream segments in the Muddy Run Watershed have been identified as impaired due to high levels of nutrients and sediment, as a result of agricultural land uses.

The proposed TMDLs set allowable loadings to meet water quality standards at specified points in Muddy Run Watershed for nutrients and sediment. Loads have been allocated to nonpoint sources. The TMDLs were estab-

lished using ArcView Generalized Watershed Loading Function (AVGWLF), a PADEP-approved method.

The data and all supporting documentation used to develop the proposed TMDLs are available from PADEP. The proposed TMDL and information on the TMDL program can be viewed on PADEP's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the TMDLs, contact Bill Brown, PADEP, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2951.

Written comments will be accepted at the above address and must be postmarked no later than May 30, 2011. PADEP will consider all comments in developing the final TMDL, which will be submitted to the U.S. Environmental Protection Agency for approval.

**Request for Comments and Notice of  
Public Meeting for the Proposed Total  
Maximum Daily Loads (TMDLs) Developed for  
the Warriors Mark Run Watershed**

The Pennsylvania Department of Environmental Protection (PADEP) and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on May 12, 2011, at 6:00 p.m., at the Warriors Mark-Franklin Fire Hall at 4571 Fire House Road, Warriors Mark, PA 16877. The purpose of the meeting is to discuss and accept comments on the proposed TMDL developed for the Warriors Mark Run Watershed. In accordance with the requirements of Section 303(d) of the Clean Water Act, stream segments in the Warriors Mark Run Watershed have been identified as impaired due to high levels of nutrients and sediment, as a result of agricultural land uses.

The proposed TMDLs set allowable loadings to meet water quality standards at specified points in Warriors Mark Run Watershed for nutrients and sediment. Loads have been allocated to nonpoint sources. The TMDLs were established using ArcView Generalized Watershed Loading Function (AVGWLF), a PADEP-approved method.

The data and all supporting documentation used to develop the proposed TMDLs are available from PADEP. The proposed TMDL and information on the TMDL program can be viewed on PADEP's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the TMDLs, contact Bill Brown, PADEP, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2951.

Written comments will be accepted at the above address and must be postmarked no later than May 30, 2011. PADEP will consider all comments in developing the final TMDL, which will be submitted to the U.S. Environmental Protection Agency for approval.

**Request for Comments and Notice of Public  
Meeting for the Proposed Total Maximum Daily  
Loads (TMDLs) Developed for the West Branch  
Chillisquaue Creek Watershed**

The Pennsylvania Department of Environmental Protection (PADEP) and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on May 9, 2011, at 6:00 p.m., at the Turbotville Community Hall at 41 Church Street, Turbotville, PA 17772. The purpose of the meeting is to discuss and accept comments on the proposed TMDL developed for the West Branch Chillisquaue Creek Watershed. In accordance with the requirements of Section 303(d) of the Clean Water Act,

stream segments in the West Branch Chillisquaque Creek Watershed have been identified as impaired due to high levels of nutrients and sediment, as a result of agricultural land uses.

The proposed TMDLs set allowable loadings to meet water quality standards at specified points in West Branch Chillisquaque Creek Watershed for nutrients and sediment. Loads have been allocated to nonpoint sources. The TMDLs were established using ArcView Generalized Watershed Loading Function (AVGWLF), a PADEP-approved method.

The data and all supporting documentation used to develop the proposed TMDLs are available from PADEP. The proposed TMDL and information on the TMDL program can be viewed on PADEP's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the TMDLs, contact Bill Brown, PADEP, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2951.

Written comments will be accepted at the above address and must be postmarked no later than May 30, 2011. PADEP will consider all comments in developing the final TMDL, which will be submitted to the U.S. Environmental Protection Agency for approval.

[Pa.B. Doc. No. 11-726. Filed for public inspection April 29, 2011, 9:00 a.m.]

### Proposed Designation Recommendations for the 1-Hour Sulfur Dioxide National Ambient Air Quality Standard

On June 2, 2010, the United States Environmental Protection Agency (EPA) issued a revised 1-hour sulfur dioxide (SO<sub>2</sub>) National ambient air quality standard, (NAAQS), which became effective on August 23, 2010. See 75 FR 35520 (June 22, 2010). The new short-term standard, 75 parts per billion (ppb), based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations, is designed to protect public health by reducing short-term exposure to elevated SO<sub>2</sub> concentrations. Current scientific evidence links health effects including difficulty breathing and increased asthma symptoms to short-term exposure to SO<sub>2</sub> emissions. Studies also show an association between short-term SO<sub>2</sub> exposure and increased visits to emergency departments and hospital admissions for respiratory illnesses—particularly in at-risk populations including children, the elderly and asthmatics.

In accordance with section 107(d) of the Clean Air Act (42 U.S.C.A. § 7407(d)), the governor of each state must submit designation recommendations to the EPA by June 2, 2011. Final designations will be promulgated by the EPA in June 2012. Attainment demonstrations submitted to the EPA in June 2014 must prescribe actions taken to meet the standard as expeditiously as possible, but no later than August 2017.

According to information compiled for the latest emissions inventory (2008), large stationary sources contribute almost 90% of the SO<sub>2</sub> emissions in this Commonwealth, with most of those emissions coming from electric generation units.

The Department of Environmental Protection (Department) is seeking public input on the following proposed designation recommendations for the 1-hour SO<sub>2</sub> NAAQS:

- Allegheny, Beaver, Indiana and Warren Counties as nonattainment areas.
- The remainder of this Commonwealth would be identified as “unclassifiable” areas.

The recommendations for nonattainment areas are based only on air quality monitoring data for 2008-2010; monitors in these counties exceed the 1-hour standard. The EPA suggested that initial state designation recommendations of “unclassifiable” would not be unexpected for areas without violations at an air quality monitor. States may provide additional information for larger or smaller nonattainment areas, which would most likely be based on refined dispersion modeling. However, refined dispersion modeling for large sources of SO<sub>2</sub> emissions in this Commonwealth has not been conducted due to the EPA's delayed issuance of its guidance for area designations on March 24, 2011. Prior to the issuance of final designations in June 2012, the Department anticipates that modeling will be conducted for certain sources in accordance with the EPA guidance. The EPA will notify states at least 120 days before the final designations if the EPA intends to modify state designation recommendations.

This proposal is available on the Department's web site at <http://www.depweb.state.pa.us> or through the following contact person.

Written comments on the recommendations should be sent to Arleen Shulman, Chief, Air Resource Management Division, Bureau of Air Quality, Department of Environmental Protection, P. O. Box 8468, Harrisburg, PA 17105-8468, [ashulman@state.pa.us](mailto:ashulman@state.pa.us) no later than 4 p.m. on May 25, 2011. Written comments including e-mail submittals must include the name, affiliation, mailing address and telephone number of the interested person.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 11-727. Filed for public inspection April 29, 2011, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of DuBois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-7.2.2.1 (relating to public corridor width) and 3.1-7.2.2.3(1)(a) and (b) (relating to door openings).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Acting Secretary

[Pa.B. Doc. No. 11-728. Filed for public inspection April 29, 2011, 9:00 a.m.]

### Application of Good Shepherd Rehabilitation Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Good Shepherd Rehabilitation Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.6-2.2.2.1 (relating to maximum number of beds per room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Acting Secretary

[Pa.B. Doc. No. 11-729. Filed for public inspection April 29, 2011, 9:00 a.m.]

### Application of Grand View Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grand View Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Acting Secretary

[Pa.B. Doc. No. 11-730. Filed for public inspection April 29, 2011, 9:00 a.m.]

### Application of Grant Surgicenter, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grant Surgicenter, LLC has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.6.2(2) (relating to staff clothing change area) and 2.4.1.2(2) (relating to minimum requirements for recovery area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-731. Filed for public inspection April 29, 2011, 9:00 a.m.]

### Application of Lansdale Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lansdale Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.2-3.4.5.3 (relating to patient toilet in ultrasound room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-732. Filed for public inspection April 29, 2011, 9:00 a.m.]

### Application of Miner's Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Miner's Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1-7.2.2.1(1) (relating to width of public corridor).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of

Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-733. Filed for public inspection April 29, 2011, 9:00 a.m.]

### Application of Robert Packer Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Robert Packer Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.16.2.2(a) and 2.2-2.16.2.3 (relating to room size) and 2.2-2.16.2.6 (relating to square footage of patient bathroom).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-734. Filed for public inspection April 29, 2011, 9:00 a.m.]

### Application of Turk's Head Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Turk's Head Surgery Center, LLC has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-735. Filed for public inspection April 29, 2011, 9:00 a.m.]

### Approved Drugs for ALS Ambulance Services

An error occurred in the preparation of the notice that appeared at 41 Pa.B. 1974 (April 9, 2011). The correct version of the notice is as follows and contains the following corrections:

The removal of the drug "Bretylium" (previously listed at no. 10).

The removal of an asterisk next to the drug "Levalbuterol" (currently listed at no. 33).

The addition of an asterisk next to "Total parental nutrition" (currently listed at no. 52).

The correction of the abbreviation "mEg/L" to "mEq/L" (in the paragraph under no. 53).

