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PENNSYLVANIA BULLETIN

Volume 41

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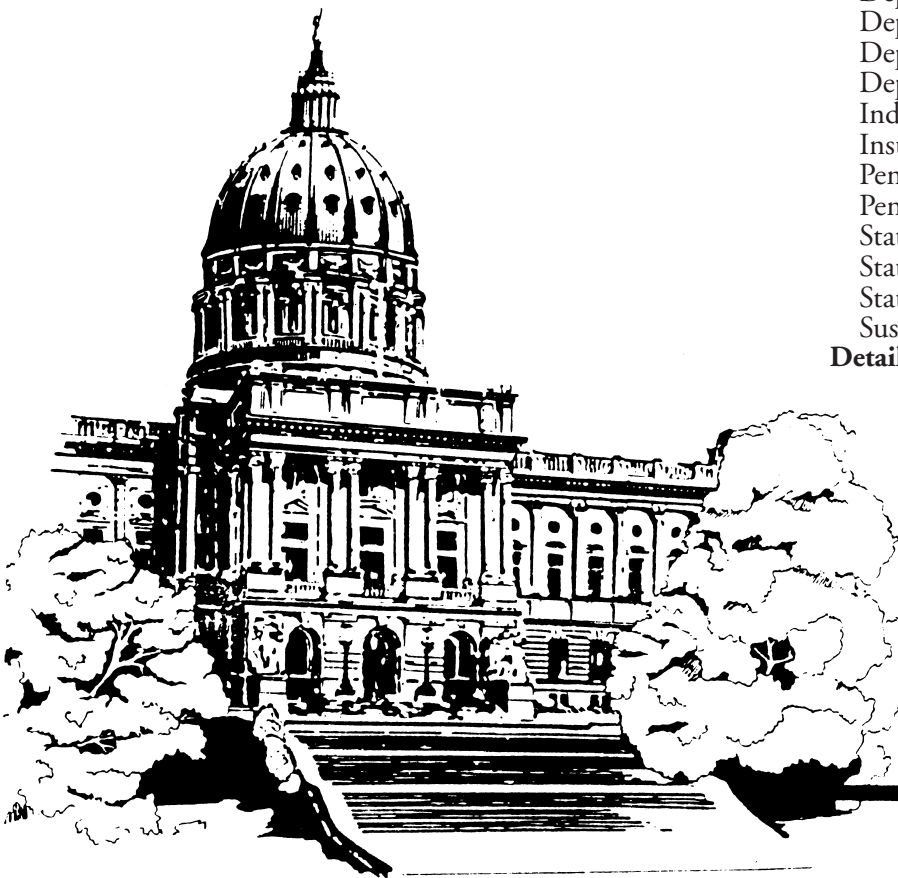
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(Master Transmittal Sheets):**

No. 438, May 2011

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

New Rule 234.10 Governing Uniform Interstate Depositions and Discovery; Proposed Recommendation No. 250

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 234.10 governing uniform interstate depositions and discovery be promulgated as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than June 7, 2011 to:

Karla M. Shultz
Counsel
Civil Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg PA 17106-2635
FAX 717-231-9526
civilrules@pacourts.us

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 234.10. Uniform Interstate Depositions and Discovery.

(a) As used in this rule,

“foreign jurisdiction” means a state other than this Commonwealth;

“foreign subpoena” means a subpoena issued under authority of a court of record of a foreign jurisdiction;

“person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency or instrumentality, or any other legal or commercial entity;

“state” means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States;

“subpoena” means a document, however denominated, issued under authority of a court of record requiring a person to:

- (i) attend and give testimony at a deposition;
 - (ii) produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person; or
 - (iii) permit inspection of premises under the control of the person.
- (b) The following apply to issuance of subpoenas:

(1) To request issuance of a subpoena, a party shall file a foreign subpoena with the prothonotary of the judicial district in which discovery is sought to be conducted in this Commonwealth. A request for the issuance of a subpoena under this rule does not constitute an appearance in the courts of this Commonwealth.

(2) When a party files a foreign subpoena, the prothonotary, in accordance with that court’s procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

(3)(i) A subpoena issued under subdivision (b)(2) shall:

(1) incorporate the terms used in the foreign subpoena; and

(2) contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

(ii) If a subpoena issued under subdivision (b)(2) is to be served upon a witness who is not a party to the action, the subpoena shall also contain a notice stating that the party serving the subpoena is required to enforce the subpoena and that the non-party witness is not required to defend against it.

(c) A subpoena issued by the prothonotary under subdivision (b) shall be served pursuant to Rule 234.2.

(d) Rules 234.1, 234.2, 234.3, 234.4, and 234.5 apply to subpoenas issued under subdivision (b).

(e) A motion to the court for a protective order or to enforce, quash, or modify a subpoena issued by the prothonotary under subdivision (b) shall comply with these rules and be submitted to the court in the judicial district in which discovery is to be conducted.

Official Note: See Rule 234.4 governing a motion to quash a subpoena, notice to attend, or notice to produce at trial or deposition.

(f) A notice to a non-party witness issued pursuant to subdivision (b)(3)(ii) shall be substantially in the following form:

(Caption)

NOTICE TO A NON-PARTY WITNESS

To _____

_____ (party) has served you with a subpoena in the above matter which is a legal proceeding pending outside the Commonwealth of Pennsylvania. If you do not comply with the subpoena, the party serving the subpoena may bring an action against you in court to require your compliance.

Date: _____

Attorney for _____
(party)

Explanatory Comment

The Civil Procedural Rules Committee is proposing new Rule 234.10 governing interstate depositions and discovery. The proposed rule is modeled on a rule developed by the Uniform Law Commission and is intended to streamline the process of issuing and serving foreign subpoenas. (See Uniform Interstate Depositions and Discovery Act, [http://www.nccusl.org/Act.aspx?title=Interstate Depositions and Discovery Act.](http://www.nccusl.org/Act.aspx?title=Interstate%20Depositions%20and%20Discovery%20Act)) The end result is that the

issuance of foreign subpoenas will become a ministerial act. The proposed rule deviates from the uniform law in only one respect. When a subpoena is to be served on a non-party witness pursuant to subdivision (b)(3)(ii), the subpoena must include a notice stating that the party serving the subpoena is required to enforce the subpoena and the non-party witness is not required to defend against it. The notice is being provided so as not to impose too heavy a burden on a witness who does not have an interest in the outcome of a case.

By the Civil Procedural Rules Committee
HONORABLE ROBERT C. DANIELS,
Chair

[Pa.B. Doc. No. 11-755. Filed for public inspection May 6, 2011, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1000]

Proposed Amendment of Rules 1042.3, 1042.6, 1042.8, and 1042.9 and New Rules 1042.8, 1042.11, and 1042.12 Governing Certificates of Merit; Proposed Recommendation No. 252

The Civil Procedural Rules Committee proposes that Rules of Civil Procedure 1042.3, 1042.6, 1042.8, and 1042.9 governing certificates of merit be amended as set forth herein, and that New Rules 1042.8, 1042.11, 1042.12 governing certificates of merit be adopted as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than June 7, 2011 to:

Karla M. Shultz
Counsel
Civil Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg PA 17106-2635
FAX 717-231-9526
civilrules@pacourts.us

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter B. ACTION IN TRESPASS

PROFESSIONAL LIABILITY ACTIONS

Rule 1042.3. Certificate of Merit.

* * * * *

(e) If a certificate of merit is not signed by an attorney, the party signing the certificate of merit shall, in addition to the other requirements of this rule, attach to the certificate of merit the written statement from an appropriate licensed professional as required by subdivisions (a)(1) and (2). If the written statement is not attached to the certificate of merit, a defendant seeking to enter a judgment of non pros shall file a written notice of intent

to enter a judgment of non pros for failure to file a written statement under Rule 1042.11.

* * * * *

Rule 1042.6. Notice of Intent to Enter Judgment of Non Pros for Failure to File Certificate of Merit. Motion to Determine Necessity to File Certificate. Form of Notice.

* * * * *

(d) The notice required by subdivision (a) of this rule shall be substantially in the following form:

(Caption)

[NOTICE OF INTENTION TO ENTER JUDGMENT OF NON PROS ON PROFESSIONAL LIABILITY CLAIM]

Notice of Intention to Enter Judgment of Non Pros for Failure to File a Certificate of Merit

* * * * *

Rule 1042.8. Motion to Strike. Defect of Certificate of Merit.

If a court grants a motion to strike a claim for noncompliance with the requirements of Rule 1042.3(b), the court shall grant the plaintiff twenty days to file certificates of merit which cure the defect.

Rule [1042.8] 1042.9. Sanctions.

* * * * *

Rule [1042.9] 1042.10. Certificate of Merit. Form.

* * * * *

(Editor's Note: Rules 1042.11 and 1042.12 are new and printed in regular type to enhance readability.)

Rule 1042.11. Notice of Intent to Enter Judgment of Non Pros for Failure to File a Written Statement from an Appropriate Licensed Professional. Form of Notice.

(a) A defendant seeking to enter a judgment of non pros under Rule 1042.12 shall file a notice of intent to enter a judgment of non pros for failure to file a written statement from an appropriate licensed professional with the certificate of merit.

(b) The notice required by subdivision (a) of this rule shall be substantially in the following form:

(Caption)

Notice of Intention to Enter Judgment of Non Pros for Failure to File Written Statement from an Appropriate Licensed Professional

To: _____
(Identify Party)

Pursuant to Pennsylvania Rule of Civil Procedure 1042.12, I intend to enter a judgment of non pros against you after thirty (30) days of the date of the filing of this notice if a written statement from an appropriate licensed professional is not filed as required by Rule 1042.3(e).

I am serving this notice on behalf of _____
(Name of party)

The judgment of non pros will be entered as to the following claims:

(State if a judgment is to be entered as to all claims. Otherwise, identify claims set forth in the complaint as to which a judgment of non pros will be entered.)

(Attorney)

(Address)

(Telephone Number)

Rule 1042.12. Entry of Judgment of Non Pros for Failure to File a Written Statement from an Appropriate Licensed Professional. Form of Praecept.

(a) The prothonotary, on praecipe of the defendant, shall enter a judgment of non pros against the plaintiff for failure to file a written statement under Rule 1042.3(e) provided that

- (1) no written statement has been filed,
- (2) the defendant has attached to the praecipe a certificate of service of the notice of intention to enter the judgment of non pros, and
- (3) the praecipe is filed no less than thirty days after the date of the filing of the notice of intention to enter judgment of non pros.

Official Note: The prothonotary may not enter judgment if the written statement has been filed prior to the filing of the praecipe.

Rule 237.1 does not apply to a judgment of non pros entered under this rule.

See Rule 208.2(a)(4) for the content of the certificate of service.

(b) The praecipe for the entry of a judgment of non pros shall be substantially in the following form:

(Caption)

Praecipe for Entry of Judgment of Non Pros Pursuant to Rule 1042.12

To the Prothonotary:

Enter judgment of non pros in the above-captioned matter against _____ as to
(Identify Party)

(1) all claims against _____.
(Identify Party)

OR

(2) only the following claims against _____:
(Identify Party)

Identify Claims

Date: _____

Attorney for _____
(Identify Party)

Explanatory Comment

The Civil Procedural Rules Committee is proposing amendments to Rule 1042.1 *et seq.* governing the certificate of merit. Currently, the rules of civil procedure provide for dismissal of a complaint for failure to file a certificate of merit. However, they are silent as to procedure when a certificate of merit is filed, but does not comply with the rules, e.g., the basis for the certificate of

merit is incorrect, or a certificate of merit lists three defendants when the rules require a separate certificate of merit to be filed against each defendant. Proposed new Rule 1042.8 provides that when a court grants a motion to strike for failure to comply with Rule 1042.3(b), the trial court shall give the plaintiff twenty days to file a new certificate of merit which will cure the defect.

These proposed amendments also add a procedure for when the certificate of merit is not signed by an attorney. New subdivision (e) of Rule 1042.3 would require the attachment of the written statement from an appropriate licensed professional to the certificate of merit. Failure to attach the written statement will allow the defendant seeking to enter a judgment of non pros to file a written notice of intent to enter judgment of non pros. New Rule 1042.11 provides the requirements for filing the 10-day notice, and new Rule 1042.12 provides the requirements for filing the praecipe for entry of judgment of non pros. Suggested forms for both the 10-day notice and praecipe are provided.

The Committee is proposing this amendment for several reasons. First, only an attorney is subject to disciplinary proceedings for abusing the rules of civil procedure governing certificates of merit. Second, it is not unusual for an unrepresented plaintiff to file a certificate of merit without having received a written statement from a licensed professional supporting his or her claim. Third, the rules governing the certificates of merit already make a distinction between an attorney and an unrepresented plaintiff filing a certificate of merit. Current Rule 1042.8 provides for a trial court to impose sanctions only upon a determination that an attorney has violated the rules governing the filing of a certificate of merit because monetary sanctions are an ineffective remedy to curtail the failure of unrepresented plaintiffs to obtain a written statement from an appropriate licensed professional.

Technical amendments have also been made to Rules 1042.6, 1042.8, and 1042.9, which do not affect practice or procedure.

By the Civil Procedural Rules Committee

HONORABLE ROBERT C. DANIELS,
Chair

[Pa.B. Doc. No. 11-756. Filed for public inspection May 6, 2011, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1300]

Proposed Amendment of Rule 1311.1 Governing Admission of Documentary Evidence upon the Trial of an Appeal from the Award of Arbitrators in Compulsory Arbitration; Proposed Recommendation No. 251

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 1311.1 governing admission of documentary evidence upon the trial of an appeal from the award of arbitrators in compulsory arbitration be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than June 7, 2011 to:

Karla M. Shultz
Counsel
Civil Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg PA 17106-2635

FAX 717-231-9526
civilrules@pacourts.us

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1300. ARBITRATION

Subchapter A. COMPULSORY ARBITRATION

Rule 1311.1. Procedure on Appeal. Admission of Documentary Evidence.