Under 28 Pa. Code § 1005.11 (relating to drug use, control and security), the following drugs are approved for use by ground advanced life support (ALS) ambulance services and may be administered by emergency medical technicians—paramedics, prehospital registered nurses and health professional physicians when use of the drugs is permitted by the applicable Department of Health (Department) approved regional medical treatment protocols:

1. Activated charcoal
2. Acetaminophen
3. Adenosine
4. Albuterol
5. Amiodarone
6. Antimicrobials—for interfacility transports only

7. Aspirin
8. Atropine sulfate
9. Benzocaine—for topical use only
10. Calcium chloride
11. Calcium gluconate
12. Captopril
13. Dexamethasone sodium phosphate
14. Diazepam
15. Dilaudid—for interfacility transports only\*
16. Diltiazem
17. Diphenhydramine HCL
18. Dobutamine
19. Dopamine
20. Enalapril
21. Epinephrine HCL
22. Etomidate (only permitted for services approved by a regional EMS council and participating in the required QI program)
23. Fentanyl
24. Furosemide
25. Glucagon
26. Heparin by intravenous drip—for interfacility transports only\*
27. Heparin lock flush
28. Hydrocortisone sodium succinate
29. Glycoprotein IIb/IIIa Inhibitors—for interfacility transports only\*
  - a. Abciximab
  - b. Eptifibatide
  - c. Tirofiban
30. Intravenous electrolyte solutions
  - a. Dextrose
  - b. Lactated Ringer's
  - c. Sodium chloride
  - d. Normosol
  - e. Potassium—for interfacility transports only\*
31. Ipratropium Bromide
32. Isoproterenol HCL—for interfacility transports only\*
33. Levalbuterol—for interfacility transports only
34. Lidocaine HCL
35. Lorazepam
36. Magnesium sulfate
37. Methylprednisolone
38. Midazolam
39. Morphine sulfate
40. Naloxone HCL
41. Nitroglycerin (all forms/routes, but continuous intravenous infusion must be regulated by an infusion pump)
42. Nitrous oxide
43. Ondansetron
44. Oxytocin
45. Pralidoxime CL
46. Procainamide
47. Sodium bicarbonate
48. Sodium thiosulfate
49. Sterile water for injection
50. Terbutaline
51. Tetracaine—for topical use only
52. Total parental nutrition—for interfacility transport only\*
53. Verapamil

\*During interfacility transport, all medications given by continuous infusion (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) must be regulated by an infusion pump.

This list supersedes the list of approved drugs published at 38 Pa.B. 6564 (November 29, 2008).

The following changes have been made:

- (1) Addition of acetaminophen
- (2) Addition of antimicrobials—for interfacility transport only
- (3) Addition of total parenteral nutrition—for interfacility transport only
- (4) Clarification that etomidate can only be used by regionally approved services that are participating in the required QI program
- (5) Removal of metaproteranol (Alupent)
- (6) All forms of nitroglycerin can be administered

Ambulance services are not authorized to stock drugs designated “for interfacility transports only.” However, paramedics and health professionals may administer a drug so designated if the facility transferring a patient provides the drug, directs that it be administered to the patient during the transfer, and the regional transfer and medical treatment protocols permit the administration of the drug by those personnel. See 28 Pa. Code § 1005.11(a)(3) and (d).

Section 1005.11 of 28 Pa. Code permits a ground ALS ambulance service to exceed, under specified circumstances, the drugs (taken from the master list) that a region’s medical treatment protocols authorize for use within the region. In addition, under 28 Pa. Code § 1001.161 (relating to research), the Department may approve an ambulance service to engage in a research project that involves use of a drug not included in a region’s medical treatment protocols. Finally, under 28 Pa. Code § 1001.4 (relating to exceptions), a ground ALS ambulance service and its ALS service medical director may apply to the Department for an exception to a region’s medical treatment protocols.

The list of drugs in this notice does not apply to air ambulance services. Under 28 Pa. Code § 1007.7(i)(2) (relating to licensure and general operating requirements), each air ambulance service is to develop its own medical treatment protocols which identify drugs that may be used by the air ambulance service. The air ambulance service is to then submit the protocols to the medical advisory committee of the appropriate regional emergency medical services council for the medical advisory committee’s review and recommendations. Following its consideration of the recommendations, and after making further revisions if needed, the air ambulance service is to file the protocols with the Department for approval.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Robert Cooney at the Department of Health, Bureau of Emergency Medical Services, Room 606, Health and Welfare Building, 625 Forster Street Harrisburg, PA 17120-0701, (717) 787-8740. Speech or hearing impaired persons may use V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-736. Filed for public inspection April 29, 2011, 9:00 a.m.]

### Decisions on Requests for Exception to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exception), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from July 2010 through March 2011. Future publications of decisions on exception requests will appear on a quarterly basis.

All requests for additional information on the exception request and the Department’s decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities shall be addressed to Joanne Salsgiver, Director, Division of Acute and Ambulatory Care, Room 532 Health & Welfare Building, Harrisburg, PA 17120. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health & Welfare Building, Harrisburg, PA 17120.

#### Hospitals

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request</i>	<i>Decision</i>
Carlisle Endoscopy Center	28 Pa. Code § 51.6	identification of personnel	01/29/11	not necessary
Elk Regional Health Center	28 Pa. Code § 51.6	identification of personnel	02/05/11	granted
Main Line Hospital Paoli	28 Pa. Code § 51.6	identification of personnel	03/12/11	granted
Thomas Jefferson University Hospital Methodist Division	28 Pa. Code § 51.23	PET scanning services	07/24/10	withdrawn
Mercy Suburban Hospital	28 Pa. Code § 51.23	PET scanning services	03/12/11	granted
Advanced Surgical Hospital	28 Pa. Code § 101.172	patient limits	11/20/10	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request</i>	<i>Decision</i>
Geisinger Medical Center/ Janet Weis Children's Hospital	28 Pa. Code § 101.172	patient limits	01/29/11	denied
OSS Orthopaedic Hospital	28 Pa. Code § 101.31(7)	hospital requirements— permanent on-site facilities	01/29/11	granted with provisions
LifeCare Hospitals of Pittsburgh—Suburban	28 Pa. Code § 103.1 103.3 103.31	principle governing body bylaws chief executive officer	01/29/11	granted
Coordinated Health Orthopedic Hospital, LCC	28 Pa. Code § 105.11(b)	access	09/18/10	granted with provisions
LifeCare Hospitals of Pittsburgh—Suburban	28 Pa. Code § 107.1 107.11  107.26(b)(1) 107.26(b)(7)	principle principle-medical staff bylaws, rules, and regulations credentials committee bylaws committee	01/29/11	granted
Kindred Hospital Wyoming Valley	28 Pa. Code § 107.2	medical staff membership	01/29/11	granted
Nazareth Hospital	28 Pa. Code § 107.2	medical staff membership	01/29/11	granted
Saint Catherine Medical Center Fountain Springs	28 Pa. Code § 107.2	medical staff membership	02/26/11	granted
Chester County Hospital	28 Pa. Code § 107.25(b)(8)	medical staff executive committee	01/29/11	granted
Select Specialty Hospital Johnstown	28 Pa. Code § 107.25(b)(8)	medical staff executive committee	02/26/11	granted
Children's Hospital of Pittsburgh of UPMC	28 Pa. Code § 107.62(b)	oral orders	01/29/11	granted
LifeCare Hospitals of Pittsburgh—Suburban Campus	28 Pa. Code § 109.2	director of nursing services	01/29/11	granted
Carlisle Regional Medical Center	28 Pa. Code § 119.22	written policies and procedure referrals	11/20/10	granted with provisions
York Hospital	28 Pa. Code § 119.44	location of the short term procedure operating room	03/12/11	granted
Shamokin Area Community Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	01/29/11	granted
Titusville Area Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	02/05/11	granted
J. C. Blair Memorial Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	02/05/11	granted
York Hospital	28 Pa. Code § 127.31(b)	policies and procedures	05/22/10	granted with provisions
Community Medical Center	28 Pa. Code § 127.32	written orders diagnostic radiology services	01/29/11	granted
Evangelical Community Hospital	28 Pa. Code § 127.32	written orders diagnostic radiology services	01/29/11	granted
Somerset Hospital	28 Pa. Code § 127.32	written orders diagnostic radiology services	01/29/11	granted
St. Luke's Riverside Hospital	28 Pa. Code § 138.15	high risk caths	03/12/11	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request</i>	<i>Decision</i>
Mount Nittany Medical Center	28 Pa. Code § 138.18(b)	postoperative care	01/29/11	granted w/conditions
Keystone Pain Institute	28 Pa. Code § 153.1	2.3.1.2 OR size	05/15/10	withdrawn
Keystone Pain Institute	28 Pa. Code § 153.1	2.3.4 Image Viewer	05/15/10	withdrawn
Keystone Pain Institute	28 Pa. Code § 153.1	2.4.1.1 recovery rooms	05/15/10	withdrawn
Keystone Pain Institute	28 Pa. Code § 153.1	2.4.2 Phase II recovery	05/15/10	withdrawn
Keystone Pain Institute	28 Pa. Code § 153.1	2.5.4 soiled workroom	05/15/10	withdrawn
Keystone Pain Institute	28 Pa. Code § 153.1	2.5.5 sterilization	05/15/10	withdrawn
Keystone Pain Institute	28 Pa. Code § 153.1	2.5.7.5 stretcher storage area	05/15/10	withdrawn
Keystone Pain Institute	28 Pa. Code § 153.1	2.5.8 housekeeping	05/15/10	withdrawn
Keystone Pain Institute	28 Pa. Code § 153.1	3.1.2 sterilization facilities	05/15/10	withdrawn
Keystone Pain Institute	28 Pa. Code § 153.1	7.2.3.1 medical gases	05/15/10	withdrawn
Ephrata Community Hospital	28 Pa. Code § 153.1	2.2-2.16(2)(b) room dimensions	11/20/10	granted
Ephrata Community Hospital	28 Pa. Code § 153.1	2.2-2.2.2.5(1)(a) hand washing station	11/20/10	not necessary
Ephrata Community Hospital	28 Pa. Code § 153.1	2.2-2.16.4.2 bariatric isolation room	11/20/10	granted
Ephrata Community Hospital	28 Pa. Code § 153.1	2.2-2.16.2.2(3) renovation	11/20/10	not necessary
Westfield Hospital	28 Pa. Code § 153.1	2.1-5.1.3.4 triage room	11/20/10	granted
Wilkes-Barre General Hospital	28 Pa. Code § 153.1	2.1-8.5.3.2 technology distribution rooms	11/20/10	granted
Western Pa Hospital Forbes Regional Campus	28 Pa. Code § 153.1	2.2-2.5.6.1 administrative center or nurse station	01/29/11	granted
Western PA Hospital Forbes Regional Campus	28 Pa. Code § 153.1	2.2-2.5.2.5 hand washing stations	01/29/11	granted
Healthsouth Rehab Hospital of Altoona	28 Pa. Code § 153.1	2.1-2.3.1 dining, recreation, and day space	01/29/11	not necessary
Memorial Hospital Inc, Towanda	28 Pa. Code § 153.1	3.1-3.2.3 space requirements	01/29/11	granted
Pinnacle Health at Hbg Hospital North-10 Progressive Care Unit	28 Pa. Code § 153.1	2.2-2.5.2.5 hand washing stations; 2.2-2.5.6.11 equipment supply storage	01/29/11	granted
Pinnacle Health at Harrisburg	28 Pa. Code § 153.1	2.2-3.9.2.6 patient Hospital Dialysis Unit toilet; 2.2-3.9.6.11 stretcher/wheelchair storage; 2.2-3.9.7.1 staff changing areas and staff shower; 2.2-3.9.8.1 waiting room, public toilet, public telephone; 2.2-3.9.8.2 patients' belonging storage; 2.2-3.9.2.2(1) space requirements for clearance between beds/lounge chairs	01/29/11	granted
Pinnacle Health Card. Diagnostic Services Weight Loss Clinic	28 Pa. Code § 153.1	3.1-3.6.1 nurse station; 3.1-3.6.6 medication distribution station; 3.1-3.6.7 nourishment area or room; 3.1-7.2 corridor width	01/29/11	granted



<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request</i>	<i>Decision</i>
Pinnacle Health Cardiovascular Diag Services 2nd Floor Pediatrics, Wormleysburg	28 Pa. Code § 153.1	3.1-3.6.1 nurse station(s); 3.1-3.6.6 medication distribution station; 3.1-3.6.7 nourishment area or room; 3.1-7.2 corridor width	01/29/11	granted
Pinnacle Outpatient Cardiovascular Diagnostic Services Carlisle Distribution Station	28 Pa. Code § 153.1	3.1-3.6.1 nurse station; 3.1-3.6.6 medication; 3.1-3.6.7 nourishment area or room	01/29/11	granted
Jameson Memorial Hospital	28 Pa. Code § 153.1	Table 7-1-7.4.1 operating room; 2.1-8.5.3 technology distribution room; 2.2-3.3.3.3 and 3.3.3.4 Phase II recovery	01/29/11	granted
DuBois Regional Medical Center	28 Pa. Code § 153.1	3.1-7.2.2.1 corridor width and 3.1-3.2.2.2 exam rooms	01/29/11	granted
CH Hospital of Allentown— Independence Clinic	28 Pa. Code § 153.1	3.1-3.2.2.3 hand washing stations	01/29/11	granted
CH Hospital of Allentown—Allentown Clinic	28 Pa. Code § 153.1	3.1-3.2.2.3 hand washing stations	01/29/11	granted
CH Hospital of Allentown—Highland Clinic	28 Pa. Code § 153.1	3.1-3.2.2.3 hand washing stations	01/29/11	granted
CH Hospital of Allentown— Brodheads ville Clinic	28 Pa. Code § 153.1	3.1-7.2.2.1 corridor width	01/29/11	granted
Chester County Hospital	28 Pa. Code § 153.1	2.2-3.4.4.2(1) and (3) design configuration of MRI Suite	01/29/11	granted
EastGate Ambulatory Care Center, LLC	28 Pa. Code § 153.1	3.7-3.8.1 outpatient surgery change area; 3.7-3.4.2.2 post-anesthesia recovery positions	01/29/11	granted
UPMC Western Psychiatric Institute and Clinic	28 Pa. Code § 153.1	2.1-2.4.3 and 2.5-2.2.4.3 seclusion room; 2.5-2.2.2.6 toilet room; 2.2-2.2.2.1(2)(a) clearances	01/29/11	granted
Lehigh Valley Hospital— Muhlenberg	28 Pa. Code § 153.1	2.2-3.1.3.6 station outlets; Table 2.1-3 emergency care— general; 2.2-3.1.2.6 sub-section (a) work counter	01/29/11	granted
UPMC Presbyterian Shadyside	28 Pa. Code § 153.1	2.1-7.2.3.4(3)(a) ceilings	01/29/11	denied
Evangelical Community Hospital	28 Pa. Code § 153.1	2.2-3.4.5.3 patient toilet for ultrasound room; 2.2-5.4.6.4 patient holding area	01/29/11	denied
UPMC Mercy Hospital	28 Pa. Code § 153.1	2.2-2.2.2 space requirements	01/29/11	granted
CH Hospital of Allentown Schoenersville Physician Office	28 Pa. Code § 153.1	3.1-3.2.2.2 space requirements	02/05/11	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request</i>	<i>Decision</i>
CH Hospital of Allentown Independence Physician Office	28 Pa. Code § 153.1	3.1-3.2.2.2 space requirements	02/05/11	granted
CH Hospital of Allentown Brodheadsville Physician Office	28 Pa. Code § 153.1	3.1-3.2.2.2 space requirements	02/05/11	granted
CH Hospital of Allentown Highland Physician Office	28 Pa. Code § 153.1	3.1-3.2.2.2 space requirements	02/05/11	granted
CH Hospital of Allentown Easton Physician Office	28 Pa. Code § 153.1	3.1-3.2.2.2 space requirements	02/05/11	granted
CH Hospital of Allentown Brodheadsville MRI Suite	28 Pa. Code § 153.1	2.2-3.4.4.4 hand washing station	02/05/11	granted
CH Hospital of Allentown Schoenersville MRI Suite	28 Pa. Code § 153.1	2.2-3.4.4.4 hand washing station	02/05/11	granted
CH Hospital of Allentown Easton Physical Therapy Office	28 Pa. Code § 153.1	2.2-3.7.8.2 patient toilets	02/05/11	granted
Western PA Hospital Forbes Regional Campus	28 Pa. Code § 153.1	2.2-2.2.2.5 hand washing stations	02/05/11	granted
Children's Hospital of Philadelphia	28 Pa. Code § 153.1	2.2-2.6.2.3 windows	02/26/11	granted
York Hospital	28 Pa. Code § 153.1	2.2-2.2.2.7 patient bathing facilities (2)	02/26/11	granted
CH Hospital of Allentown—Lehigh Clinic	28 Pa. Code § 153.1	3.1-3.2.2.3 hand washing stations	03/12/11	granted
UPMC St. Margaret	28 Pa. Code § 153.1	3.1-7.2.2.1 corridor width	03/12/11	granted
Mercy Suburban Hospital Out Patient Cancer Center	28 Pa. Code § 153.1	3.6-3.2.2 space requirements	03/12/11	denied
Heritage Valley Beaver	28 Pa. Code § 153.1	19.2.2.2.4 (delayed egress locks)	03/12/11	not necessary
Millcreek Community Hospital	28 Pa. Code § 153.1	2.1-8.7.2.3 elevator dimension	03/12/11	granted
Doylestown Hospital	28 Pa. Code § 153.1	2.2-2.10.4.2 isolation room (granted for 6 mo.); 2.2-2.10.7.1 staff toilet room (granted for 6 mo.); 2.2-2.10.6.12 janitor's closet (granted for 6 mo.); 2.2-2.11.2.2(1) space requirements	03/12/11	granted
Conemaugh Valley Memorial Hosp	28 Pa. Code § 153.1	2.2-3.5.2.2(b) cardiac catheterization lab	03/12/11	granted
Jefferson Regional Medical Center Bariatric	28 Pa. Code § 153.1	2.2-2.16.2.2, 2.16.2.6, 2.16.2.9 bariatric programs	03/12/11	denied
Jefferson Regional Medical Center Waterfront Medical Bldg—Imaging Center	28 Pa. Code § 153.1	2.2-3.4.4.2 design configuration of MRI suite	03/12/11	granted
Jefferson Regional Medical Center Waterfront Medical Bldg Imaging Center	28 Pa. Code § 153.1	2.2-3.4.3.5 Mammography hand washing station; 2.2-3.4.4.4 MRI hand washing station; 2.2-3.4.6.5 CT scanner hand washing station	03/12/11	granted
Jefferson Regional Medical Center Waterfront Medical Bldg—Imaging Center	28 Pa. Code § 153.1	3.1-7.2.2.1(1) corridor width	03/12/11	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request</i>	<i>Decision</i>
Jefferson Regional Medical Center Waterfront Medical Bldg—Imaging Center	28 Pa. Code § 153.1	2.2-3.4.5.1 space requirements	03/12/11	granted
Jefferson Regional Medical Center Waterfront Medical Bldg—Imaging Center	28 Pa. Code § 153.1	2.2-3.4.5.2 hand washing station, ultrasound procedure room; 2.2-3.4.5.3 patient toilet	03/12/11	granted
Jefferson Regional Medical Center Jefferson Medical Arts Bldg—Imaging Center	28 Pa. Code § 153.1	2.2-3.4.3.5 hand washing station X-ray room; 2.2-3.4.4.4 hand washing station MRI; 2.2-3.4.6.5 hand washing station General, CT Scanner & Bone Density	03/12/11	granted
Jefferson Regional Medical Center Jefferson Medical Arts Bldg—Imaging Center	28 Pa. Code § 153.1	2.2-3.4.4.2 design configuration of MRI suite	03/12/11	granted
Jefferson Regional Medical Center Jefferson Medical Arts Bldg—Imaging Center	28 Pa. Code § 153.1	3.1-7.2.2.1(1) corridor width	03/12/11	granted
Jefferson Regional Medical Center Jefferson Medical Arts Bldg—Imaging Center	28 Pa. Code § 153.1	2.2-3.4.5.1 space requirements	03/12/11	granted
Jefferson Regional Medical Center Jefferson Medical Arts Bldg—Imaging Center	28 Pa. Code § 153.1	2.2-3.4.5.2 hand washing station; 2.2-3.4.5.3 patient toilet	03/12/11	granted
Butler Memorial Hospital	28 Pa. Code § 153.1	2.2-3.5.2.1 cardiac catheterization lab	04/02/2011	granted
York Hospital	28 Pa. Code §§ 153.4 and 101.31(7)	MR studies, on-site facilities	05/15/10	granted with provisions
<b>Ambulatory Surgical Facilities</b>				
Dermatologic SurgiCenter Philadelphia	28 Pa. Code § 416.50(a)(1)(i) and (ii) and (2)		03/12/11	denied
Hershey Endoscopy Center patients	28 Pa. Code § 551.3(ii)	definitions	01/29/11	granted
Digestive Health and Endoscopy Center, Inc	28 Pa. Code § 551.3	definitions	03/12/11	granted
Surgical Specialty Center	28 Pa. Code § 551.21(d)(3)	criteria for ambulatory surgery	01/29/11	granted
Fairgrounds Surgical Center	28 Pa. Code § 551.21(3)	criteria for ambulatory surgery	01/29/11	granted
Pine Grove Ambulatory Surgical Center, LLC	28 Pa. Code § 551.21(d)	criteria for ambulatory surgery	02/08/11	granted
Summit Surgery Center	28 Pa. Code § 551.22	criteria for performance of ambulatory surgery on pediatric patients	01/29/11	granted
Surgery Center of the Main Line	28 Pa. Code § 551.52	ASF responsibilities	01/29/11	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request</i>	<i>Decision</i>
Conyngham Valley SurgiCenter, PC	28 Pa. Code § 551.53	presurvey preparation	03/12/11	granted
Holy Spirit Endoscopy Center	28 Pa. Code §§ 553.1—553.4	governing body bylaws	03/12/11	granted
Surgery Center of the Main Line	28 Pa. Code §§ 553.1—553.4	governing body bylaws	01/29/11	granted
Hillside Endoscopy, LLC	28 Pa. Code § 553.3	governing body responsibilities	01/29/11	granted
Carlisle Outpatient Surgery Center	28 Pa. Code §§ 553.3, 553.3(5) and 553.3(5)(ii)	governing body responsibilities	03/12/11	granted
Surgery Center of the Main Line	28 Pa. Code § 553.31	admin responsibility	01/29/11	granted
UPMC Monroeville Surgery Center	28 Pa. Code § 553.31	administrative responsibilities	01/29/11	granted
Surgery Center of the Main Line	28 Pa. Code §§ 555.1—555.4	medical staff bylaws and rules & regulations	01/29/11	granted
Holy Spirit Endoscopy Center	28 Pa. Code §§ 555.1—555.4	medical staff bylaws and rules & regulations	03/12/11	granted
Surgery Center of the Main Line	28 Pa. Code §§ 557.2—557.4	quality assurance and improvement	01/29/11	granted
Surgery Center of the Main Line	28 Pa. Code § 561.2	pharmaceutical service	01/29/11	granted
Surgery Center of the Main Line	28 Pa. Code §§ 563.1, 563.2	principle organization and records staffing	01/29/11	granted
Surgery Center of the Main Line	28 Pa. Code § 567.2	infection control—committee responsibilities	01/29/11	granted
East Side Surgery Center	28 Pa. Code § 569.35	general safety precautions	01/29/11	granted
M. S. Hershey Medical Center's Colonnade ASC State College	28 Pa. Code § 571.1	3.1-7.2.2.2 ceiling ht	02/26/11	granted