(a) The plaintiff may [stipulate to] elect a limit of \$25,000.00 as the maximum amount of damages recoverable upon the trial of an appeal from the award of arbitrators. The [stipulation] election shall be filed and served upon every other party at least thirty days from the date the appeal is first listed for trial. **The election may be withdrawn at any time by agreement of the parties. If the parties cannot agree, upon plaintiff's motion to withdraw the election, the court may grant the withdrawal of the election upon good cause shown.**

(b) If the plaintiff has filed and served [a stipulation] an election as provided in subdivision (a), any party may offer at trial the documents set forth in Rule 1305(b)(1). The documents offered shall be admitted if the party offering them has provided written notice to every other party of the intention to offer the documents at trial at least twenty days from the date the appeal is first listed for trial. The written notice shall be accompanied by a copy of each document to be offered.

* * * * *

(d) Any other party may subpoena the person whose testimony is waived by this rule to appear at or serve upon a party a notice to attend the trial and any adverse party may cross-examine the person as to the document as if the person were a witness for the party offering the document. The party issuing the subpoena shall pay the [reasonable] usual and customary fees and costs of the person subpoenaed to testify, including a [reasonable] usual and customary expert witness fee if applicable.

(1) If another party subpoenas or otherwise arranges for the attendance at trial of the person whose testimony is waived by this rule, the document shall be presented to the judge or jury as direct examination as if the person has not been subpoenaed by another person, or the plaintiff may conduct a direct examination of the witness.

(2) Any party, or the person subpoenaed, may require that the testimony be given by deposition pursuant to Pa.R.C.P. 4020(a)(5). The party issuing

the subpoena shall pay the witness's usual and customary fee for such testimony.

(e) The [stipulation] election required by subdivision (a) shall be substantially in the following form:

(Caption)

[Stipulation to Limitation of] Election to Limit Monetary Recovery Pursuant to Rule 1311.1

To: _____
(Name of Party/Parties)

_____, plaintiff, [stipulates] elects to a limit of \$25,000.00 as the maximum amount of damages recoverable upon the trial of the appeal from the award of arbitrators in the above captioned action.

(Name of Plaintiff)

(Attorney for Plaintiff)

Date

Official Note: The term "plaintiff" includes a defendant who is the plaintiff in a counterclaim.

A plaintiff may include in a single document the [stipulation] election and the notice of intent to offer documents.

* * * * *

Explanatory Comment

The Civil Procedural Rules Committee is proposing the amendment of Rule 1311.1 governing the admission of documentary evidence upon the appeal of an award of arbitrators in compulsory arbitration. It is proposed that the rule be amended in three respects. Currently, subdivision (a) of the rule provides for a party to stipulate to \$25,000 as the maximum amount recoverable. The rule was silent as to any procedure for withdrawing the stipulation. The proposed amendment will allow a plaintiff to elect, rather than stipulate, a limit of \$25,000. An election can subsequently be withdrawn upon agreement by the parties or pursuant to a court order upon good cause shown.

Subdivision (d) of the current rule provides that the expert witness be paid a reasonable fee for his or her testimony. The proposed amendment would change the reasonable fee to a usual and customary fee.

The amendment to subdivision (d) also provides a new procedure when another party subpoenas the witness whose testimony is waived under this rule. The amendment would allow the plaintiff to present the document to the judge or jury as direct examination as if the person has not been subpoenaed by another person, or allow the plaintiff to conduct a direct examination of the witness.

By the Civil Procedural Rules Committee

HONORABLE ROBERT C. DANIELS,
Chair

[Pa.B. Doc. No. 11-757. Filed for public inspection May 6, 2011, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 6]

Proposed Amendments to Pa.R.Crim.P. 631

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 631 to provide for the Commonwealth's participation in the waiver of the individual method of *voir dire* and to revise the Comment to Rule 631 to cross reference recent cases addressing waiver of the judge's presence during *voir dire* and challenges to accepted jurors. 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 Reports 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 rule 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, Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
Harrisburg, PA 17106-2635

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

no later than Friday, June 3, 2011.

By the Criminal Procedural Rules Committee

RISA VETRI FERMAN,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

PART C(1). Impaneling Jury

Rule 631. Examination and Challenges of Trial Jurors.

* * * * *

(E) In capital cases, the individual *voir dire* method must be used, unless the defendant [**waives**] **and the attorney for the Commonwealth with the approval of the judge, after a colloquy on the record demonstrating that this is a knowing and intelligent waiver, waive** that alternative. In non-capital cases, the trial judge shall select one of the following alternative methods of *voir dire*, which shall apply to the selection of both jurors and alternates:

* * * * *

Comment

This rule applies to all cases, regardless of potential sentence. Formerly there were separate rules for capital and non-capital cases.

Paragraph (A) provides for the waiver of the judge's presence during *voir dire* if the parties agree and the judge permits it. This waiver may be performed in writing and no on-the-record colloquy is required. See *Commonwealth v. Fitzgerald*, 979 A.2d 908 (Pa. Super 2009).

If Alternative (E)(1) is used, examination continues until all peremptory challenges are exhausted or until 12 jurors and 2 alternates are accepted. Challenges must be exercised immediately after the prospective juror is questioned. In capital cases, only Alternative (E)(1) may be used unless affirmatively waived by all defendants and the Commonwealth, with the approval of the trial judge.

Regarding challenges raised due to after discovered information against jurors who had been previously accepted pursuant to paragraph (E)(1)(b), see *Commonwealth v. Reed*, 605 Pa. 431, 990 A.2d 1158 (2010).

* * * * *

Official Note: Adopted January 24, 1968, effective August 1, 1968; amended May 1, 1970, effective May 4, 1970; amended June 30, 1975, effective September 28, 1975. The 1975 amendment combined former Rules 1106 and 1107. Comment revised January 28, 1983, effective July 1, 1983; amended September 15, 1993, effective January 1, 1994. The September 15, 1993 amendments suspended December 17, 1993 until further Order of the Court; amended February 27, 1995, effective July 1, 1995; the September 15, 1993 Order amending Rule 1106 is superseded by the September 18, 1998 Order, and Rule 1106 is amended September 18, 1998, effective July 1, 1999; renumbered Rule 631 and amended March 1, 2000, effective April 1, 2001; **amended** , **2011, effective** , **2011.**

Committee Explanatory Reports:

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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).

Report explaining the proposed amendments regarding waiver of the judge's presence during *voir dire*, challenges to jurors, and the Commonwealth's role in the waiver of individual *voir dire* published at 41 Pa.B. 2318 (May 7, 2011).

REPORT

Proposed Amendments to Pa.R.Crim.P.631 Voir Dire Issues

As part of its duties of monitoring developments in the law that effect criminal practice, the Committee examined two recent cases, *Commonwealth v. Fitzgerald*, 979 A.2d 908 (Pa. Super. 2009), *appeal denied*, ___ Pa. ___, 990 A.2d 727 (2010) and *Commonwealth v. Reed*, 605 Pa. 431, 990 A.2d 1158 (2010), that addressed aspects of Rule 631 (Examination and Challenges of Trial Jurors) and determined that cross-references to these cases in the Comment to Rule 631 would be beneficial. Additionally, the Committee examined the provisions in Rule 631(E) regarding the waiver of the individual *voir dire* method in capital cases in light of the Commonwealth's right to trial by jury under the Pennsylvania Constitution.

Waiver of Judge's Presence during Voir Dire

The first issue considered by the Committee concerned clarifying that a written waiver of the presence of the judge and court reporter during *voir dire* is sufficient and that no on-the-record waiver colloquy is required. Rule

631(A) specifically permits the parties to waive the judge's presence during *voir dire*. Questions have arisen from time to time as to whether, when the parties waive the presence of the judge and the court reporter during *voir dire*, it is necessary that an on-the-record colloquy be conducted as opposed to having a written waiver executed. Unlike waivers that involve fundamental constitutional rights, such as the waiver of a jury trial or the entry of a guilty or *nolo contendere* plea, the waiver of the presence of the judge and the court reporter during *voir dire* is a waiver that does not require a searching on-the-record colloquy.

This issue has been addressed by the Superior Court in *Commonwealth v. Fitzgerald*, 979 A.2d 908 (Pa. Super. 2009), *appeal denied*, ___ Pa. ___, 990 A.2d 727 (2010). In this case, the Superior Court held that defense counsel was not ineffective for failing to demand an on-the-record colloquy as to the defendant's waiver of the judge's presence during *voir dire*. The Superior Court rejected the defendant's argument that waiver of the judge's presence rose to the same level, that of a "fundamental personal right, as a waiver of jury trial or counsel." The Court noted that Rule 631 permitted such a waiver but did not specify whether the waiver must be in writing, on the record, or "knowing, voluntary, and intelligent" as is the case for the Rule 620 waiver of jury trial. The defendant provided no authority to indicate that the waiver of the judge's presence rose to a level requiring constitutional protection.

The proposed revisions to the Comment to Rule 631 make it clear that a written waiver of the presence of the judge and the court reporter during *voir dire* will suffice, in accordance with the holding in the *Fitzgerald* case.

Challenges to Accepted Jurors

The second part of the proposal adds a cross-reference to the Rule 631 Comment to the Pennsylvania Supreme Court's decision in *Commonwealth v. Reed*, 605 Pa. 431, 990 A.2d 1158 (2010). In this case, the defendant challenged on appeal the removal of a potential juror by peremptory challenge after he had been accepted. The claim was based on the language of Rule 631(E)(1)(b) that states, "Once accepted by all parties, a prospective juror shall not be removed by peremptory challenge. Without declaring a mistrial, a judge may allow a challenge for cause at any time before the jury begins to deliberate, provided sufficient alternates have been selected, or the defendant consents to be tried by a jury of fewer than 12, pursuant to Rule 641."

The prospective juror, after having been accepted by both parties, informed the trial judge that, although he stayed occasionally in Pennsylvania, he was really a resident of Ohio. The trial judge permitted the Commonwealth to use a peremptory challenge to remove the prospective juror. Defendant argued that the Commonwealth should have been required to challenge the juror for cause.

In rejecting the defendant's argument, the Court referred to *Commonwealth v. Chmiel*, 585 Pa. 547, 889 A.2d 501 (2005), in which the Court held that the Rule 631(E)(1)(b) provision regarding no challenges "must be read in context of other requirements in the rule that peremptory challenges are to be used only after the prospective juror is examined" and that the allowance of peremptory challenges remained within the trial court's discretionary prerogative, even after the parties' initial acceptance of a juror, where additional information subsequently came to light.

The Court also rejected the defendant's challenge, including a request for the remedy of additional peremptory challenges, to the trial court's entertainment of a challenge for cause of an accepted juror who later informed the judge that he would not be able to ever render a death verdict. The Court noted that the defendant admitted that challenges for cause may be exercised before the jury begins to deliberate, as provided for in Rule 631(E)(1)(b) and that, under Rule 634(A)(3) and *Commonwealth v. Edwards*, 493 Pa. 281, 426 A.2d 550 (1981), the trial judge in a capital murder case lacks the discretion to expand the number of peremptory challenges.

The Committee believes that a cross-reference to the holding in *Reed* would be beneficial to the bench and bar, and is proposing the Comment to Rule 631 be revised accordingly.

Commonwealth's Participation in the Waiver of the Individual Voir Dire Method

Rule 631(E) states that "[i]n capital cases, the individual *voir dire* method must be used, unless the defendant waives that alternative." The question was raised as to whether the Commonwealth should have an equal say in whether the individual *voir dire* method is used in capital cases in light of the 1998 amendment of the Pennsylvania Constitution that afforded the Commonwealth "the same right to trial by jury as does the accused." Pa. Const. Art I, § 6 (amended 1998).

The Committee examined the history of Rule 631 (formerly Rule 1106) and determined that the language regarding the waiver of method had been included in the rule prior to the 1998 Constitutional amendments and concluded that failure to modify the waiver provision had been an oversight.

The Committee is therefore proposing an amendment to Rule 631(E) to give the Commonwealth the right to participate in the process of a waiver of the individual *voir dire* method in a manner similar to that used in Rule 620 for the waiver of jury trials. This includes the requirement that the waiver colloquy be conducted on the record and that the waiver is subject to the judge's approval.

[Pa.B. Doc. No. 11-758. Filed for public inspection May 6, 2011, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1—6, 8,
11, 12, 14, 15 AND 16]

Order Amending Rules 120, 128, 140, 141, 242, 394, 406, 512, 610, 800, 1120, 1128, 1140, 1242, 1406, 1512, 1608, Renumbering Rules 130 to 137 and 1130 to 1137, and Adoption of New Rules 129, 130, 1129, and 1130 of the Rules of Juvenile Court Procedure; No. 526 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 21st day of April, 2011, upon the recommendation of the Juvenile Court Procedural Rules

Committee; the proposal having been published for public comment before adoption at 40 Pa.B. 5743 (Oct. 9, 2010), in the *Atlantic Reporter*, Third Series Advance Sheets, Vol. 3, No. 1, October 15, 2010, and on the Supreme Court's web-page, and an Explanatory Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 120, 128, 140, 141, 242, 394, 406, 512, 610, 800, 1120, 1128, 1140, 1242, 1406, 1512, 1608, renumbering Rules 130 to 137 and 1130 to 1137, and adoption of new Rules 129, 130, 1129, and 1130 of the Rules of Juvenile Court Procedure are approved in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 1, 2011.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 120. Definitions.