#### Nursing Care Facilities

Highland Ctr, Genesis Eldercare	28 Pa. Code § 201.3	definitions	08/28/2010	granted
Redstone Highlands Health Care	28 Pa. code § 201.3	definitions	10/23/2010	granted
Normandie Ridge	28 Pa. Code § 201.3	definitions	10/23/2010	granted
StoneRidge Popular Run	28 Pa. Code § 201.3	definitions	11/06/2010	granted
StoneRidge Towne Centre	28 Pa. Code § 201.3	definitions	11/06/2010	granted
Fulton County Med Center	28 Pa. Code § 201.3	definitions	12/11/2010	granted
Sacred Heart Hospital Transitional	28 Pa. Code § 201.18(e)	management	11/27/2010	granted
Wood River Village	28 Pa. Code § 201.18(e)	management	03/19/2011	granted
Heritage Towers	28 Pa. Code § 205.6(a)	function of building	08/28/2010	granted
Cambria Care Center	28 Pa. Code § 205.6(a)	function of building	09/04/2010	granted
Evangelical Manor	28 Pa. Code § 205.6(a)	function of building	08/21/2010	granted
Masonic Village at Sewickley	28 Pa. Code § 205.6(a)	function of building	09/04/2010	granted
Hempfield Manor	28 Pa. Code § 205.6(a)	function of building	09/25/2010	granted
Masonic Village at Stapeley	28 Pa. Code § 205.6(a)	function of building	10/23/2010	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request</i>	<i>Decision</i>
St. Paul Homes	28 Pa. Code § 205.6(a)	function of building	10/23/2010	granted
Trinity Mission Health & Rehab	28 Pa. Code § 205.6(a)	function of building	01/22/2011	granted
Messiah Village	28 Pa. Code § 205.6(a)	function of building	03/05/2011	granted
Pine Run Health Center	28 Pa. Code § 205.6(a)	function of building	03/05/2011	granted
Masonic Village at Sewickley	28 Pa. Code § 205.25(a)	kitchen	09/04/2010	granted
Evergreen Health Care Center	28 Pa. Code § 205.25(a)	kitchen	10/16/2010	granted
Malta Home	28 Pa. Code § 205.26(a)	laundry	09/25/2010	granted
ManorCare Health Services York South	28 Pa. Code § 205.27	lounge and recreation rooms	10/16/2010	granted
Willows of Presbyterian Seniorcare	28 Pa. Code § 205.27	lounge and recreation rooms	10/30/2010	granted
Church of the Brethren Home	28 Pa. Code § 205.28(c)(1)	nurses' station	03/20/2010	granted
Masonic Village at Sewickley	28 Pa. Code § 205.28(b)	nurses' station	09/04/2010	granted
Church of the Brethren Home	28 Pa. Code § 205.28(c)(1)	nurses' station	10/02/2010	granted
Communities at Indian Haven	28 Pa. Code § 205.28(b)	nurses' station	12/11/2010	granted
Laurelwood Care Center	28 Pa. Code § 205.28(c)(1)	nurses' station	12/18/2010	granted
Messiah Village	28 Pa. Code § 205.28(a) and (b)	nurses' station	03/05/2011	granted
Masonic Village at E-town	28 Pa. Code § 205.28(b) and (c)	nurses' station	03/19/2011	granted
Masonic Village at Sewickley	28 Pa. Code § 205.36(f)	bathing facilities	09/04/2010	granted
Masonic Village at Sewickley	28 Pa. Code § 205.36(c)	bathing facilities	08/21/2010	granted temp.
Malta Home	28 Pa. Code § 205.36(f)	bathing facilities	09/25/2010	granted
Milford Senior Care and Rehab Center	28 Pa. Code § 205.36(h)	bathing facilities	10/30/2010	granted
Latrobe Health & Rehab Center	28 Pa. Code § 205.36(e)	bathing facilities	12/11/2010	granted
Malta Home	28 Pa. Code § 205.36(h)	bathing facilities	01/22/2011	granted
Cumberland Crossing	28 Pa. Code § 205.36(b)	bathing facilities	03/19/2011	granted
Millcreek Community Hosp	28 Pa. Code § 205.38(b)	toilet facilities	02/12/2011	granted
Liberty Court, Genesis Eldercare	28 Pa. Code § 205.38(b)	toilet facilities	03/19/2011	denied
Latrobe Health & Rehab Center	28 Pa. Code § 205.39(a)	toilet room equipment	12/11/2010	granted
Foxdale Village	28 Pa. Code § 205.67(k)	electric requirements for existing and new construction	09/04/2010	granted
Wesley Enhanced Living at Stapeley	28 Pa. Code § 205.67(k)	electric req. for existing and new construction	09/04/2010	granted
Masonic Village at Sewickley	28 Pa. Code § 205.67(k)	electric req. for existing and new construction	09/04/2010	granted
Normandie Ridge	28 Pa. Code § 205.67(k)	electric req. for existing and new construction	10/23/2010	granted
Pleasant View Retirement Community	28 Pa. Code § 205.67(k)	electric req. for existing and new construction	12/18/2010	granted
Normandie Ridge	28 Pa. Code § 205.67(k)	electrical req. for existing and new construction	02/26/2011	granted
Masonic Village at E-town	28 Pa. Code § 205.67(k)	electric req. for existing and new construction	03/19/2011	not required
Manor Care Health Services	28 Pa. Code § 211.7(c) and (d)	PAs and CRNPs	03/13/2011	denied

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-737. Filed for public inspection April 29, 2011, 9:00 a.m.]

**Minimum Levels of Controlled Substances or Their Metabolites in Blood to Establish Presence of Controlled Substance**

Under 75 Pa.C.S. § 1547(c)(4) (relating to chemical testing to determine amount of alcohol or controlled substance), as amended by the act of September 30, 2003 (P. L. 120, No. 24), the Department of Health (Department) is publishing a notice of the minimum levels of Schedule I, II and III controlled substances or their metabolites that must be present in a person's blood for the test results to be admissible in a prosecution for a violation of 75 Pa.C.S. § 1543(b)(1.1), § 3802(d)(1), (2) or (3) or § 3808(a)(2) (relating to driving while operating privilege is suspended or revoked; driving under influence of alcohol or controlled substance; and illegally operating a motor vehicle not equipped with ignition interlock).

Although there are hundreds of controlled substances in Schedules I, II and III, quantitation limits are listed only for commonly abused controlled substances for which testing procedures are readily available. The minimum quantitation limits listed for each drug or metabolite are the lowest concentrations that one or more of the laboratories in the Department's approval program for facilities offering these testing services specified they can reliably determine.

The limit of quantitation (LOQ) for any laboratory will depend on the equipment and procedure employed for confirmatory testing. Laboratories approved by the Department to test blood for controlled substances or their metabolites will have LOQs at or above the minimum quantitation limits listed in this notice.

Clinical laboratories that operate in this Commonwealth and that perform analyses of blood to determine controlled substance content must be approved by the Department in accordance with 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) and be listed in notices published twice annually in the *Pennsylvania Bulletin*. The approval process requires laboratories to demonstrate an acceptable level of proficiency in determining the presence of controlled substances or their metabolites in their blood.

This testing is a two-step process. The first step involves the screening of blood using a relatively rapid and inexpensive technique to presumptively determine which specimens may contain the substance or a metabolite of the substance for which the blood is screened. The second step utilizes a more sensitive and specific procedure to substantiate the presence and concentration of the substance or its metabolite that was presumptively detected in the initial screening procedure.

Confirmatory analyses employed to substantiate the presence of a drug or drug metabolite generally focus on identifying and quantitatively determining the concentration of the parent drug or a primary metabolite if extensive biotransformation occurs. The detection limits listed were developed by reviewing the minimum reportable concentrations for confirmatory analyses that laboratories in the Department's approval program specified they could measure. The concentrations listed are the lowest levels that any of the laboratories approved by the Department to test blood for controlled substance content specify they can reliably determine.

The list contains only those substances that are included in the Department's proficiency testing program designed to provide assurance that laboratories approved to test blood for controlled substance content can reliably identify and measure the concentrations of drugs and their metabolites in blood. The Department will publish superseding revisions of this notice approximately every 2 years or as the need otherwise arises.

Persons with a disability who require an alternative format for this notice (for example, large print, audiotope or Braille) should contact Dr. M. Jeffery Shoemaker, Director of the Division of Chemistry and Toxicology of the Bureau of Laboratories, at (610) 280-3464, for speech and/or hearing impaired persons V/TT (717) 783-6154, or by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

<i>Class</i>	<i>Substance</i>	<i>Schedule</i>	<i>Minimum Quantitation Limits (nanograms / milliliter)</i>
<i>Amphetamines</i>	Amphetamine	II	5
	Methamphetamine	II	5
<i>Analgesics</i>	Methadone	II	20
	Delta-9-carboxy THC*	I	1
<i>Cocaine</i>	Cocaine	II	5
	Benzoylcegonine	II	5
<i>Hallucinogens</i>	Phencyclidine	II	1
<i>Opiates</i>			

<i>Class</i>	<i>Substance</i>	<i>Schedule</i>	<i>Minimum Quantitation Limits (nanograms/milliliter)</i>
	Codeine	II	5
	Hydrocodone	II	5
	Hydromorphone	II	2.5
	6-Monoacetylmorphine	II	2.5
	Morphine	II	5
	Oxycodone	II	5
<i>Sedatives/Hypnotics</i>	Amobarbital	II	40
	Pentobarbital	II	40
	Secobarbital	II	40

\*THC = tetrahydrocannabinol

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

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### Required Ground and Air Ambulance Equipment and Supplies

Under 28 Pa. Code §§ 1005.10(c) and 1007.7(c) (relating to licensure and general operating standards; and licensure and general operating requirements), the following equipment and supplies shall be carried and readily available in working order for use on basic life support (BLS) and advanced life support (ALS) ambulances, which also includes air (rotorcraft) ambulances.

#### A. Ground Ambulance Requirements

*Ground Ambulances: Basic Life Support/ALS Mobile Care Unit /ALS Squad Unit*

1. The ambulance must meet the requirements of Federal Specifications KKK 1822 and AMD Standards in effect at the time of the vehicles manufacture. (Does not apply to an ALS squad unit.)

2. The ambulance must meet the requirements in 75 Pa.C.S. (relating to vehicle code) for vehicle registration and liability insurance, and the requirements of all Department of Transportation regulations relating to flashing and revolving lights, including intersection lights.

3. Emblems and markings must be affixed to the ambulance exterior as follows:

a. The word "AMBULANCE" shall be mirror imaged in letters not less than 4" high, centered above the grill. The placement of the word "AMBULANCE" shall be on the rear of the vehicle and the curved surface of the hood or can be placed on a flat bug screen.

b. "Star of Life" shall appear on the ambulance in the following sizes and numbers:

\* Two 3" size "Stars of Life" on each side of the word "AMBULANCE" on the hood of the vehicle or on a bug screen.

\* Two 16" size "Stars of Life" on the right and left side panels.

\* Two 12" size "Stars of Life" on the rear of the vehicle.

\* One 32" size "Star of Life" on the vehicle rooftop.

*Note:* An ALS squad unit must have at least 3" size "Stars of Life," one on each side, and two in front and two on the rear of the vehicle.

c. The Department issued licensure decal must be applied to right and left exterior sides of the vehicle in a conspicuous place.

d. A reflective chevron is not required. If used, a reflective chevron may be placed on the rear vertical surface of the exterior of the vehicle. The chevron pattern shall slant downward on both sides of the vehicle at an angle of 45° pointing in the direction of the bottom rear corner of the tailboard. The pattern shall resemble an inverted V with the point at the top center of the vehicle. The chevron shall use an alternating color pattern. The vertical panels shall be 8" to 12" wide and at least 24" in height, and consist of alternating color retro-reflective stripes at least 4" in width. If the panel height is greater than 36" the stripes shall be 6" wide, shall slope down at 45° and have a minimum of 270 square inches of retro-reflective area facing traffic.

4. The name of the ambulance service or its registered fictitious name in letters at least 3" in size must appear on both the right and left exterior sides of the ambulance. The name must be the dominant lettering. The word "Ambulance" or words such as Emergency Medical Services, EMS and Rescue must also appear on both exterior sides and rear of the vehicle.

5. The ambulance must be equipped with an electronically operated audible warning device with a 100-watt or higher watt speaker.

6. The ambulance must have overhead interior lighting that illuminates the entire top surface of the patient litter, stair-well lighting and courtesy lights that must illuminate the ambulance's controls. (Does not apply to an ALS squad unit.)

7. The ambulance must have a dual battery system. (Does not apply to an ALS squad unit.)

8. Effective January 1, 2011, the ambulance must have two minimum 5 lb. unit fire extinguishers (ABC dry chemical or carbon dioxide) in a quick-release bracket, one in the driver/cab compartment or in the body of the ambulance reachable from outside the vehicle and one in the patient compartment. When located in either the driver or patient compartment the mounting bracket shall be of a stable design. Each fire extinguisher must be intact with a safety seal, have been inspected within the previous 12 calendar months and have the appropriate completed inspection tag attached.

9. The ambulance must have a power supply to generate sufficient current to operate all accessories without excessive demand on the generating system. All exterior and interior lighting and onboard equipment shall be able to run for at least 5 minutes without placing a demand on the engine.

10. The ambulance must have a nonskid floor that is flat, reasonably unencumbered, free of equipment in the walk-through areas and well maintained. (Does not apply to an ALS squad unit.)

11. The ambulance must have minimum interior dimensions of 60" from floor to ceiling. (Does not apply to an ALS squad unit.)

12. The ambulance must have a patient partition to separate the patient area from the driver area. (Does not apply to an ALS squad unit.)

13. The ambulance must have storage cabinets with sliding doors or with latches, or have a cargo-type netting or other means to ensure against opening during vehicle movement. (Does not apply to an ALS squad unit.)

14. Bulky items such as portable radios and AEDs, oxygen equipment and jump bags must be secured at all times during patient transport to prevent them from falling on patients or crew or becoming projectiles if the vehicle is involved in an accident. Equipment on an ALS squad unit must be in cabinets or otherwise secured at all times.

15. The ambulance must have two IV hangers mounted flush with the ceiling. (Does not apply to an ALS squad unit.)

16. The ambulance must have a litter for transporting a patient and at least three patient restraint straps in good operating condition that are secured to the litter. (Does not apply to an ALS squad unit.)

17. The ambulance must have doors that function properly with door seals that are not cracked, broken or missing pieces, and are otherwise in good condition.

18. The ambulance must have both "No Smoking Oxygen Equipped" and "Fasten Seat Belts" signs (in English) in both the driver and the patient compartment (GSA KKK-1822F) (3/15.2). An ALS squad unit is required to have these signs in the driver compartment.

19. The ambulance must have operational heating, cooling and ventilation equipment meeting GSA KKK-1822 Standard 3.13.

20. The ambulance must have current vehicle inspection validation issued by the state where the vehicle is registered.

21. The ambulance must have communication equipment that is in compliance with the regional communication plan. This equipment shall allow for direct communication with a public safety answering point (PSAP) and hospitals in the ambulance response/service areas. A cellular phone may be used as a backup means of communication and not as the primary means of communication.

22. The ambulance must have an installed, onboard oxygen system with the following (does not apply to an ALS squad unit):

a. At least 122 cubic feet supply of oxygen in a cylinder that is secured to provide maximum safety for patients and personnel. The oxygen cylinders shall be mounted with restraining devices, as required for the crashworthiness tests of AMD Standard 003, Oxygen Tank Retention

System. A liquid oxygen system that provides the same volume of oxygen and meets AMD Standard 003 is also acceptable.

b. The cylinder must have more than 500 liters of oxygen at all times and be secured with at least three metal or nylon brackets while in the compartment.

c. The unit must be equipped with a reducing valve (from 2,000 psi to 50 psi line pressure).

d. The unit must be equipped with one flow meter with a range of 0-25 lpm delivery.

23. The ambulance must have an installed onboard suctioning system with the following components and/or capabilities (does not apply to an ALS squad unit):

a. It is fitted with a large bore, nonkinking tubing.

b. It has power enough to provide within 4 seconds a vacuum of over 300 mm/Hg or 11.8 inches of water when the tube is clamped.

c. It is controllable for use on children and intubated patients. The vacuum gauge, when attached to the tubing, must be adjustable to the amount of vacuum needed to ensure that the unit can maintain vacuum levels without requiring continuous increase in control.

d. It is equipped with a lateral opening between the suction tube and the suction source.

e. The tubing must be able to reach airways of patients regardless of the patient's position in the ambulance and must be able to reach the head and foot of the litter.