* * * * *

ADVANCED COMMUNICATION TECHNOLOGY is any communication equipment that is used as a link between parties in physically separate locations and includes, but is not limited to, systems providing for two-way simultaneous audio-visual communication, closed circuit television, telephone and facsimile equipment, and electronic mail.

* * * * *

COPY is an exact duplicate of an original document, including any required signatures, produced through mechanical or electronic means and includes, but is not limited to, copies reproduced by a photocopier, transmission using facsimile equipment, or by scanning into and printing out of a computer.

* * * * *

PLACEMENT FACILITY is any facility, privately or publicly owned and operated, that identifies itself either by charter, articles of incorporation or program description, to receive delinquent juveniles **or which otherwise provides treatment to juveniles** as a case disposition. Placement facilities include, but are not limited to, residential facilities, group homes, after-school programs, and day programs, whether secure or non-secure.

* * * * *

Comment

* * * * *

The definition of "proceeding" includes all formal stages when a written allegation has been submitted, including all subsequent proceedings until supervision is terminated pursuant to Rules 631 or 632. A hearing on a motion alleging probation violations is one of these subsequent stages. See Rule 612 for revocation of probation.

For definition of "delinquent act," see 42 Pa.C.S. § 6302.

Official Note: Rule 120 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately.

Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. **Amended April 21, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 120 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

Rule 128. **Presence at Proceedings [in Absentia].**

A. General rule. The juvenile shall be present at all proceedings unless the exceptions of paragraph (B) apply.

B. Exceptions.

1) **Absence from proceedings.** The court may proceed with a hearing in the absence of the juvenile if the court finds that the juvenile was properly subpoenaed or summoned to appear and has willfully failed to attend, and the juvenile's attorney is present.

2) **Exclusion from proceedings.** The juvenile may be excluded from a proceeding only for good cause shown. If the juvenile is so excluded, the juvenile's attorney shall be present.

C. Advanced communication technology. A juvenile may appear utilizing advanced communication technology pursuant to Rule 129.

D. Order appearance. The court may order the guardian to bring the juvenile and to attend the proceeding.

Comment

The court has discretion whether to proceed if the court finds that the juvenile received proper notice of the hearing and has willfully failed to appear.

Pursuant to paragraph (B)(2), a juvenile may be excluded only for good cause shown. For example, a juvenile may be removed from the courtroom after repeated warnings for disruptive behavior.

Requiring the juvenile's attorney to be present protects the juvenile's interest if the proceeding is conducted in the juvenile's absence. **However, unless good cause is shown, a juvenile should appear in court.**

Cf. Commonwealth v. Ford, 650 A.2d 433 (Pa. 1994); *Commonwealth v. Sullens*, 619 A.2d 1349 (Pa. 1992).

Nothing in these rules creates a right of a juvenile to have his or her guardian present. See 42 Pa.C.S. §§ 6310, 6335(b), and 6336.1.

Official Note: Rule 128 adopted April 1, 2005, effective October 1, 2005. **Amended April 21, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 128 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

Rule 129. [Open Proceedings (Reserved)] Appearance by Advanced Communication Technology.

A. Generally.

1) The juvenile or a witness may appear at a proceeding by utilizing advanced communication technology pursuant to Rule 140, 141, 242, 394, 406, 512, and 610.

2) At a minimum, the juvenile shall appear in person at least once a year.

B. Counsel.

1) The juvenile shall be permitted to confer with counsel before entering into an agreement to appear utilizing advanced communication technology.

2) The juvenile shall be permitted to communicate fully and confidentially with counsel immediately prior to and during the proceeding.

Comment

Paragraph (A) requires that every juvenile is to appear in person at least once a year. This includes juveniles who are not removed from their homes but who are under the court's supervision.

This rule is not intended to compel the use of advanced communication technology but rather permit appearance by telephone or by a system providing two-way simultaneous audio-visual communication. Advanced communication technology may be utilized for the convenience of witnesses; efficient use of resources; or when a party or witness has an illness, is incarcerated, or is otherwise in a remote location. See Rules 140, 141, 242, 394, 406, 512, and 610 for specific requirements for the use of advanced communication technology.

Additionally, special care is to be taken when utilizing advanced communication technology to prevent disclosure of sensitive information to unauthorized persons or entities and to prevent a breach of confidentiality between the juvenile and the juvenile's attorney.

Pursuant to paragraph (B)(1), the juvenile is to be permitted to confer with counsel prior to agreeing to a proceeding utilizing advanced communication technology. Pursuant to paragraph (B)(2), the juvenile is permitted to confer with counsel privately prior to and during the proceedings. The juvenile is to be afforded all the same rights as if the hearing was held with all parties present in the courtroom.

Official Note: Rule 129 adopted April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 129 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

Rule 130. Court Fees Prohibited for Advanced Communication Technology.

The court shall not impose any fees upon the juvenile or witness for utilizing advanced communication technology.

Comment

See March 13, 2002 Order of the Supreme Court of Pennsylvania (No. 241 Judicial Administration; Doc. No. 1) which provides that no fees shall be imposed against a defendant in a criminal proceeding for the utilization of advanced communication technology.

Official Note: Rule 130 adopted April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 130 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

Rule [130] 137. Public Discussion by Court Personnel of Pending Matters.

* * * * *

Official Note: Rule 130 adopted April 1, 2005, effective October 1, 2005. Renumbered Rule 137 and amended April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the renumbering of 130 to 137 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

Rule 140. Bench Warrants for Failure to Appear at Hearings.

* * * * *

E. Advanced communication technology. A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.

F. Return and execution of the warrant for juveniles and witnesses.

* * * * *

Comment

* * * * *

Pursuant to paragraph [(E)(2)] (F)(2), the bench warrant is to be returned to the judge who issued the warrant or to the judge designated by the President Judge to hear warrants by the arresting officer executing a return of warrant. See paragraph [(E)(3)] (F)(3).

Pursuant to paragraph [(E)(4)] (F)(4), the bench warrant is to be vacated after the return of the warrant is executed. "Vacated" is to denote that the bench warrant has been served, dissolved, executed, dismissed, canceled, returned, or any other similar language used by the judge to terminate the warrant. The bench warrant is no longer in effect once it has been vacated.

Pursuant to paragraph [(E)(5)] (F)(5), once the warrant is vacated, the juvenile probation officer, other court designee, or law enforcement officer is to remove the warrant from all appropriate registries so the juvenile is not taken into custody on the same warrant if the juvenile is released.

See 42 Pa.C.S. § 4132 for punishment of contempt for juveniles and witnesses.

Official Note: Rule 140 adopted February 26, 2008, effective June 1, 2008[; amended]. Amended September 30, 2009, effective January 1, 2010. Amended April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 140 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

Rule 141. Bench Warrants for Absconders.

* * * * *

D. *Prompt hearing.*

1) The juvenile shall have a detention hearing within seventy-two hours of the placement in detention.

2) **A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.**

* * * * *

Comment

* * * * *

Pursuant to paragraph (C), the juvenile is to be detained in a detention facility or any other facility designated in the bench warrant. If a juvenile is taken into custody pursuant to the bench warrant in a county other than the county of issuance, the juvenile is to be transported back to the county of issuance prior to the seventy-two-hour detention hearing mandated pursuant to paragraph (D)(1).

Pursuant to paragraphs (D)(1) and (E), the time requirements of the Rules of Juvenile Court Procedure are to apply, including the seventy-two hour detention hearing. *See, e.g.*, Rules 240, 391, 404, 510, and 605.

* * * * *

Official Note: Rule 141 adopted September 30, 2009, effective January 1, 2010. **Amended April 21, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 141 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

CHAPTER 2. COMMENCEMENT OF PROCEEDINGS, ARREST PROCEDURES, WRITTEN ALLEGATION, AND PRE-ADJUDICATORY DETENTION

PART D. PRE-ADJUDICATORY DETENTION

Rule 242. Detention Hearing.

* * * * *

B. *Manner of hearing.*

* * * * *

4) **Presence at hearing.** The juvenile shall be present at the detention hearing and the juvenile's attorney or the juvenile, if unrepresented, may:

a) cross-examine witnesses offered against the juvenile; and

b) offer evidence or witnesses, if any, pertinent to the probable cause or detention determination.

5) **Advanced communication technology.** A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.

* * * * *

Official Note: Rule 242 adopted April 1, 2005, effective October 1, 2005. **Amended April 21, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 242 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

PART G. TRANSFER FOR CRIMINAL PROSECUTION

Rule 394. Transfer Hearing.

* * * * *

B. *Advanced communication technology.*

1) **Juvenile.** A court may utilize advanced communication technology pursuant to Rule 129 for the appearance of the juvenile only if the parties consent.

2) **Witness.** A court may utilize advanced communication technology pursuant to Rule 129 for the appearance of a witness unless good cause is shown otherwise.

C. *Findings.* At the hearing, if the court finds:

* * * * *

Official Note: Rule 394 adopted April 1, 2005, effective October 1, 2005. **Amended April 21, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 394 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

CHAPTER 4. ADJUDICATORY HEARING

Rule 406. Adjudicatory Hearing.

* * * * *

C. *Advanced communication technology.* A court may utilize advanced communication technology pursuant to Rule 129 for the appearance of the juvenile or witness only if the parties consent.

Comment

Under paragraph (A), the juvenile does not have the right to trial by jury. *McKeiver v. Pennsylvania*, 403 U. S. 528 (1971).

Official Note: Rule 406 adopted April 1, 2005, effective October 1, 2005. **Amended April 21, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 406 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

CHAPTER 5. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 512. Dispositional Hearing.

A. *Manner of hearing.* The court shall conduct the dispositional hearing in an informal but orderly manner.

* * * * *

3) **Advanced communication technology.** A court may utilize advanced communication technology pursuant to Rule 129 for the appearance of the juvenile or the witness only if the parties consent.

* * * * *

Official Note: Rule 512 adopted April 1, 2005, effective October 1, 2005[; amended]. Amended May 17, 2007, effective August 20, 2007. Amended April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 512 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

CHAPTER 6. POST-DISPOSITIONAL PROCEDURES

PART B. MODIFICATIONS, REVIEWS, AND APPEALS

Rule 610. Dispositional and Commitment Review.

A. [*Dispositional Review Hearing*] *Dispositional review hearing.* The court shall review its disposition and conduct dispositional review hearings for the purpose of ensuring that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met.

1) [A court may schedule a review hearing at any time.

2)] In all cases [when the juvenile is removed from the home], the court shall [hold] conduct dispositional review hearings at least every six months.

2) In all cases, the juvenile shall appear in person at least once a year.

3) The court may schedule a review hearing at any time.

* * * * *

C. [*Advanced Communication Technology.* If the parties agree, commitment and dispositional review hearings may be held by teleconferencing, two-way simultaneous audio-visual communication, or another similar method when a juvenile is committed to a placement facility. The juvenile shall be permitted to communicate fully and confidentially with the juvenile's attorney immediately prior to and during the proceeding.] *Advanced communication technology.* A court may utilize advanced communication technology pursuant to Rule 129 for a juvenile or a witness unless good cause is shown otherwise.

Comment

Under paragraph (A), the court [may hold a review hearing at any time; however, if the juvenile is removed from the home, the court is to conduct a hearing at least every six months] is to conduct dispositional review hearings as frequently as necessary to ensure that the juvenile is receiving necessary treatment and services and that the terms and conditions of the disposition are being met. See Rule 800.

When conducting a dispositional review hearing, the court is to ensure that the disposition continues to provide balanced attention to the protection of the community, the imposition of accountability for offenses committed, and the development of competencies to enable the juvenile to become a responsible and productive member of the community.

Nothing in this rule prohibits the juvenile from requesting an earlier review hearing. The juvenile may file a motion requesting a hearing when there is a need for change in treatment or services.

[**Nothing**] **Additionally, nothing** in this rule is intended to prohibit the emergency transfer of a juvenile from a placement facility to a detention facility pending reconsideration of the dispositional order and this rule is not intended to preclude a motion for modification of a dispositional order after the juvenile has been detained.

Some placement facilities are hours away from the dispositional court. Paragraph (C) allows a hearing[, **when a juvenile is in a placement facility,**] to be conducted via teleconferencing, two-way simultaneous audio-visual communication, or similar method. The juvenile is to be afforded all the same rights and privileges as if the hearing was held with all present in the courtroom.

Official Note: Rule 610 adopted April 1, 2005, effective October 1, 2005[; amended]. Amended December 30, 2005, effective immediately. Amended April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 610 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

CHAPTER 8. SUSPENSIONS

Rule 800. Suspensions of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly that apply to delinquency proceedings only:

* * * * *

16) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6353(a), which requires dispositional review hearings to be held at least every nine months **when a juvenile is removed from the home**, is suspended only insofar as it is inconsistent with the requirement of Rule 610, which requires dispositional review hearings to be held at least every six months [**when a juvenile is removed from the home**].

* * * * *

Official Note: Rule 800 adopted April 1, 2005, effective October 1, 2005[; amended]. Amended December 30, 2005, effective immediately[; amended]. Amended March 23, 2007, effective August 1, 2007[; amended]. Amended February 26, 2008, effective June 1, 2008[; amended]. Amended March 19, 2009, effective June 1, 2009. Amended February 12, 2010, effective immediately. Amended April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 800 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

**Subpart B. DEPENDENCY MATTERS
CHAPTER 11. GENERAL PROVISIONS**

PART A. BUSINESS OF COURTS

Rule 1120. Definitions.

* * * * *

ADVANCED COMMUNICATION TECHNOLOGY is any communication equipment that is used as a link between parties in physically separate locations and includes, but is not limited to, systems providing for two-way simultaneous audio-visual communication, closed circuit television, telephone and facsimile equipment, and electronic mail.