24. The ambulance must have onboard proof of current motor vehicle insurance.

## **B. Air (Rotorcraft) Ambulance Requirements**

The following will apply to all air ambulances. The air ambulance must have:

1. The name of the air ambulance service or its registered fictitious name prominently displayed on the exterior of the aircraft.

2. Exterior lighting that illuminates the tail rotor and pilot controllable search/spot/landing lights.

3. An "Air Worthiness Certificate" from the Federal Aviation Administration (FAA).

4. A patient litter capable of carrying one adult in the supine position and capable of being secured according to FAA requirements.

5. An FAA Form 337 with items 1 (which identifies the aircraft), 2 (which identifies the aircraft owner) and 7 (which shows that the aircraft is approved to "Return to Service") completed and signed by the appropriate FAA official.

6. Climate controls for maintaining an ambient cabin temperature of between 60-85° during flight.

7. Sufficient interior lighting to allow for close observation of patients.

8. A pilot partition to prevent patient interference with flight controls.

9. A barrier or an FAA approved mechanism for securing a patient's chest, pelvis, legs, wrist and ankles.

10. A 110-volt electrical outlet for each patient transported.



11. Two-way radio communications for the pilot to be able to communicate with hospitals, PSAPs and ground ambulances in areas to which the air ambulance routinely provides service.

12. At least three headsets to allow for voice communication among the crew when the aircraft is operating and noise levels prevent normal conversation.

13. One fully charged fire extinguisher rated at least 5 B:C, securely mounted where it can be reached by the pilot or crewmembers. The fire extinguisher must be intact with safety seal, have been inspected within the previous 12 calendar months and have the appropriate inspection tag attached.

14. Installed onboard suctioning equipment that meets the same requirements as a transporting ground ambulance. (See requirements under Ground Ambulances.)

15. An onboard oxygen system with the following:

a. Cylinders with a capacity of 1,200 liters.

b. The cylinders must have at least 1,650 psi at the time of inspection.

c. If a liquid oxygen system is used, manufacturer documentation must be provided that the system has at least a 1,200-liter capacity.

d. A flow meter with a range of 0-25 lpm delivery.

**Required Equipment and Supplies**

Approved equipment and supplies shall be carried and readily available in working order for use on both ground and air ambulances. Some patients and crewmembers of an ambulance service may have allergies to latex. Latex free supplies are recommended, when possible. The following equipment and supplies must be carried on each ground and air ambulance, as indicated.

*EQUIPMENT/SUPPLIES*

*AMBULANCE TYPE*

	BLS	ALS MOBILE CARE	ALS SQUAD	AIR
1. Portable Suction Unit with wide-bore tubing. Must achieve 300 mm/Hg or 11.8" in 4 sec.	X	X	X	X
2. Suction catheters, pharyngeal: Rigid (2) Flexible: 6 and 8 (1 ea) 10 or 12 (2) 14 or 16 (2) Total of 6 (Must be sterile) Size is FR for each	X	X	X	X
3. Airways: Nasopharyngeal (5 different sizes to include at least one between size 16-24 fr. and one between size 26-34 fr.) Oropharyngeal (6 different sizes to include at least one size 0-1, one 2-3 and one size 4-5)	X	X	X	X
4. Sphygmomanometer: Child, Adult and Thigh (large) (1 each) Interchangeable gauges are permitted	X	X	X	X
5. Stethoscope (1) Adult and (1) Pediatric	X	X	X	X
6. Stethoscope Doppler (1)				X
7. Penlight (1)	X	X	X	X
8. Portable Oxygen Unit (1): Cylinder capacity of at least 300 Liters, (D Size), with 500 psi Yoke Cylinder with a minimum total pressure of 500 psi. Nonsparking wrench/tank opening device. Gauge/flow meter not gravity dependent and can deliver 0-25 liter per minute Full spare cylinder with at least 300 liter capacity Cylinders must be secured in the vehicle at all times.	X	X	X	X
9. Folding Litter/Collapsible Device (1)	X	X		

## EQUIPMENT/SUPPLIES

## AMBULANCE TYPE

	BLS	ALS MOBILE CARE	ALS SQUAD	AIR
10. Oxygen Delivery Devices: Nasal Cannulae—adult/pediatric 1 ea. High concentration mask capable of providing 80% or greater concentration adult, pediatric, infant—1 each. Pocket mask with one way valve and oxygen port	X	X	X	X
11. Humidifier bottle (1)	X	X		
12. Adhesive Tape (4 rolls assorted) 1 roll must be hypoallergenic.	X	X	X	X
13. Dressings: Multi Trauma (10" by 30") (4) Occlusive (3" by 4") (4) Sterile Gauze Pads (3" by 3") (25) Soft self-adhering (6 rolls)	X	X	X	X
14. Bandage Shears (1)	X	X	X	X
15. Immobilization Devices: Lateral cervical spine device (1) Long spine board (1) Short spine board (1) Rigid/Semirigid neck immobilizer S, M, L, pediatric (1 each) Multi-size are permitted and will suffice for the S, M, L (3)	X	X	X	X (Short board not required)
16. Bag-Valve-Mask Devices: Hand operated adult (1) Hand operated infant/pediatric (450-700cc) (1) Must be capable of high concentration oxygen delivery with adult and pediatric masks to include neonatal, infant, and child sizes	X	X	X	X
17. Pediatric length-based Drug Dosing/Equipment Sizing Tape, most current version available	X (Equipment Sizing Tape/Chart)	X	X	X
18. Straps—9' (5) (may substitute spider straps or speed clips for 3 straps)	X	X	X	X
19. Splinting Devices: Lower extremity mechanical traction splint adult and pediatric (1 each or combination) Upper and Lower extremity splints (2 ea)	X	X		
20. Sterile Water/Normal Saline (2 liters)	X	X	X	X
21. Sterile Burn Sheet (4' by 4') (2)	X	X	X	
22. Cold Packs, Chemical (4)	X	X	X	X
23. Heat Packs, Chemical (4)	X	X	X	X
24. Triangular Bandages (8)	X	X	X	
25. Sterile OB Kits (2)	X	X	X	X (Only 1 required)
26. Separate Bulb Syringe (1) Sterile	X	X	X	X
27. Sterile Thermal Blanket (Silver Swaddler) (1), or 1 roll of sterile aluminum foil for use on infants/newborns	X	X	X	X
28. Blankets (2)	X	X	X	X
29. Sheets (4)	X	X		X
30. Pillowcases (2)	X	X		
31. Pillow (1)	X	X		
32. Towels (4)	X	X		

## EQUIPMENT/SUPPLIES

## AMBULANCE TYPE

	BLS	ALS MOBILE CARE	ALS SQUAD	AIR
33. Disposable Tissues (1 box)	X	X		
34. Emesis Container (1)	X	X		
35. Urinal (1)	X	X		
36. Bed Pan (1)	X	X		
37. Disposable Paper Drinking Cups (3 oz) (4)	X	X		
38. Regional Approved Triage Tags (20)	X	X	X	
39. Hand-lights (6 volts) (2)	X	X	X	X
40. Hazard Warning Device (3)	X	X	X	
41. Emergency Jump Kit (1)	X	X	X	X
42. Survival Bag (1)				X
43. Emergency Response Guidebook (1) (current edition)	X	X	X	
44. Thermometer—electronic, digital, non-tympanic	X	X	X	X
45. Sharps Receptacle—Secured	X	X	X	X
46. Instant Glucose (40% dextrose-d-glucose gel) 45 grams	X	X	X	
47. Personal Protective Equipment (PPE) Helmet, eye protection, gloves and high-visibility safety apparel (1 per provider)	X	X	X	
48. Flight Helmet (1 per crew member)				X
49. Personal Infection Control Kit, which includes the following: Eye protection, clear, disposable (1 per crew member) Face Mask, disposable (1 per crew member) Gown/coat (1 per crew member) Surgical Cap/Foot Coverings, disposable (1 set per crew member) Double Barrier Gloves (1 set per crew member) Sharps Containers and Red Bags per Infectious Control Plan Fit-tested disposable N95 respirator (1 per crew member) Hand Disinfectant—Non water hand cleaner/disinfectant (1 container)	X	X	X	X
50. Sponges, Alcohol, Prep (10)		X	X	X
51. Endotracheal Tubes Sizes/Quantities: 2.5 mm or 3.0 mm (2 uncuffed) 3.5 mm or 4.0 mm (2 uncuffed) 4.5 mm or 5.0 mm (2) 5.5 mm or 6.0 mm (2) 6.5 mm or 7.0 mm (2) 7.5 mm or 8.0 mm (2) 8.5 mm or 9.0 mm (2) Must be sterile and individually wrapped		X	X	X
52. Nonsurgical Alternative/Rescue Airways. Either 2 Combitubes, <sup>TM</sup> small and adult, or 3 King, <sup>LT</sup> 3, 4 and 5.		X	X	X
53. Electronic Wave-Form Capnography		X	X	X