* * * * *

COPY is an exact duplicate of an original document, including any required signatures, produced through mechanical or electronic means and includes, but is not limited to, copies reproduced by transmission using facsimile equipment, or by scanning into and printing out of a computer.

* * * * *

Comment

* * * * *

The term "petitioner" may include any person; however, if the person is not the county agency, an application to file a petition pursuant to Rule 1320 is to be made. If the court, after a hearing, grants the application, the applicant may file a petition.

The definition of "proceeding" includes all formal stages once a shelter care application has been submitted or a petition has been filed, including all subsequent proceedings until supervision is terminated pursuant to Rule 1613.

Official Note: Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1120 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

Rule 1128. Presence at Proceedings.

* * * * *

C. Advanced communication technology. A child or guardian may appear by utilizing advanced communication technology pursuant to Rule 1129.

D. Order appearance. The court may order any person having the physical custody or control of a child to bring the child to any proceeding.

Comment

[Under paragraph (B)(1), if a child is an infant, that would qualify as good cause.] In no case is a proceeding to occur in the absence of the child's attorney. The court has discretion whether to proceed if the court finds that a party received proper notice of the hearing and has willfully failed to appear.

Requiring the child's attorney to be present pursuant to paragraph (B)(2) protects the child's interest if the proceeding is conducted in the child's absence. However, unless good cause is shown, a child should appear in court. It is important that all children, including infants, appear in court so the court can observe the interaction between the caregiver and child and observe the child's development and health.

Ensuring a child appears in court on a regular basis is critical because the court oversees the child and is to ensure his or her care, protection, safety, and wholesome mental and physical development. However, the court may ask that the child be removed from the courtroom during sensitive testimony.

See In re Adoption of S.B.B. and E.P.R., 372 Pa.Super. 456, 539 A.2d 883 (1988).

Nothing in these rules creates a right of a child to have his or her guardian present. See 42 Pa.C.S. §§ 6310, 6335(b), 6336.1.

Official Note: Rule 1128 adopted August, 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1128 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

Rule 1129. [Open Proceedings (Reserved)] Appearance by Advanced Communication Technology.

A. Generally.

1) The child, guardian, or a witness may appear at a proceeding by utilizing advanced communication technology pursuant to Rules 1140, 1242, 1406, 1512, and 1608.

2) At a minimum, the child shall appear in person at least every six months unless as otherwise provided by Rule 1128.

B. Counsel.

1) The child or guardian shall be permitted to confer with counsel before entering into an agreement to appear utilizing advanced communication technology.

2) The child or guardian shall be permitted to communicate fully and confidentially with counsel immediately prior to and during the proceeding.

Comment

Paragraph (A) requires that every child is to appear in person at least every six months. There may be instances in which the child is excused from attending pursuant to Rule 1128.

This rule is not intended to compel the use of advanced communication technology but rather permit appearance by telephone or by a system providing two-way simultaneous audio-visual communication. Advanced communication technology may be utilized for the convenience for witnesses; efficient use of resources; or when a party or witness has an illness, is incarcerated, or is otherwise in a remote location. See Rules 1140, 1242, 1406, 1512, and 1608 for specific requirements for the use of advanced communication technology.

Additionally, special care is to be taken when utilizing advanced communication technology to prevent disclosure of sensitive information to unauthorized persons and entities or to prevent a breach of confidentiality between a party and the party's attorney.

Pursuant to paragraph (B)(1), the child or guardian is to be permitted to confer with counsel prior

to agreeing to a proceeding utilizing advanced communication technology. Counsel includes legal counsel and/or the guardian *ad litem*. Pursuant to paragraph (B)(2), the child or guardian is permitted to confer with counsel privately prior to and during the proceedings. The child is to be afforded all the same rights as if the hearing was held with all parties present in the courtroom.

Official Note: Rule 1129 adopted April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 1129 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

Rule 1130. Court Fees Prohibited for Advanced Communication Technology.

The court shall not impose any fees upon any party or witness for utilizing advanced communication technology.

Comment

See March 13, 2002 Order of the Supreme Court of Pennsylvania (No. 241 Judicial Administration; Doc. No. 1) which provides that no fees shall be imposed against a defendant in a criminal proceeding for the utilization of advanced communication technology.

Official Note: Rule 1130 adopted April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

Final Report explaining the amendments to Rule 1130 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

Rule [1130] 1137. Public Discussion by Court Personnel of Pending Matters.

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Official Note: Rule 1130 adopted August, 21, 2006, effective February 1, 2007. **Renumbered Rule 1137 and amended April 21, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the renumbering of 1130 to 1137 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

Rule 1140. Bench Warrants for Failure to Appear.

* * * * *

B. Party.

1) *Where to take the party.*

* * * * *

c) If the warrant specifically orders detention of a party, the party shall be detained pending a hearing.

i) *Minor.* If the party is a minor, the party shall be detained in a [shelter-care] shelter care facility or other placement as deemed appropriate by the judge.

* * * * *

C. Witnesses.

1) *Where to take the witness.*

* * * * *

c) A motion for detention as a witness may be filed anytime before or after the issuance of a bench warrant. The judge may order detention of the witness pending a hearing.

i) *Minor.* If a detained witness is a minor, the witness shall be detained in a [shelter-care] shelter care facility or other placement as deemed appropriate by the judge.

* * * * *

4) *Out-of-county custody.*

* * * * *

e) If transportation cannot be arranged immediately, the witness shall be released unless the warrant or other order of court specifically orders detention of the witness.

i) *Minor.* If the witness is a minor, the witness may be detained in an out-of-county [shelter-care] shelter care facility or other placement as deemed appropriate by the judge.

* * * * *

D. Advanced communication technology. A court may utilize advanced communication technology pursuant to Rule 1129 unless good cause is shown otherwise.

E. Return & execution of the warrant for parties and witnesses.

* * * * *

Comment

* * * * *

Pursuant to paragraph [(D)(2)] (E)(2), the bench warrant is to be returned to the judge who issued the warrant or to the judge designated by the President Judge to hear warrants by the arresting officer executing a return of warrant. See paragraph [(D)(3)] (E)(3).

Pursuant to paragraph [(D)(4)] (E)(4), the bench warrant is to be vacated after the return of the warrant is executed so the party or witness is not taken into custody on the same warrant if the party or witness is released. "Vacated" is to denote that the bench warrant has been served, dissolved, executed, dismissed, canceled, returned, or any other similar language used by the judge to terminate the warrant. The bench warrant is no longer in effect once it has been vacated.

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Official Note: Rule 1140 adopted March 19, 2009, effective June 1, 2009. **Amended April 21, 2011, effective July 1, 2011.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1140 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT

PART C. SHELTER CARE

Rule 1242. [**General Conduct of**] Shelter Care Hearing.

* * * * *

B. Manner of hearing.

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4) Advanced communication technology. Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.

* * * * *

Comment

Pursuant to paragraph (B)(4), it is expected that the parties be present. Only upon good cause shown should advanced communication technology be utilized.

Under paragraph (C)(4), the court is to determine whether or not a person is a proper party to the proceedings. Regardless of the court's findings on the party status, the court is to determine if the application is supported by sufficient evidence.

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Official Note: Rule 1242 adopted August, 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1242 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

CHAPTER 14. ADJUDICATORY HEARING

Rule 1406. Adjudicatory Hearing.

A. *Manner of hearing.* The court shall conduct the adjudicatory hearing in an informal but orderly manner.

1) **Notification.** Prior to commencing the proceedings, the court shall ascertain:

[1] a) whether notice requirements pursuant to Rules 1360 and 1361 have been met; and

[2] b) whether unrepresented parties have been informed of the right to counsel pursuant to 42 Pa.C.S. § 6337.

2) Advanced communication technology. Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.

* * * * *

Comment

Due process requires that the litigants receive notice of the issues before the court and an opportunity to present their case in relation to those issues. *In re M.B.*, 356 Pa.Super. 257, 514 A.2d 599 (1986), *aff'd*, 517 Pa. 459, 538 A.2d 495 (1988).

Pursuant to paragraph (A)(2), it is expected that the parties be present. Only upon good cause shown should advanced communication technology be utilized.

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Official Note: Rule 1406 adopted August, 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1406 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

CHAPTER 15. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 1512. Dispositional Hearing.

A. *Manner of hearing.* The court shall conduct the dispositional hearing in an informal but orderly manner.

* * * * *

3) Advanced communication technology. Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.

* * * * *

Comment

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Paragraph (A)(2) does not infringe on the right to call witnesses to testify, in addition to those specified individuals. See Rule 1123 for subpoenaing a witness.

Pursuant to paragraph (A)(3), it is expected that the parties be present. Only upon good cause shown should advanced communication technology be utilized.

* * * * *

Official Note: Rule 1512 adopted August, 21, 2006, effective February 1, 2007. Amended April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1512 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART B. PERMANENCY HEARING

Rule 1608. Permanency Hearing.

* * * * *

E. *Advanced communication technology.* Upon good cause shown, a court may utilize advanced communication technology pursuant to Rule 1129.

F. *Family Service Plan or Permanency Plan.* The county agency shall review the family service plan or permanency plan at least every six months. If the plan is modified, the county agency shall provide all parties and when requested, the court, with the modified plan at least fifteen days prior to the permanency hearing.

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Official Note: Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 1608 published with the Court's Order at 41 Pa.B. 2327 (May 7, 2011).

EXPLANATORY REPORT

April 2011

Introduction

The Supreme Court of Pennsylvania has adopted the proposed changes to Rules 120, 128, 140, 141, 242, 394,

406, 512, 610, 800, 1120, 1128, 1140, 1242, 1406, 1512, 1608, the renumbering of Rules 130 to 137 and 1130 to 1137, and New Rules 129, 130, 1129, and 1130 with this Recommendation. The changes are effective July 1, 2011.

Background

As advanced technologies emerge while budgets continue to shrink, courts are increasingly utilizing new technologies to help manage their court systems, and to help reduce costs. However, there are significant additional benefits to the use of new technology in delinquency and dependency matters.

Witnesses, guardians, and others, who were otherwise unable to attend a hearing, may now participate in the court process. In past years, a non-custodial parent in a remote state prison would not participate in his or her child's hearing. Technology now allows a parent inmate to appear via video conference and participate in the proceedings. Expert witnesses, otherwise unavailable, can testify from across the world, avoiding travel time and expenses and potential delays in the proceedings. Some courts have reported that the use of ACT has encouraged the best medical and behavioral health experts to expand their involvement with Children and Youth Services in delinquency and dependency matters because they can participate in a more efficient manner.

These rule additions and modifications address the use of advanced communication technology in juvenile court and the procedures that must be followed when utilizing advanced communication technology.

Rules 120 and 1120—Definitions

These rule changes concern the use of advanced communication technology (ACT) in court proceedings. ACT is "any communication equipment that is used as a link between parties in physically separate locations and includes, but is not limited to, systems providing for two-way simultaneous audio-visual communication, closed circuit television, telephone and facsimile equipment, and electronic mail."

"Copy" is also defined and "placement facility" is clarified to include facilities that otherwise provide treatment to juveniles.

Rules 128 and 1128—Presence at Proceedings

Rule 128 was changed from proceedings *in absentia* to presence at proceedings to provide consistency between procedures for delinquency proceedings and dependency proceedings. See Rule 1128.

As a general rule under paragraph (A), all juveniles and children should be present at every proceeding. However, in two instances, the court may proceed without a party pursuant to paragraph (B).

First, the court may proceed in the *absence* of a party if the court finds that: 1) the party was properly subpoenaed or summoned to appear; 2) the party willfully failed to appear; and 3) the party's attorney is present.

Second, a party may be *excluded* from a proceeding only if: 1) good cause is shown; and 2) the party's attorney is present. For example, a juvenile may be removed from the courtroom after repeated warnings for disruptive behavior.

Paragraph (C) authorizes appearance of a party by utilizing ACT. This authorization allows courts to utilize its available resources to manage its proceedings.

Rules 129 and 1129—Appearance by ACT

These rules provide that a juvenile, child, guardian, or witness may appear at a proceeding via ACT. For delinquency proceedings, a juvenile must appear in person at least once a year. However, in dependency proceedings, a child must appear at least every six months.

It is important in dependency cases for the court to continually observe the child because the child is in the custody of the county agency and under the court's supervision. The court may observe the interaction between the caregiver and the child; as well as, observe the child's development and health.

Prior to agreeing to a hearing utilizing ACT, a juvenile or child must be permitted to consult with his or her counsel. In addition, the juvenile shall communicate fully with his or her counsel prior to and during the proceedings. Counsel as used in this rule includes legal counsel and the guardian *ad litem*.

Many judicial districts are allowing counsel to use their cell phones to speak privately with their client during a hearing. In other districts, the hearing room is being vacated so the juvenile or child can communicate with counsel.

In addition, courts across the country are developing techniques for allowing parties, including the juvenile or child, to speak in private with their counsel during the proceedings. Judicial districts are encouraged generally to be creative in utilizing ACT.

Rules 130 and 1130—Court Fees Prohibited for ACT

Courts may not impose fees for the use of ACT. In most instances, the use of ACT is less expensive than requiring a party or witness to appear in person.

Nothing in these rules requires the court to utilize ACT. For example, if a witness is a physician and does not have resources available at his or her office or hospital to utilize ACT, the physician would have to appear in person for the hearing. However, if a guardian is incarcerated and the prison does have the capability of broadcasting using two-way simultaneous audio-visual communication or closed-circuit television to the courthouse, the court should make every effort to ensure that the guardian participates in the proceeding.

Rules 137 and 1137—Public Discussion by Court Personnel of Pending Matters

These rules were renumbered from Rules 130 and 1130 to Rules 137 and 1137.