## EQUIPMENT/SUPPLIES

## AMBULANCE TYPE

	BLS	ALS MOBILE CARE	ALS SQUAD	AIR
54. Laryngoscope handle with batteries and spare batteries and bulbs and the following blades: Straight      Curved #1 (S)        #3 #2 (M)        #4 #3 (L) (1 each of the blades)		X	X	X
55. Meconium Aspirator (1)		X	X	X
56. Lubrication (2cc or larger tubes) sterile water soluble (2)	X	X	X	X
57. Forceps, Magill (adult/pediatric 1 ea)		X	X	X
58. Medication and Supplies: Emergency Drugs—(per regional protocols and within state rules and regulations and within exp. date) Nebulizer System (1) Hypodermic needles: 16-18 gauge (4), 20-22 gauge (4), 23-25 gauge, (4) Total of 12 and each must be individually wrapped and sterile. Two syringes of assorted sizes, including at least one with a 1 mL volume.		X	X	X
59. Defibrillator/Monitor: (FDA approved) (battery powered, monophasic or biphasic, energy dose range capable of treating adult and pediatric patients, paper readout), ECG cables with 3 lead capability and pediatric and adult paddles with pacing capabilities or separate stand-alone pacer.		X	X	X
60. Defibrillator/Monitor Supplies: Paddle pads (4) or electric gel (2 tubes), electrodes, (ECG, adult and pediatric sizes 6 each)		X	X	X
61. Automated External Defibrillator (required for all BLS service as of January 1, 2011)	X			
62. CPAP Ventilation—portable equipment		X	X	X
63. Stylette, Malleable—pediatric (2)/adult (1) must be sterile.		X	X	X
64. Cricothyrotomy Set (Surgical or Needle) must be sterile.				X
65. Phlebotomy Equipment (per regional protocols)		X	X	
66. Flutter valve (1) Must be sterile.				X
67. Pulse Oximetry (for authorized BLS services) (Not required for licensure)		X	X	X
68. Electronic Glucose Meter		X	X	X
69. "IV" fluid Therapy Supplies Catheters over the Needle sized (per regional requirements): 14, 16, 18, 20, 22 (4 ea) and 24 (2) Micro drip 50-60 drops/ml (2) Macro drip 10-20 drops/ml (2) I.V. solutions (2,250) ml total Tourniquets (2) Intraosseus Needle 14-18 gauge (2)		X	X	X
70. Commercial Tourniquet (1)	X	X	X	X
71. Copy of most current version Statewide EMS Protocols	X	X	X	X

Equipment that may be used in direct contact with patients must be reasonably clean and easily cleaned of blood and body fluids. No drug and/or medication may be carried beyond an expiration date assigned to it.

All BLS and ALS ambulances services, which also includes air (rotorcraft) ambulance that are licensed to operate in this Commonwealth shall collect, maintain and report accurate and reliable patient data and information for calls of assistance in the format prescribed and on paper or electronic forms provided or approved by the Department. An ambulance service shall file the report for any call to which it responds that results in patient care, assessment or refusal of the patient to be assessed. The report shall be made by completing an emergency medical services patient care report and filing it, within 30 days, with the regional EMS council that is assigned responsibilities for the region in which the ambulance is based. It shall contain information specified by the Department. The Department will publish a list of the data elements and the form specifications for the EMS patient care report form in a notice in the *Pennsylvania Bulletin* and on the Department's web site. Paper EMS patient care report forms may be secured from regional EMS councils. Electronic reporting shall conform with the requirements published in the *Pennsylvania Bulletin* notice. The Department will maintain a list of software it has determined to satisfy the requirements for electronic reporting.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact George J. Aupperlee, Department of Health, Bureau of Emergency Medical Services, Room 606, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-8740. Persons with a speech or hearing impairment may use V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Acting Secretary*

[Pa.B. Doc. No. 11-739. Filed for public inspection April 29, 2011, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Public Hearing for the Child Care and Development Fund State Plan

On June 2, 2011, the Office of Child Development and Early Learning will hold a hearing to provide the public an opportunity to comment on the Commonwealth's draft State Plan required by the Federal Child Care and Development Fund.

Interested persons are invited to attend the public hearing scheduled to begin at 10 a.m. on June 2, 2011, Conference Room 1, 6340 Flank Drive, Harrisburg, PA 17112. Directions and additional information can be found at: <http://www.pattan.k12.pa.us/about/Harrisburg.aspx>.

A draft version of the State Plan will be available online at least 1 week prior to the public hearing. To view or print a copy of the plan visit: <http://www.dpw.state.pa.us/forchildren/childcareearlylearning/index.htm>. Instructions for providing written comments will also be posted on the web site.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-740. Filed for public inspection April 29, 2011, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Lake Erie Commercial Fishing—2011

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 69.31(b) (relating to seasons), has determined that the 2011 total allowable commercial catch for walleye from this Commonwealth's waters of Lake Erie is 4,000 pounds. The commercial fishing season for walleye on Lake Erie is January 1 to March 14 and 12:01 a.m. the first Saturday in May to December 31. This season shall end when the Executive Director determines that 4,000 pounds of walleye probably have been taken by commercial fishing interests fishing in this Commonwealth's waters of Lake Erie.

The Executive Director of the Commission, acting under the authority of 58 Pa. Code § 69.31(c), has established that the 2011 total allowable commercial catch for yellow perch from this Commonwealth's waters of Lake Erie is 60,000 pounds. The commercial fishing season for yellow perch on Lake Erie is January 1 until the date the Executive Director determines that 60,000 pounds of yellow perch probably have been taken by commercial fishing interests fishing in this Commonwealth's waters of Lake Erie.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 11-741. Filed for public inspection April 29, 2011, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, May 4, 2011, Education Committee at 1 p.m. and Executive Committee at 3 p.m.; and Thursday, May 5, 2011, Council Meeting at 10 a.m.

The meetings will be either held or accessible from the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need accommodation due to a disability who wish to attend the meetings should contact Renee Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,  
*Executive Director*

[Pa.B. Doc. No. 11-742. Filed for public inspection April 29, 2011, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Extension of the Fuel Cost Recovery Surcharge Special Permission 28207

Public Meeting held  
April 14, 2011

*Commissioners Present:* Robert F. Powelson, Chairperson;  
John F. Coleman, Jr., Vice Chairperson; Tyrone J.  
Christy; Wayne E. Gardner; James H. Cawley

*Extension of the Fuel Cost Recovery  
Surcharge Special Permission 28207;  
R-2009-2094616*

### Order

*By the Commission:*

Tristate Household Goods Conference, Inc. (Tristate), a tariff publishing agency, represents approximately 275 PUC household good carriers. Substantially large increases in the cost of diesel fuel, which were unanticipated, motivated Tristate to request the implementation of the Fuel Cost Recovery Surcharge. The Fuel Cost Recovery Surcharge Special Permission 28207 was approved in Public Meeting held April 17, 2003, and extended in the Public Meetings held April 15, 2004, April 7, 2005, March 16, 2006, April 13, 2007, April 9, 2008, April 16, 2009, and April 15, 2010. The extension was approved for duration of one year unless changed, cancelled or extended. The current surcharge grants approval to temporarily increase the Tristate tariff to recover temporarily increased fuel costs when transporting household goods for moves more than 40 miles (weight and distance) and moves that are 40 miles or less (hourly) by the use of a Fuel Cost Recovery Surcharge. Tristate filed a request on February 3, 2011 to permit members of its conference to continue assessing a fuel cost recovery surcharge to defray the continuing rise in costs of diesel fuel.

The surcharge is determined by a formula which attempts to approximate the amount of fuel used on a particular trip and multiplies that amount by the increased cost of fuel, allowing the carrier to recover only the additional fuel charges incurred. The formula includes the following constant factors: (1) base price per gallon of fuel<sup>1</sup>; (2) average vehicle fuel consumption of 5 miles per gallon; and (3) a terminal factor which allows the carrier to recover the additional cost of fuel used in traveling to and from the carrier's terminal to the origin point of the move. The formula also includes one variable factor, the current month's diesel fuel price.<sup>2</sup>

Moves of 40 miles or less will be divided into 4 categories according to average mileage: 5 mile average for trips ranging from 1 to 10 miles, 15 mile average for trips ranging from 10 to 20 miles, 25 mile average for trips ranging from 20 to 30 miles, and 35 mile average for trips ranging from 30 to 40 miles. An example calculation for an 8 mile move is as follows<sup>3</sup>:

Origin of move to destination	= 5 miles average
8 miles	
Terminal factor	= 40 miles
Total miles	= 45 miles
Average miles per gallon	= 5
Fuel used	= 9 gallons
DOE current Fuel Price as of	
1/24/11	= \$3.430
Base fuel Price	= \$1.267
Fuel price difference	= \$2.163
Gallons X Fuel price difference	= 9 x 2.163 = \$19.47

Moves of more than 40 miles will be calculated using actual mileage from the move's origin to destination and return. An example calculation for a 100 mile move is as follows:

Origin of move to destination	= 100 miles
Empty Return (dest. to origin)	= 100 miles
Terminal factor	= 40 miles
Total miles	= 240 miles
Average miles per gallon	= 5
Fuel used	= 48 gallons
DOE current Fuel Price as of	
1/24/11	= \$3.430
Base fuel Price	= \$1.267
Fuel price difference	= \$2.163
Gallons X Fuel price difference	= 48 x 2.163 = \$103.82

On February 3, 2011, Tristate filed a request to again extend the Fuel Cost Recovery Surcharge. The request was filed in response to the volatile nature of the petroleum market, which continues to produce unanticipated increases in diesel fuel prices.

In support of the request for extension, Tristate has submitted data from the Department of Energy for the Central Atlantic Region. The average price of diesel fuel for the period of January 2010 to December 2010 was \$3.09 per gallon, which is an 18.6% increase over the previous 12 month period.

The Federal Department of Transportation has responded to the escalating fuel costs for interstate transportation by approving a fuel surcharge on a similar sliding scale. The Federal Fuel Surcharge became effective May 15, 2000 and continues in effect.

Pursuant to 66 Pa.C.S. § 1301, the Commission is required to ensure that all rates charged by a public utility are just and reasonable. Additionally, the Commission is obligated to address industry-wide problems "without creating a chaotic rate structure impossible to manage or police." Emergency Fuel Surcharge, 47 Pa. P.U.C. 389, 391 (1974). The current surcharge addresses the problem of rising fuel costs, while being just and reasonable in that carriers are compensated only for the additional cost of the fuel used.

Based on our review, it appears that the extension of the Fuel Cost Recovery Surcharge for transportation of household goods is necessary, is an appropriate means to address this regulatory problem and will result in just and reasonable rates. In order to prevent financial hardship, it is imperative that Pennsylvania household goods carriers be afforded an opportunity to temporarily adjust rates to offset escalating fuel costs using the proposed extended Fuel Cost Recovery Surcharge and, accordingly,

<sup>1</sup> The proposed base price is \$1.267, which was the price of a gallon of diesel fuel according to the Department of Energy report of Retail On-Highway Diesel Prices for the Central Atlantic Region as of February 15, 2002. Tristate proposes this as a base price since fuel prices have steadily increased from that date.

<sup>2</sup> This figure is determined by the Department of Energy's report of Retail On-Highway Diesel Prices for the Central Atlantic Region. The current month's diesel fuel price will be effective beginning the 15th day of each month through the 14th day of the subsequent month.

<sup>3</sup> All fuel surcharges shall be calculated and provided to the customer as part of the Estimate of Charges.

we shall allow the proposed extended surcharge to become effective for a period of one year unless changed, cancelled or further extended; *Therefore,*

*It is Ordered That:*

1. Tristate members rendering service under authority of this Commission shall charge a Fuel Cost Recovery Surcharge on transportation provided for over 40 mile charges and for 40 miles or less hourly charges in accordance with all other tariff rules of this Commission. The Fuel Cost Recovery Surcharge is to be extended effective April 18, 2011.

2. The Extended Fuel Cost Recovery Surcharge shall be in effect for one year to April 18, 2012 unless changed, cancelled or further extended by the Commission.

3. Copies of this order shall be served by the Secretary to the Office of Consumer Advocate and Office of Small Business Advocate. The Secretary shall forward this Order to the *Pennsylvania Bulletin* for publication.

4. Each carrier shall post a copy of this Extended Fuel Cost Recovery Surcharge along with the original Fuel Cost Recovery Surcharge dated April 17, 2003 in a conspicuous place in the office and vehicles. In addition, each carrier shall include the surcharge as a separate line item of the Estimate of Charges provided to prospective shippers and on the Bill of Lading.

5. The rates collected to the Extended Fuel Cost Recovery Surcharge are subject to refund in the event that any formal complaints are filed, within 30 days of the date of publication of this order, and are successful in challenging the surcharge.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-743. Filed for public inspection April 29, 2011, 9:00 a.m.]

### Indirect Transfer of Control

**A-2011-2236803; A-2011-2236804; A-2011-2236805. Securus Technologies, Inc., T-NETIX, Inc. and T-NETIX Telecommunications Services, Inc.** Joint application for all of the authority and necessary certificates of public convenience for the indirect transfer of control of Securus Technologies, Inc., T-NETIX, Inc. and T-NETIX Telecommunications Services, Inc. to Connect Acquisition Corporation.

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 16, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Joint Applicants:* Securus Technologies, Inc., T-NETIX, Inc., T-NETIX Telecommunications Services, Inc.

*Through and by Counsel:* David P. Zambito, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-744. Filed for public inspection April 29, 2011, 9:00 a.m.]

### Telecommunications

**A-2011-2236179. North Penn Telephone Company and (1) Cellco Partnership d/b/a Verizon Wireless; (2) Northeast Pennsylvania SMSA Limited Partnership d/b/a Verizon Wireless; (3) Pennsylvania 4 Sector 2 Limited Partnership d/b/a Verizon Wireless.** Joint petition for approval of a commercial mobile radio services interconnection agreement between North Penn Telephone Company and: (1) Cellco Partnership, d/b/a Verizon Wireless; (2) Northeast Pennsylvania SMSA Limited Partnership, d/b/a Verizon Wireless; and (3) Pennsylvania 4 Sector 2 Limited Partnership, d/b/a Verizon Wireless under section 252(e) of the Telecommunications Act of 1996.

North Penn Telephone Company and: (1) Cellco Partnership, d/b/a Verizon Wireless; (2) Northeast Pennsylvania SMSA Limited Partnership, d/b/a Verizon Wireless; and (3) Pennsylvania 4 Sector 2 Limited Partnership, d/b/a Verizon Wireless, by its counsel, filed on April 14, 2011, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an 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 North Penn Telephone Company and: (1) Cellco Partnership, d/b/a Verizon Wireless; (2) Northeast Pennsylvania SMSA Limited Partnership, d/b/a Verizon Wireless; and (3) Sector 2 Limited Partnership, d/b/a Verizon Wireless 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.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-745. Filed for public inspection April 29, 2011, 9:00 a.m.]

### Transfer by Merger

**A-2011-2236806; A-2011-2236807; A-2011-2236808. Exit II WWTP, Inc. and SYC WWTP, LP.** Joint application of Exit II WWTP, Inc. and SYC WWTP, LP for approval of: 1) a certificate of public convenience to transfer by merger the wastewater service assets of Exit II WWTP, Inc. into SYC WWTP, LP; 2) for a certificate of public convenience authorizing SYC WWTP, LP to begin to offer, render, furnish and supply wastewater utility service to the service area formerly served by Exit II WWTP, Inc.; and 3) for a certificate of public convenience for Exit II WWTP, Inc. to abandon service upon the beginning of service by SYC WWTP, LP.

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 16, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* Exit II WWTP, Inc., SYC WWTP, LP

*Through and By Counsel:* Edmund J. Berger, Esquire,  
Berger Law Firm, PC, 2104 Market Street, Camp Hill, PA  
17011

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-746. Filed for public inspection April 29, 2011, 9:00 a.m.]

### Water Service

**A-2011-2236764. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval of the right to offer, render, furnish or supply water service to the public in a portion of Newberry Township, York County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 16, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.state.pa.us](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire,  
Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire,  
800 West Hershey Park Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-747. Filed for public inspection April 29, 2011, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

**In the Matter of the Citation Issued to Samira Marquee Dyson; Doc. No. 38254-45-08**

On January 31, 2011, Samira Marquee Dyson, unlicensed, of Philadelphia, Philadelphia County, was assessed a civil penalty of \$500 based on findings that Samira Marquee Dyson was practicing cosmetology without a license.

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for

receiving service of the appeals is the previously-named Board counsel.

SUSANNE M. PHILO,  
*Chairperson*

[Pa.B. Doc. No. 11-748. Filed for public inspection April 29, 2011, 9:00 a.m.]

## STATE BOARD OF FUNERAL DIRECTORS

**Bureau of Professional and Occupational Affairs v. Mary Darlene Dixon, FD; Doc. No. 2257-48-07**

On March 3, 2011, Mary Darlene Dixon, FD, license no. FD012707L, of Blue Bell, Montgomery County, had her license revoked and was assessed a \$1,000 civil penalty, based upon her having been convicted of a crime of moral turpitude in this Commonwealth.

Individuals may obtain a copy of the order by writing to Christopher McNally, Board Counsel, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Funeral Directors' (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MICHAEL J. YEOSOCK,  
*Chairperson*

[Pa.B. Doc. No. 11-749. Filed for public inspection April 29, 2011, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Joseph F. Osenider, FD; Doc. No. 0358-48-08**

On March 3, 2011, Joseph F. Osenider, FD, license no. FD013437L, of Oil City, Venango County, had his license suspended for 1 year and was ordered to pay a civil penalty of \$1,000, because he practiced as a funeral director without a valid license at his sole proprietorship establishment.

Individuals may obtain a copy of the order by writing to Christopher McNally, Board Counsel, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Funeral Directors' (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of



their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MICHAEL J. YEOSOCK,  
*Chairperson*

[Pa.B. Doc. No. 11-750. Filed for public inspection April 29, 2011, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Joseph F. Osenider, FD and Osenider Funeral Home; Doc. No. 1808-48-08**

On March 3, 2011, Joseph F. Osenider, FD, license number FD013437L, of Oil City, Venango County, had his license suspended for 4 years and was ordered to pay a civil penalty of \$1,000, because he committed misconduct in the practice of funeral directing.

Individuals may obtain a copy of the order by writing to Christopher McNally, Board Counsel, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Funeral Directors' (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MICHAEL J. YEOSOCK,  
*Chairperson*

[Pa.B. Doc. No. 11-751. Filed for public inspection April 29, 2011, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Osenider Funeral Home; Doc. No. 0357-48-08**

On March 3, 2011, Osenider Funeral Home, license number FO009279L, of Oil City, Venango County, had its license suspended for 1 year and was ordered to pay a civil penalty of \$1,000, because it practiced funeral directing without a valid license.

Individuals may obtain a copy of the order by writing to Christopher McNally, Board Counsel, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Funeral Directors' (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MICHAEL J. YEOSOCK,  
*Chairperson*

[Pa.B. Doc. No. 11-752. Filed for public inspection April 29, 2011, 9:00 a.m.]

## STATE BOARD OF MEDICINE

**Bureau of Professional and Occupational Affairs v. Khalid Parwez, M.D.; Doc. No. 0470-49-10**

On April 5, 2011, Khalid Parwez, M.D., license no. MD041625L, of Sidney, NY, had his license indefinitely suspended until the New York Board for Professional Medical Conduct has restored Dr. Khalid Parwez's license to practice medicine without restriction in that state, based upon disciplinary action taken against his license to practice medicine by the proper licensing authority of New York.

Individuals may obtain a copy of the final order by writing to Steven R. Dade, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Medicine's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

CAROL E. ROSE, M.D.,  
*Chairperson*

[Pa.B. Doc. No. 11-753. Filed for public inspection April 29, 2011, 9:00 a.m.]

## STATE POLICE

**Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems**

The State Police, under 18 Pa.C.S. §§ 5704(16)(ii)(C) and 5706(b)(4) (relating to exceptions to prohibition of interception and disclosure of communications; and exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices), published at 34 Pa.B. 1304 (February 28, 2004) a notice of Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems for use until the next comprehensive list is published.

As an addendum to the listing of approved mobile video recording systems published at 34 Pa.B. 1304, the State Police, under the authority cited previously, has approved for use, until the next comprehensive list is published, subject to interim amendment, the following additional approved mobile video recording system, which meets the minimum equipment standards published at 34 Pa.B. 1304:

X22 Mobile Video Recorder, RDR Mobility, Flemington, NJ.

Comments, suggestions or questions should be directed to State Police, Bureau of Patrol, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110.

COL. FRANK NOONAN,  
*Commissioner*

[Pa.B. Doc. No. 11-754. Filed for public inspection April 29, 2011, 9:00 a.m.]