Rules 140, 141, 242, 610, 1140 and 1242—Bench Warrants for Failure to Appear at Hearings, Bench Warrants for Absconders, Detention Hearing, Dispositional and Commitment Review, and Shelter Care Hearing

The court may utilize ACT for bench warrant, detention, shelter care, dispositional and commitment review hearings unless good cause is shown otherwise. Because of the nature of these hearings, it is not mandatory that a person physically appear before the court. However, if good cause is shown to the court, the court must prohibit the use of ACT.

Rule 394—Transfer Hearing

Because of the nature of these proceedings and potential consequences, the parties must consent to a party's presence at a hearing utilizing ACT. However, a witness may appear utilizing ACT unless good cause is shown otherwise.

Rules 406, 512, 1406, 1512, and 1608—Adjudicatory, Dispositional, and Permanency Hearings

For delinquency proceedings, the juvenile must consent to utilizing ACT for a hearing. In most instances, the juvenile should appear in person. Because of the nature of these proceedings and potential consequences, the juvenile should decide whether to appear in person.

For dependency proceedings, good cause must be shown prior to the court allowing a hearing to proceed when utilizing ACT. It is expected that the parties will be present and only in extenuating circumstances should the court proceed with these hearings utilizing ACT.

[Pa.B. Doc. No. 11-759. Filed for public inspection May 6, 2011, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Wilfred LeBlanc, Jr. having been suspended from the practice of law in the State of New Jersey for a period of 6 months by Order of the Supreme Court of New Jersey dated July 8, 2010, the Supreme Court of Pennsylvania issued an Order dated April 15, 2011, suspending Wilfred LeBlanc, Jr. from the practice of law in this Commonwealth for a period of 6 months. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 11-760. Filed for public inspection May 6, 2011, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Karim J. Tannous, a/k/a Karim John Tannous, a/k/a K. John Tannous having been suspended from the practice of law in the State of Colorado for a period of 90 days, with 60 days stayed, by Order of the Supreme Court of Colorado entered July 30, 2004, the Supreme Court of Pennsylvania issued an Order dated April 15, 2011, suspending Karim J. Tannous, a/k/a Karim John Tannous, a/k/a K. John Tannous from the practice of law in this Commonwealth for a period of 30 days. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 11-761. Filed for public inspection May 6, 2011, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 525,
535, 543, 549, 553 AND 565]

Table Game Amendments; Temporary Rulemaking

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 13A03 (relating to temporary table game regulations), enacted by the act of January 7, 2010 (P. L. 1, No. 1) (Act 1), and the specific authority in 4 Pa.C.S. §§ 13A02(1) and (2) (relating to regulatory authority), amends temporary regulations in Chapters 525, 535, 543, 549, 553 and 565 to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of the Temporary Rulemaking

This temporary rulemaking amends Chapter 525 (relating to table game internal controls) and the rules of Pai Gow, Midibaccarat, Blackjack, Poker and Three Card Poker to add additional side wagers and in response to comments received from certificate holders.

Explanation of Chapters 525, 535, 543, 549, 553 and 565

Section 525.9 (relating to procedures for distributing gaming chips, coins and plaques to gaming tables) is amended for clarity and allows the use of a Fill Slip form book to complete manual fills. Fill Slips that are electronically prepared now require a three-part form. The cage copy stays with the chip bank cashier who filled the request, the accounting copy and original go out with the value chips to the gaming floor. The original is dropped in the table game drop box and the accounting copy goes with the security escort back to the main cage.

In § 525.16 (relating to table inventory counts on a per shift basis), the preparation of a Table Inventory Slip is changed from a per shift basis to every shift that the table was open for gaming.

In § 525.18 (relating to transport of table game drop boxes to and from gaming tables), a floorperson or above may now verify the number of table game drop boxes removed from the gaming floor instead of the drop team supervisor.

In Chapter 535 (relating to Pai Gow), § 535.9 (relating to alternative dealing procedures) is amended to allow dealers or players who act as the bank or co-bank to offer any of the traditional delivery styles in paragraphs (1)—(9).

In § 543.2(f) (relating to Midibaccarat table physical characteristics), the reference to Minibaccarat was changed to Midibaccarat.

In Chapter 549 (relating to Blackjack), the Bet the Set 21 Wager and the King's Bounty Wager were added as optional side wagers. The table characteristics for the two additional wagers were added in § 549.2 (relating to Blackjack table; card reader device; physical characteristics; inspections) and new §§ 549.21 and 549.22 (relating to Bet the Set 21 Wager; payout odds; and King's Bounty Wager; payout odds; payout limitation) address the rules of play and the payout odds for the two additional wagers.

In Chapter 553 (relating to Poker), an optional High Hand Jackpot was added in § 553.21 (relating to High Hand payouts; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation). The High Hand Jackpot is funded through contributions made during a qualifying period. The certificate holder is required to specify the duration of the qualifying period in its table games Rules Submission. The player with the highest poker hand during the qualifying period is entitled to 100% of the contribution amounts collected during the qualifying period. The contribution amount is separate from the rake, which is still collected from each pot.

Subsection (b) requires certificate holders to post notice regarding eligibility and the rules of play applicable at a table offering the High Hand Jackpot payout. The requirements for counting the contribution amounts are addressed in subsections (d) and (e). Subsection (f) specifies how the highest poker hand during a qualifying period is recorded. The requirements for distributing the High Hand Jackpot payout are addressed in subsections (g)—(i).

In Chapter 565 (relating to Three Card Poker), missing language was added in § 565.6(d)(4) (relating to Three Card Poker rankings) specifying that a full house is hand consisting of three-of-a-kind and a pair of the same rank regardless of suit.

Affected Parties

The amendments in this temporary rulemaking will allow certificate holders additional options on how to conduct table games at their licensed facilities.

Fiscal Impact

Commonwealth. The Board does not expect that the amendments in this temporary rulemaking will have fiscal impact on the Board or other Commonwealth agencies. Internal control procedures submitted by certificate holders regarding table games rules submissions will be reviewed by Board staff.

Political subdivisions. This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private sector. The amendments in this temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games.

General public. This temporary rulemaking will not have direct fiscal impact on the general public.

Paperwork Requirements

If a certificate holder selects different options for the play at table games, the certificate holder will be required to submit an updated rules submission reflecting the changes.

Effective Date

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

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved. Interested persons are

invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the Pennsylvania Bulletin to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-146.

Contact Person

The contact person for questions about this temporary rulemaking is Susan A. Yocum, Assistant Chief Counsel, (717) 265-8356.

Regulatory Review

Under 4 Pa.C.S. § 13A03, the Board is authorized to adopt temporary regulations which are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 13A03, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the CDL and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

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

Order

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

(1) The regulations of the Board, 58 Pa. Code Chapters 525, 535, 543, 549, 553 and 565, are amended by amending §§ 525.9, 525.16, 525.18, 535.9, 543.2, 549.2, 553.1 and 565.6 and by adding §§ 549.21, 549.22 and 553.21 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(2) The temporary regulations are effective May 7, 2011.

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

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

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

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-146. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 525. TABLE GAME INTERNAL CONTROLS

§ 525.9. Procedures for distributing gaming chips, coins and plaques to gaming tables.

(a) A request for a fill shall be prepared by a pit clerk or floorperson or above using a Fill Request Slip. Access to the blank Fill Request Slips shall be restricted to pit clerks and floorpersons or above.

(b) A Fill Request Slip must be a two-part form on which the following information, at a minimum, shall be recorded:

(1) The date, time and shift of preparation.

(2) The denomination of gaming chips, coins and plaques to be distributed to the gaming table.

(3) The total amount of each denomination of gaming chips, coins and plaques to be distributed to the gaming table.

(4) The game and table number to which the gaming chips, coins and plaques are to be distributed.

(5) The signature of the floorperson or above requesting the fill.

(c) After the preparation of the Fill Request Slip, the cage copy of the Fill Request Slip shall be transported directly to the chip bank by a security department employee.

(d) The original of the Fill Request Slip shall be placed by the dealer or boxperson in view of the slot machine licensee's surveillance system on the gaming table to which gaming chips, coins and plaques are to be received. When the chips, coins and plaques are received, the amounts shall be verified by the dealer or boxperson assigned to the gaming table and then the original of the Fill Request Slip shall be deposited in the table game drop box.

(e) Notwithstanding the requirements of subsections (a)—(d), a request for a fill may be prepared electronically if the input data for preparation of the fill is entered by, and ability to input data is restricted to, the pit clerk or a floorperson or above, and a Fill Slip is generated in the chip bank, as a direct result of the input.

(f) A Fill Slip shall be prepared by a chip bank cashier or, if the required information was input in conformity with subsection (e), the Fill Slip may be electronically generated in the chip bank.

(g) Fill Slips must be serially prenumbered forms. Each series of Fill Slips shall be used in sequential order, and the series number of all Fill Slips received by a certificate holder shall be accounted for by employees with no incompatible functions. Original and copies of voided Fill Slips shall be marked "Void" and require the signature of the preparer.

(h) When Fill Slips are manually prepared, the following procedures and requirements shall be observed:

(1) Each series of Fill Slips must be a three-part form and shall be inserted in a locked dispenser or bound in a Fill Slip form book that permits an individual Fill Slip in

the series and its copies to be written upon simultaneously while still locked in the dispenser or bound in the Fill Slip form book.

(2) The Fill Slip dispenser must discharge the original and accounting copy of the Fill Slip while the cage copy remains in a continuous, unbroken form in the dispenser. When a Fill Slip form book is utilized, the cage copy must remain in the bound Fill Slip form book until removed in accordance with paragraph (3).

(3) Access to the triplicate copies of the Fill Slips shall be maintained and controlled by finance department employees with no incompatible functions who are responsible for controlling and accounting for the unused supply of Fill Slips, placing Fill Slips in the dispensers and removing the cage copies of the Fill Slips from the dispensers or Fill Slip form book each gaming day.

(i) When Fill Slips are electronically prepared, each series of Fill Slips must be a three-part form and:

(1) Be inserted in a printer that will simultaneously print an original and accounting and cage copies of the Fill Slip.

(2) Store, in machine readable form, the information printed on the original and cage and accounting copies of the Fill Slips. The stored data may not be susceptible to change or removal by any personnel involved in the preparation of a Fill Slip after the Fill Slip has been prepared.

(j) Copies of a Fill Slip, and when applicable, the stored data, must contain, at a minimum, the following information:

(1) The denominations of the gaming chips, coins and plaques being distributed.

(2) The total amount of each denomination of gaming chips, coins and plaques being distributed.

(3) The total amount of all denominations of gaming chips, coins and plaques being distributed.

(4) The game and table number to which the gaming chips, coins and plaques are being distributed.

(5) The date and shift during which the distribution of gaming chips, coins and plaques occurs.

(6) The signature of the preparer or, if electronically prepared, the identification code of the preparer.

(k) The time of preparation of the Fill Slip shall be recorded on the original and cage and accounting copies of the Fill Slip upon preparation.

(l) Gaming chips, coins and plaques distributed to the gaming tables from the chip bank shall be transported directly to the gaming tables from the chip bank by a security department employee who shall compare the Fill Request Slip to the Fill Slip and sign the original and accounting copies of the Fill Slip attesting to the accuracy of the fill.

(m) Signatures attesting to the accuracy of the information contained on a Fill Slip shall be required on the original and duplicate copies of the Fill Slip of the following employees at the following times:

(1) The chip bank cashier upon preparation.

(2) The security department employee transporting the gaming chips, coins and plaques to the gaming table upon receipt from the cashier of the gaming chips, coins and plaques to be transported.

(3) The dealer or boxperson assigned to the gaming table upon receipt and verification of the amounts of the gaming chips, coins and plaques at the gaming table from the security department employee.

(4) The floorperson assigned to the gaming table upon receipt and verification of the amounts of the gaming chips, coins and plaques at the gaming table.

(n) After meeting the signature requirements in subsection (m), the security department employee that transported the gaming chips, coins and plaques and the original and accounting copy of the Fill Slip to the gaming table shall observe the immediate placement by the dealer or boxperson of the original Fill Slip and the original Fill Request Slip in the drop box attached to the gaming table to which the gaming chips, coins and plaques were transported. The security department employee shall then return the accounting copy of the Fill Slip to the cage where it shall be inserted into a locked accounting box. The cage copies of the Fill Slip and the Fill Request Slip shall be maintained together by the chip bank cashier until forwarded to the finance department.

(o) All parts of voided Fill Slips, as well as cage copies of Fill Request Slips and the accounting and cage copies of the Fill Slips that are maintained and controlled in conformity with subsection (n), shall be forwarded to the finance department for agreement, on a daily basis, with the original Fill Slips and Fill Request Slips removed from the drop box on the gaming table.

§ 525.16. Table inventory counts on a per shift basis.

(a) In addition to the requirements in §§ 525.8, 525.13 and 525.14 (relating to procedures for opening table games; procedures for drops at open table games; and procedures for closing table games), a certificate holder may establish procedures for the use of a three-compartment drop box which require the preparation of a Table Inventory Slip at the close of each shift that the table was open for gaming.

(b) The procedures developed under subsection (a) shall be submitted as part of the certificate holder's internal controls and be approved by the Board.

§ 525.18. Transport of table game drop boxes to and from gaming tables.

* * * * *

(e) Prior to the movement of a trolley containing table game drop boxes from a table game pit, the drop team supervisor shall verify that the number of drop boxes being removed from the pit equals the number of drop boxes that have been loaded on the trolley, and that the locks controlled by security and the finance departments have been locked. For table game drop boxes removed from table games that are not fully automated electronic gaming tables, a floorperson or above may verify the number of table game drop boxes removed from the gaming floor instead of the drop team supervisor.

* * * * *

CHAPTER 535. PAI GOW**§ 535.9. Alternative dealing procedures.**

(a) As an alternative to the procedure in § 535.8 (relating to procedures for dealing the tiles), the dealer or the player acting as the bank or co-bank may, if specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), choose any of the following delivery styles:

* * * * *

CHAPTER 543. MIDIBACCARAT**§ 543.2. Midibaccarat table physical characteristics.**

* * * * *

(f) Each Midibaccarat table must have a discard bucket on the dealer's side of the table in a location approved by the Bureau of Gaming Operations.

CHAPTER 549. BLACKJACK**§ 549.2. Blackjack table; card reader device; physical characteristics; inspections.**

* * * * *

(c) The following must be inscribed on the Blackjack layout:

- (1) Blackjack pays 3 to 2.
- (2) Dealer shall draw to 16 and stand on all 17s or similar language approved by the Bureau of Gaming Operations.
- (3) Insurance pays 2 to 1.
- (4) If a certificate holder offers the Lucky Ladies Twenty Point Bonus Wager:
 - (i) A separate area designated for the placement of the Twenty Point Bonus Wager for each player.
 - (ii) Inscriptions that advise patrons of the minimum and maximum wagers permitted. If the minimum and maximum wagers permitted are not inscribed on the layout, a sign identifying the minimum and maximum permitted wagers shall be posted at each Blackjack table.
 - (iii) Inscriptions that advise patrons of the payout odds for the Twenty Point Bonus Wager. If payout odds are not inscribed on the layout, a sign identifying the payout odds for the Twenty Point Bonus Wager shall be posted at each Blackjack table.
 - (iv) Inscriptions that advise patrons of any payout limits and proportionate allocations as described in § 549.17(g) (relating to Twenty Point Bonus Wager; payout odds; payout limitation). If payout limits and proportionate allocations are not inscribed on the layout, a sign identifying the payout limits and proportionate allocation shall be posted at each Blackjack table.

(5) If a certificate holder offers the Match-the-Dealer Wager:

- (i) A separate area designated for the placement of the Match-the-Dealer Wager for each player.
- (ii) Inscriptions that advise patrons of the payout odds for the Match-the-Dealer Wager. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for the Match-the-Dealer Wager shall be posted at each Blackjack table.

(6) If a certificate holder offers the In Between Wager:

- (i) A separate area designated for the placement of the In Between Wager for each player.

(ii) Inscriptions that advise patrons of the payout odds for the In Between Wager. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for the In Between Wager shall be posted at each Blackjack table.

(7) If a certificate holder offers the Royal Match 21 Wager:

(i) A separate area designated for the placement of the Royal Match 21 Wager for each player.

(ii) Inscriptions that advise patrons of the payout odds for the Royal Match 21 Wager and the payout for the Crown Treasure Bonus, if offered. If the payout odds and amounts are not inscribed on the layout, a sign identifying the payout odds and amounts shall be posted at each Blackjack table.

(8) If a certificate holder offers the Bet the Set 21 Wager:

(i) A separate area designated for the placement of the Bet the Set 21 Wager for each player.

(ii) Inscriptions that advise patrons of the payout odds for the Bet the Set 21 Wager. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Blackjack table.

(9) If a certificate holder offers the King's Bounty Wager:

(i) A separate area designated for the placement of the King's Bounty Wager for each player.

(ii) Inscriptions that advise patrons of the minimum and maximum wagers permitted. If the minimum and maximum wagers permitted are not inscribed on the layout, a sign identifying the minimum and maximum permitted wagers shall be posted at each Blackjack table.

(iii) Inscriptions that advise patrons of the payout odds for the King's Bounty Wager. If payout odds are not inscribed on the layout, a sign identifying the payout odds for the King's Bounty Wager shall be posted at each Blackjack table.

(iv) Inscriptions that advise patrons of any payout limits and proportionate allocations as described in § 549.22(g) (relating to King's Bounty Wager; payout odds; payout limitation). If payout limits and proportionate allocations are not inscribed on the layout, a sign identifying the payout limits and proportionate allocation shall be posted at each Blackjack table.

* * * * *

§ 549.21. Bet the Set 21 Wager; payout odds.

(a) A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer a player the option of placing a Bet the Set 21 Wager which may not have a bearing on any other wagers made by the player. The Bet the Set 21 Wager of a player must win if the player's initial two cards are a pair of the same rank or a suited pair of the same rank.

(b) Prior to the first card being dealt for each round of play, a player who has placed the basic wager required under § 549.4 (relating to wagers) may make an additional Bet the Set 21 Wager, which shall be in an amount not less than \$1 and may not exceed the lesser of:

- (1) The amount of the wager made by the player under § 549.4(a).

(2) A maximum amount established by the certificate holder in the certificate holder's Rules Submission under § 521.2.

(c) A Bet the Set 21 Wager shall be made by placing value chips on the appropriate area of the Blackjack layout.

(d) Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt to any player or the dealer or before any card reader device is utilized, losing Bet the Set 21 Wagers shall be collected and all winning Bet the Set 21 Wagers shall be paid in accordance with subsection (e).

(e) The certificate holder shall pay out winning Bet the Set 21 Wagers at the odds contained in one of the following payout tables:

(1) If a single deck is being used:

<i>Hand</i>	<i>Payout A</i>
Pairs	15 to 1

(2) If two decks are being used:

<i>Hand</i>	<i>Payout B</i>
Pairs	10 to 1
Suited Pairs	25 to 1

(3) If four or more decks are being used:

<i>Hand</i>	<i>Payout C</i>	<i>Payout D</i>
Pairs	10 to 1	10 to 1
Suited Pairs	15 to 1	12 to 1

§ 549.22. King's Bounty Wager; payout odds; payout limitation.

(a) A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer players the option of placing an additional wager that the player's hand will have a total value of 20 in the first two cards dealt. The King's Bounty Wager may not have a bearing on any other wager made by a player.

(b) Prior to the first card being dealt for each round of play, each player who has placed a wager in accordance with § 549.4 (relating to wagers) may make a King's Bounty Wager by placing a value chip or plaque into the separate betting area designated for that player.

(c) The dealer shall then announce "no more bets" and deal the initial two cards in accordance with the dealing procedures in § 549.7 (relating to procedure for dealing cards).

(d) Prior to any additional cards being dealt to any player, the dealer shall, starting with the player farthest to the dealer's right and continuing counterclockwise around the table, settle in succession, except as provided in subsection (e), all King's Bounty Wagers by collecting all losing wagers and paying all winning wagers in accordance with subsection (g).

(e) If the first card to the dealer is a ten, jack, queen, king or ace and the player who has placed a King's Bounty Wager has two kings of spades, that player's King's Bounty Wager shall be settled after all other King's Bounty Wagers. In the presence of a floorman or above, the dealer shall settle the King's Bounty Wager as follows:

(1) If the dealer has determined that the hole card will give the dealer a Blackjack, the player shall be paid in accordance with subsection (g) when the player's Blackjack wager is collected.

(2) If the dealer has determined that the hole card will not give the dealer a Blackjack, the player shall be paid in accordance with subsection (g) before any other cards are dealt.

(f) A winning player shall receive the King's Bounty Wager payout for only the highest qualifying hand.

(g) The certificate holder shall pay out winning King's Bounty Wagers at the amounts contained in the following payout table:

<i>Hand</i>	<i>Payout</i>
King of Spades pair and dealer Blackjack	1,000 to 1
King of Spades pair	200 to 1
Suited Kings pair	50 to 1
Suited Queens, Jacks or 10s pair	25 to 1
Suited 20	9 to 1
Pair of Kings	6 to 1
Any 20	4 to 1

(h) Notwithstanding the payout odds in subsection (g), a certificate holder may establish a maximum payout for a winning hand of King of Spades pair and dealer Blackjack that is payable to all those winning hands in the aggregate on a single round of play. The maximum payout amount shall be at least \$25,000 or the maximum amount that one patron could win per round when betting the maximum possible wager, whichever is greater. Maximum payouts established by a certificate holder for a winning hand of King of Spades pair and dealer Blackjack require the approval of the Board's Executive Director and shall be included in the certificate holder's Rules Submission filed in accordance with § 521.2. If a certificate holder establishes a maximum payout, which is approved by the Board's Executive Director, and more than one player at a table has a winning hand of King of Spades pair and dealer Blackjack, each player shall share the maximum payout amount proportionately to the amount of the player's respective wager.

CHAPTER 553. POKER

§ 553.1. Definitions.

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

* * * * *

High Hand—The highest Poker hand held by any player or players during a qualifying period which shall result in a High Hand Jackpot payout if the certificate holder has elected to offer a High Hand Jackpot payout in accordance with § 553.21 (relating to High Hand payouts; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation).

High Hand Jackpot payout—The total contribution amounts collected during a qualifying period which are payable to one or more players upon the occurrence of a High Hand.

* * * * *

Qualifying period—The duration of time, as specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), during which a certificate holder offers the High Hand Jackpot payout.

* * * * *

§ 553.21. High Hand payouts; posting of rules; contributions; counting and displaying of payout amount; procedures for implementation.

(a) A certificate holder may include in its Rules Submission under § 521.2 (relating to table games Rules Submissions) provisions for a High Hand Jackpot payout for a High Hand made during a qualifying period. A High Hand Jackpot payout shall be made from a separate fund created from pot contributions required at tables where a High Hand Jackpot payout is offered and paid in accordance with the procedures established under this section.

(b) A certificate holder shall post at each Poker table that offers a High Hand Jackpot payout notice advising patrons of eligibility for the High Hand Jackpot payout. The certificate holder shall display the current amount of the High Hand Jackpot payout and post its High Hand Jackpot payout rules in a conspicuous location within its Poker room which, at a minimum, shall address:

(1) The collection and qualifying periods for the High Hand Jackpot payout.

(2) The contribution amount that will be collected from each pot to fund the High Hand Jackpot payout.

(3) The minimum pot amount required before the High Hand Jackpot contribution is collected.

(4) The minimum number of players who shall be dealt into a hand to qualify for a High Hand Jackpot payout.

(5) The division of the High Hand Jackpot payout if two or more players have the same value High Hand during a qualifying period.

(6) Any time limits on collecting High Hand Jackpot payouts including a statement notifying players that they do not need to be present at the end of the qualifying period to win the High Hand Jackpot payout.

(7) Any restrictions on collecting a High Hand Jackpot payout including a statement notifying players that valid identification shall be presented for a player's hand to qualify for a High Hand Jackpot payout.

(c) A certificate holder shall extract from each pot at a Poker table designated for participation in a High Hand Jackpot payout a prescribed contribution to the High Hand Jackpot payout. The contribution amount shall be collected in accordance with the High Hand Jackpot payout rules as specified in the certificate holder's Rules Submission under § 521.2. After the dealer has extracted the rake, the amount from each pot to be contributed to a High Hand Jackpot payout shall be determined, segregated from the pot and deposited into the High Hand Jackpot payout box.

(d) At the end of each qualifying period, a certificate holder shall count the accumulated contents of each High Hand Jackpot payout box. The counting shall occur at a closed Poker table, the main cage or a satellite cage in accordance with Board approved internal controls.

(1) When the counting of the contents of a High Hand Jackpot payout box occurs at a closed Poker table, the counting shall be performed by a Poker dealer in the presence of a floorperson or above, and be recorded by the surveillance department. Documentation of the count shall be prepared and signed by the dealer and the floorperson or above who witnessed the count. The contents of the High Hand Jackpot payout box shall then be placed in a locked container along with documentation of the count and transported to the main cage or satellite cage by a security department employee.

(2) When the counting of the contents of a High Hand Jackpot payout box occurs in the main cage or a satellite cage, a floorperson or above shall account for all locked High Hand Jackpot payout boxes transported from the Poker tables to the cage. A security department employee shall transport the High Hand Jackpot payout boxes to the main cage or satellite cage for counting.

(e) Once each High Hand Jackpot payout box is delivered to the main cage or satellite cage, a cashier shall count the contents of each box or, if the contents of the boxes were previously counted by Poker room personnel and combined in a locked container for transport, verify the aggregate count. The official record of the amount of contributions to the High Hand Jackpot payouts shall be maintained by the finance department.

(f) At the start of the qualifying period, dealers shall begin tracking hands. When a player has a Full House, the dealer shall call a floorperson or above who shall verify the hand and record the value on the High Hand Tracking Slip. As the value of the hands increase during the qualifying period, the value of the next higher hand shall be announced and the floorperson or above shall record on the High Hand Tracking Slip the next higher value hand. The High Hand Tracking Slip shall contain:

(1) The name, phone number and seat number of the player with the higher value hand.

(2) The table number.

(3) The higher value hand.

(4) The dealer's name and Board-issued credential number.

(5) The signature and Board-issued credential number of the floorperson or above who verified the higher value hand.

(g) When the qualifying period has ended, the contribution amount collected during the qualifying period shall be counted, verified and taken to the main cage or satellite cage in accordance with subsections (d) and (e). The pooled contribution amounts from all Poker tables that participated in the qualifying period shall then be announced and displayed.

(h) The player or players with the High Hand during the qualifying period shall be awarded the High Hand Jackpot payout. High Hand Jackpot payouts shall be paid from the main cage or satellite cage. If, however, a full house was not made by any player during the qualifying period, the High Hand Jackpot payout contribution amounts will be added to the next High Hand Jackpot payout qualifying period.

(i) The certificate holder shall specify in its Rules Submission under § 521.2 the procedure for distributing High Hand Jackpot payouts which have not been collected within the time period specified in subsection (b)(6).

CHAPTER 565. THREE CARD POKER

§ 565.6. Three Card Poker rankings.

* * * * *

(d) If a certificate holder offers the optional Six Card Bonus Wager under § 565.11b (relating to Six Card Bonus Wager), the rank of a winning five-card Poker hand, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, regardless of suit.

(4) A full house, which is a hand consisting of three-of-a-kind and a pair of the same rank regardless of suit.

(5) A flush, which is a hand consisting of five cards of the same suit.

(6) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, regardless of suit.

[Pa.B. Doc. No. 11-762. Filed for public inspection May 6, 2011, 9:00 a.m.]

NOTICES

COMMISSION ON CRIME AND DELINQUENCY

Licenses to Carry Firearms

The Commission on Crime and Delinquency, under the authority in 18 Pa.C.S. § 6109(h)(2)(i) (relating to licenses), in conjunction with the Pennsylvania State Police and the Pennsylvania Sheriffs' Association, has designed,

developed and implemented a system to standardize and modernize the process of issuing licenses to carry firearms. As of January 18, 2011, all 67 counties in this Commonwealth are utilizing the standardized and modern Statewide license to carry system.

LINDA ROSENBERG,
Executive Director

[Pa.B. Doc. No. 11-763. Filed for public inspection May 6, 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 19, 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.

BANKING INSTITUTIONS

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-15-2011	Kieran W. Goodwin Acquisition of up to 35.3% of the common stock of Colonial American Bank, Horsham.	Effective
4-15-2011	Philip A. Nisbet, Anthony Giordano, Joseph A. Auteri, Francine Carb, Richard Eknoian, Ran Korolik, Richard O. Lindsey, and Pamela Porter Acquisition, collectively, of up to 24.9% of the common stock of Colonial American Bank, Horsham.	Effective

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-13-2011	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	900 Welsh Road Maple Glen Montgomery County	Filed
4-13-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	733 West Lancaster Avenue Bryn Mawr Montgomery County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
3-31-2011	Customers Bank Phoenixville Chester County	457 Haddonfield Road Suite 100 Cherry Hill Camden County, NJ	Closed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
4-15-2011	Royal Asian Bank Philadelphia Philadelphia County	Filed

Articles of Amendment provide for the institution's Articles of Incorporation to be amended and restated in their entirety.

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
4-15-2011	Spojnia Credit Union Scranton Lackawanna County	Filed

Amendment to Article 2 of the credit union's Articles of Incorporation provides for a statement that the credit union is organized and operated as a nonprofit corporation.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 11-764. Filed for public inspection May 6, 2011, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Consolidated Plan; 2010 Annual Performance and Evaluation Report

The Department of Community and Economic Development (Department) is preparing its Consolidated Annual Performance and Evaluation Report (CAPER) on the progress and accomplishments made during 2010 in implementing the Commonwealth's Consolidated Plan for Federal Fiscal Years 2009-2013. This document must be submitted to, and approved by, the United States Department of Housing and Urban Development (HUD) for the Commonwealth and organizations within this Commonwealth to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth has allocated funds under several programs, namely Community Development Block Grant, HOME Investment Partnerships Program, Emergency Shelter Grant Program and Housing Opportunities for People with AIDS Program. This CAPER will detail funding from 2009 under both the Housing and Economic Recovery Act and the American Recovery and Reinvestment Act. The CAPER discusses accomplishments in relation to goals and objectives identified in the Action Plan of the Consolidated Plan.

The CAPER assesses the goals and objectives of this strategic plan; discusses how the Commonwealth is affirmatively furthering fair and affordable housing; reviews the activities of the Continuums of Care; and appraises how well resources in community development and housing are being leveraged.

Public Comments

Any individual or organization may provide written comments regarding this draft version of the CAPER. This report will be available at www.newPA.com or by calling (717) 720-7412. Comments will be accepted about funding activities, community development, housing, CAPER content, and the process by which public input is gathered. The Commonwealth encourages public participation in this process.

Written comments will be accepted until 5 p.m. on May 25, 2011, and should be sent to Dan Fox, Department of Community and Economic Development, Center for Community Financing, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225.

C. ALAN WALKER,
Secretary

[Pa.B. Doc. No. 11-765. Filed for public inspection May 6, 2011, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Bureau of Adult Basic and Literacy Education; Availability of Funds

The Department of Education (Department) announces the availability of approximately \$2 million in grant funds to be awarded under section 223 of the Workforce Investment Act of 1998 (WIA) (20 U.S.C.A. § 9223), (regarding state leadership activities in this Commonwealth).

Activities to be conducted under these grants will support adult education and family literacy activities carried out under section 231 of WIA (20 U.S.C.A. § 9241) and the Pennsylvania Adult and Family Literacy Education Act through:

- The operation of professional development programs to improve the quality of instruction provided under local activities, including instruction incorporating phonemic awareness, systematic phonics, fluency, reading comprehension and instruction provided by volunteers.

- The provision of technical assistance to eligible providers of adult education and family literacy activities.

- The provision of technology assistance, including staff training, to eligible providers of adult education and family literacy providers to improve the quality of the activities.

- The monitoring and evaluation of the quality of, and the improvement in, adult education and family literacy activities.

- Coordination with existing support services, such as transportation, child care and other assistance designed to increase rates of enrollment in, and successful completion of adult education and family literacy activities, to adults enrolled in the activities.

- Integration of literacy instruction and occupational skills training and promoting linkages with employers.

- Linkages with postsecondary educational institutions.

See specific priority announcements at www.paadulted.org. In carrying out these activities, eligible providers shall collaborate when possible and avoid duplicating efforts to maximize the impact of the activities described previously.

Eligible applicants for funds authorized under these sources are as follows:

- Local education agencies
- Community-based organizations of demonstrated effectiveness
- Volunteer literacy organizations of demonstrated effectiveness
- Institutions of higher education
- Public or private nonprofit agencies
- Libraries
- Public housing authorities
- Nonprofit institutions not previously described that have the ability to provide literacy services to adults and families

- Consortia of the agencies, organizations, institutions, libraries or authorities previously described

The closing date for receipt of applications under this announcement is June 3, 2011. Applications must be submitted through the Department's e-grants system no later than 4 p.m. E-grants records the time of submission. This recorded time will be used to determine submission time. Any applications received after the deadline will not be scored and will be ineligible for a grant.

Applications must be completed online and submitted by means of the e-grants web site at <http://egrants.ed.state.pa.us> to the Bureau of Adult Basic and Literacy Education (ABLE). Instructions for the use of the e-grants system and the Adult Education and Family Literacy Guidelines for PY 2011-12 are available at www.education.state.pa.us and through the e-grant web site.

The grant period will be for a term of 3 years—July 1, 2011, through June 30, 2014, except that the grant might be terminated earlier upon either implementation of a new WIA State Plan or reauthorization of the WIA. Funding for years 2 and 3 of the 3-year grant period will be provided through annual contract renewals. Renewal will occur provided that sufficient progress is made toward meeting project goals as set forth by ABLE. At the end of the grant period, grantees will be authorized to reapply and compete with other applicants for another multiyear term. These grants will be funded by riders to a Master Agreement executed between the Department and the funded agency. Agencies not currently funded will be given instructions on execution of the Master Agreement once grant applications are approved by ABLE.

All potential applicants are urged to attend the bidders' webinar to receive information on program guidelines and requirements for submitting e-grants applications for adult education and family literacy programs. This webinar will be conducted at <http://vclass.cciu.org> on May 13, 2011, from 9 a.m. to 11 a.m. A recording of the webinar will remain at the previously mentioned site for a period of 60 days. To ensure timely administration and processing of e-grant applications, both the grant writer and the fiscal officer should attend the bidders' conference.

RONALD J. TOMALIS,
Secretary

[Pa.B. Doc. No. 11-766. Filed for public inspection May 6, 2011, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0081281— Transfer (SEW)	Calvary Heights, Inc. 2160 Hanover Road Gettysburg, PA 17325-7719	Adams County / Gettysburg Borough	White Run / 13-D	Y
PA0248134— (IW)	Little Britain Store—David Gish 10 Little Britain Road North Quarryville, PA 19566-9649	Lancaster County / Little Britain Township	Reynolds Run / 7-K	Y
PA0083747— (IW)	New Oxford MHC, LLC 10006 Hammock Bend Chapel Hill, NC 27517	Adams County / Mt. Pleasant Township	UNT Conewago Creek / 7-F	Y
PA0083747— (IW)	Weaber, Inc. 1231 Mount Wilson Road Lebanon, PA 17042-4785	Lebanon County / South Annville Township	UNT Gingrich Run / 7-D	Y
PA0080055— (SEW)	Conewago Industrial Park Water & Sewer Company PO Box 332 Lemoyne, PA 17043-0332	Lancaster County / West Donegal Township	Conewago Creek / 7-G	Y
PA0247251— (CAFO)	Esbenshade Farms (Mount Joy) CAFO 220 Eby Chiquies Road Mount Joy, PA 17552	Lancaster County / Rapho Township	Chickies Creek / 7-G	Y
PA0248096— (CAFO) w/expansion	Esbenshade Farms (North) CAFO 220 Eby Chiquies Road Mount Joy, PA 17552	Lancaster County / Mount Joy Township	UNT Little Chickies Creek / 7-G	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0248100— (CAFO)	Esbenshade Farms (Maytown) CAFO 220 Eby Chiquies Road Mount Joy, PA 17552	Lancaster County / East Donegal Township	UNT Susquehanna River / 7-G	Y
PA0248576 (CAFO)	Noah W. Kreider & Sons, LLP 1461 Lancaster Road Manheim, PA 17545	Dauphin County Lower Swatara Township	UNT Swatara Creek / 7-D	Y
PA0248584 (CAFO)	Noah W. Kreider & Sons, LLP 1461 Lancaster Road Manheim, PA 17545	Lancaster County East Donegal Township	UNT Donegal Creek / 7-G	Y
PA0088064 (CAFO)	Country View Family Farms Perry Meadows Farm CAFO 411 Chestnut Street Lebanon, PA 17042	Perry County Jackson Township	UNT Shermans Creek / 7-A	Y
PA0247456 (CAFO)	Hillandale Gettysburg, LP 370 Spicer Road Gettysburg, PA 17325	Adams County Tyrone Township	Plum Creek / 7-F	Y
PA0247952 (CAFO)	Timothy Stoner Stoner's Hijos Hill Farm 8512 Oellig Road Mercersburg, PA 17236	Franklin County Peters Township	UNT West Branch Conococheague Creek / 13-C	Y
PA0247057 (CAFO)	Joel Hetrick Hetrickdale Farms 69 Hetrick Road Bernville, PA 19506	Berks County Jefferson Township	UNT Mill Creek / 3-C	Y
PA0247677 (SEW)	East Waterford Sewer Authority RR No. 1, Box 56 Honey Grove, PA 17035	Juniata County Tuscarora Township	Tuscarora Creek / 12-B	Y
PA0088455 (IW)	Rice Fruit Company 2760 Carlisle Road PO Box 66 Gardners, PA 17324-0066	Adams County Menallen Township	UNT Opossum Creek / 7-F	Y
PA0042781 (IW)	Mount Joy Wire Corporation 1000 East Main Street Mount Joy, PA 17552	Lancaster County Mount Joy Borough	Little Chickies Creek / 7-G	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0104469 (Sewage)	Kasgro Rail Rundle Road Plant 121 Rundle Road New Castle, PA 16102	Lawrence County Taylor Township	Shenango River 20-A	Y

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

Southeast Regional Office: Regional Water Management Program Manager, 2 E Main Street, Norristown, PA 19401, Telephone: 484.250.5970.

PA0055751, Industrial Waste, SIC Code 3465, **Delbar Products Inc. Liquidating Trust**, P. O. Box 212, Coopersburg, PA 18036. Facility Name: Delbar Products Perkasio facility. This existing facility is located in Perkasio Borough, **Bucks County**.

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

The receiving stream is Unnamed Tributary to East Branch Perkiomen Creek, is located in State Water Plan watershed 3E and is classified for Trout Stocking, Aquatic Life, Water Supply and Recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Internal Monitoring Point 102 are based on a design flow of 0.0017 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	
pH (S.U.)	XXX	6.0	XXX	XXX	9.0	
Trichloroethylene	XXX	XXX	0.015	0.03	0.038	

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

1. Public Nuisance
2. Small Stream Discharge
3. Property Rights
4. TMDL/ WLA Analysis
5. Change of Ownership
6. Laboratory Certification
7. Representative Outfall

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

PA0062774, Industrial Waste, SIC Code 5541, **Pilot Travel Centers, LLC**, PO Box 10146, Knoxville, TN 37939-0146. Facility Name: Pilot Travel Center #298. This existing facility is located in Sugarloaf Township, **Luzerne County**.

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

The receiving stream(s), Unnamed Tributary to Nescopeck Creek, is located in State Water Plan watershed 5-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 (treated stormwater) are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Quarterly</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Oil and Grease	XXX	XXX	XXX	15	30	XXX
TRPH	XXX	XXX	XXX	15	30	XXX

The proposed effluent limits for Outfall 002 (treated stormwater) are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Quarterly</i>	<i>Maximum</i>	<i>Instant. Maximum</i>
Oil and Grease	XXX	XXX	XXX	15	30	XXX
TRPH	XXX	XXX	XXX	15	30	XXX

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

1. Product Contaminated Stormwater Runoff
2. Other Wastewater Discharges Associated with the Facility
3. Specific Best Management Practices (BMPs)
4. Completion of Construction

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 in effect.

PA0062553, SIC Code 4941, **PA American Water**, 100 North Pennsylvania Avenue, PA 18701. Facility Name: PA American Water Crystal Lake Water Purification Plant. This existing facility is located in Fairview Township, **Luzerne County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial wastewater from the water purification process.

The receiving stream(s), Big Wapwallopen Creek, is located in State Water Plan watershed 5-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.087 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Duration of Discharge (minutes)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Aluminum	0.94	1.45	XXX	1.3	2.0	2.6
Total Iron	XXX	XXX	XXX	2.0	3.1	XXX
Total Manganese	XXX	XXX	XXX	1.0	1.5	XXX
Total Zinc	XXX	XXX	XXX	Report	Report	XXX

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

1. Reporting condition to document infrequent intermittent discharges.

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

PA0029840, Sewage, **Rayburn Township Joint Municipal Authority**, PO Box 776, Kittanning, PA 16201. Facility Name: Armsdale STP. This existing facility is located in Rayburn Township, **Armstrong County**.

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

The receiving stream(s), Unnamed Tributary to Cowanshannock Creek, is located in State Water Plan watershed 17-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.145 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅ May 1 - Oct 31	21.8	32.7	XXX	18	27	36
CBOD ₅ Nov 1 - Apr 30	30.3	45.4	XXX	25	37.5	50
Total Suspended Solids	36.3	54.5	XXX	30	45	60
Fecal Coliform (CFU/100 ml) May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen May 1 - Oct 31	7.3	10.9	XXX	6.0	9.0	12
Nov 1 - Apr 30	21.8	32.7	XXX	18.0	27.0	36.0

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

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

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

WQM Permit No. 3103401 Amendment No. 2, Sewerage, **Alexandria Borough—Porter Township Joint Sewer Authority**, PO Box 113, Alexandria, PA 16611-0113.

This proposed facility is located in Alexandria Township, **Huntingdon County**.

Description of Proposed Action/Activity: Seeking approval for proposed improvements to the wastewater treatment facility.

WQM Permit No. 3811201, CAFO, **Reid and Diane Hoover**, 400 Mt. Wilson Road, Lebanon, PA 17042.

This proposed facility is located in South Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Seeking permit approval for construction / operation of a High Density Polyethylene (HDPE) lined manure storage pond and small concrete reception pit at their existing farm.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-8583.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023911006	Michael Keiser PA Dept. of Transportation District 5-0 1002 Hamilton St. Allentown, PA 18101	Lehigh	Upper Macungie Twp.	Little Lehigh Creek via Breinig Run, HQ-CWF, MF
PAS10Q157-R-2	Kirk McDonald Bismarck Real Estate Partners 2600 Network Blvd., Ste. 130 Frisco, TX 75034	Lehigh	Lower Macungie Twp.	Little Lehigh Creek, HQ-CWF, MF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024810015	Jim Faust Estates at Sullivan Trail, LLC 4562 Steuben Rd. Bethlehem, PA 18020	Northampton	Bushkill Twp. and Plainfield Twp.	Bushkill Creek, HQ-CWF, MF

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

NPDES Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI032111003	Blue Beacon of PA LLC PO Box 856 500 Graves Boulevard Salina, KS 67402	Cumberland	Middlesex Township	Letort Spring Run/HQ-CWF Conodoguin Creek WWF
PAI033611001	CNB Management Group LP 44 Truce Road New Providence, PA 17560	Lancaster	Bart Township	Nickel Mines Run/HQ-CWF
PAI033611002	East Drumore Township 1246 Robert Fulton Highway Quarryville, PA 17566	Lancaster	East Drumore Township	Stewart Run/HQ-CWF

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

Jefferson Conservation District, 1514 Route 28, Brookville PA 15825

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI 0633 11 001	Graystone Court Punxsutawney LLC 1916 Hileman Road Tyrone PA 16686	Jefferson	Punxsutawney Borough	Mahoning Creek WWF

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

CAFO Notices of Intent Received

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

PAG122211, CAFO, **Embrovac, LLC**, 1218 Cameron Drive, Manheim, PA 17545 This proposed facility is located in West Penn Township, **Schuylkill County**. This facility previously operated as a standard high-rise layer operation designed to house 455,000 birds. The houses will be remodeled to house floor layers for the purpose of generating embryo eggs. The farm will now house 125,000 layer birds and 12,500 roosters.

The receiving stream, Wash Creek, is in the Mahoning Creek watershed and classified for: Cold Water Fisheries (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.

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

PAG124840, CAFO SIC 0213, **Country View Family Farms, LLC**, William Fink, 1301 Fulling Mill Road, Suite 300, Middletown, PA 17057. This proposed facility is located in Beaver Township, **Snyder County**.

Description of Size and Scope of Proposed Operation/Activity: 791 AEU's, 1400 sow farm, animals are there 336 days/year. All manure is exported.

The receiving stream, Kern Run, is in watershed Middle Creek #6A and is 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>
Reid Hoover 400 Mt. Wilson Rd Lebanon, PA 17042	Lebanon	261.3	582	Dairy	NA	New
Wenger Feeds Dutch Country Complex 272 Sunset Drive Fredericksburg, PA 17026	Lebanon	0	1319.77	Poultry	NA	Renewal
Lester Martin 415 E Old York Road Carlisle, PA 17013	Cumberland	90	101.18	Ducks	Yellow Breeches Creek/EV	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

Central Office: Bureau Director, Water Standards and Facility Regulation, PO Box 8467, Harrisburg, PA 17105-8467

Permit No. [9996585], Public Water Supply.

Applicant	[A Clear Alternative]
[Township or Borough]	[Pennsauken, New Jersey]
Responsible Official	[John Dipietropolo, President]
Type of Facility	[Out of State Bulk Water Hauling System]
Application Received Date	[April 7, 2011]
Description of Action	[Applicant requesting Department approval to sell bulk water in Pennsylvania. Drinking Water will be hauled from New Jersey using four 6000-gallon tanker trucks.]

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

Permit No. 3611516, Public Water Supply.

Applicant	Beaver Valley MHP
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Municipality	Providence Township
County	Lancaster
Responsible Official	Theodore B Pyle, Owner 100 East State Street Quarryville, PA 17566
Type of Facility	Public Water Supply
Consulting Engineer	Charles A Kehew II, P.E. James R. Holley & Assoc., Inc. 18 South George St. York, PA 17401
Application Received:	4/14/2011
Description of Action	Installation of pressure filtration for GUDI source

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. 4011502MA

Applicant	CAN DO, Inc.
[Township or Borough]	Butler Township, Luzerne County
Responsible Official	W. Kevin O'Donnell, President CAN DO, Inc. 1 South Church Street Hazleton, PA 18201
Type of Facility	Community Water System
Consulting Engineer	Joseph T. Brutosky, PE JTB Surveying & Engineering P. O. Box 2640 626 West 7th Street Hazleton, PA 18201
Application Received Date	April 10, 2011
Description of Action	Application for construction of a segment of large diameter chlorine contact pipe to meet groundwater rule requirements for 4-log inactivation of viruses.

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.

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

Application No. 2498502-MA5, Public Water Supply
 Applicant **St Marys Borough Area Water Authority**
 Township or Borough Fox Township, **Elk County**
 Responsible Official Dwight D. Hoare, Authority Manager
 Consulting Engineer Craig J. Bauer, PE
 KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205
 Application Received Date 04/13/2011
 Description of Action Paint and modifications to existing 0.40 MG Fox Township Water Storage Tank.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is pub-

lished in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401

Coatesville Towers, City of Coatesville, **Chester County**. John Koch, GRS Group, 207 Cedar Street, Newport Beach, CA 92663, Austin Hewitt, GRS Group, 207 Cedar Street, Newport Beach, CA 92663 on behalf of Eric Zetner, California Commercial Investment Group, 4530 East Thousand Oaks Blvd, Suite 100, Westlake Village, CA 91362 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

Rehoric Property, Media Borough, **Delaware County**. Charles Burger, Mountain Research, LLC. 825 25th Street, Altoona, PA 16601, Jim McMahon, Allstate Insurance Company, 309 Lakeside Drive, Suite 100, Horsham, PA 19044 on behalf of Zelko Rehoric, 435 South Orange Street, Media, PA 19063 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of heating soil. The future use of the site will remain the same.

Ardmore Plaza Shopping Center, Lower Merion Township, **Montgomery County**. Darryl D. Bordello, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, Bryan Sladky, Silar Services, Inc, 1851 French Creek Road, Phoenixville, PA 19460 on behalf of Phillip Hughes Jr. CPA, Fox Park Corporation, 18 Sentry Park West, Suite 300, Blue Bell, PA 19422 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of unleaded gasoline and chlorinated hydrocarbons. The future use of the site will remain non-residential for continued use as a shopping center. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on October 15, 2010.

Dutton Mill Property LLC, Township of Middletown, **Delaware County**. Bill Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19014, Paul Martino, P.G., Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19014 on behalf of Herbert T. Sweeney, 308 Dutton Mill Properties, LLC, 308 Dutton Mill Road, Brookhaven, PA 19015 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted

with the release of other organics, pah, lead. The future uses of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Delaware County Daily Times* on March 4, 2011.

Lyle Residence, Falls Township, **Bucks County**. Richard Trimpi, Trimpi Associates, Inc, 1635 Old Plains Road, Pennsburg, PA 18073, Jason Bean, Allstate Insurance Company, 309 Lakeside Drive, Suite 100, Horsham, PA 19044 on behalf of David Lyle, 9 Robin Hill Lane, Levittown, PA 19055 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The further use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Bucks County Courier Times* on February 2, 2011.

Est. of Trusdell Residence, Solebury Township, **Bucks County**. Richard Trimpi, Trimpi Associates, Inc, 1635 Old Plains Road, Pennsburg, PA 18073, Joe Greene, Quick Environmtanl, Inc., 61 Cunningham Avenue, Hamilton, NJ 05610 on behalf of the Estate of Lynn Trusdell, 6105 Lower York Road, New Hope, PA 18938 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on February 27, 2011.

HP Hood LLC, West Goshen, **Chester County**. Mark Bedle, B&B Diversified Enterprises, Inc. PO Box 188 Gwynedd, PA 19436 on behalf of Andrew Beland, HP Hood LLC, 6 Kimball Lane, Lynnfield, MA 01940 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of other organics. The future use of the site will be utilized for commercial purposes in the future. A summary of the Notice of Intent to Remediate was reported to have been published in *The Daily Local News* on February 25, 2011.

Renzi Property, Abington Township, **Montgomery County**. Richard Trimpi, Trimpi Associates, Inc, 1635 Old Plains Road, Pennsburg, PA 18073, Ed Applegate, State Farm Insurance Company, PO Box 8061, Ballston, Spa, NY 12020-8061 on behalf of Ronald and Maureen Renzi, 2002 Woodland Road, Abington, PA 19001 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Ambler Gazette* on February 03, 2011.

Esperanza Health Center, City of Philadelphia, **Philadelphia County**. John Luxford, Malcolm Pirnie, 640 Freedom Business Center, Suite 310, King of Prussia, PA 19406, Meredith Langille, Malcolm Pirnie, 640 Freedom Business Center, Suite 310, King of Prussia, PA 19406 on behalf of Susan Post, Esperanza Health Center, 4417-53 North 6th Street, Philadelphia, PA 19140 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of arsenic. The future use of the site will remain the same.

Umbria Street Property, City of Philadelphia, **Philadelphia County**. Bill Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104, Dan Lacz JERC Partners XVI, L.P., 171 State Road 173, Asbury, NJ 08802 on behalf of David Stubbs, Stubbs Enterprises, Inc. 371 Pelham Road, Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Soil and groundwater at

the site has been impacted with the release of pah. The future use of the site will remain the same.

Campbell Property, Caln Township, **Chester County**. Thomas P. Schultz, Lewis Environmental, 101 Carroll Drive, New Castle, DE 19720 on behalf of Lena Campbell, 1104 Caln Meeting House Road, Coatesville, PA 19320 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

Coplan Residence, Lower Merion Township, **Montgomery County**. Staci Cottone, J&J Environmental, Inc., PO Box 370, Blue Bell, PA 19422 on behalf of Dr. James and Judith Coplan, 116 Saint Georges Road, Ardmore, PA 19003 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of no. 2 fuel oil. The subject property is used for residential purpose.

Ericskon Residence, Charlestown Township, **Chester County**. Staci Cottone, J&J Environmental, Inc., PO Box 370, Blue Bell, PA 19422 on behalf of Mary Ellen Erickson, 324 Silver Street, Bennington, Vermont 05201 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was to have been published in *The Daily News* on March 1, 2011.

Pilcicki Residence, East Pikeland Township, **Chester County**. John C. Lyszinski, P. G., Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, Paul C. Emory, Paul C. Emory Company, 2377 Kimberton Road, Phoenixville, PA 19460 on behalf of Tom and Beth Pilcicki, 151 Silver Springs Road, Phoenixville, PA 19460 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

Mill Town Square, Downingtown Borough, **Chester County**. Paul White, P.G., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Andy Hicks, Mill Town Partners, LP, 150 East Pennsylvania Avenue, Suite 255, Downingtown, PA 19335 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of PCE, TCE. The proposed future use of the site will remain as commercial office/retail space. A summary of the Notice of Intent to Remediate was to have been reported in *The Daily Local News* in March 4, 2011.

Red Lion Inn, Bensalem Township, **Bucks County**. Richard S. Werner, Environmental Consulting, Inc. 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Robert White, Redevelopment Authority of the County of Bucks, 1 North Wilson Avenue, Bristol, PA 19007 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of diesel fuel, no. 2 fuel oil, unleaded gasoline and unleaded gasoline. The intended future use of the subject property is non-residential.

Estate of Helen R. Bates, Lower Southampton Township, **Montgomery County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Ward Bacon, 345 Windward Road, Green Bay, WI 54302 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain residential. A summary of the Notice of Intent to Remediate was to have been published in the *Bucks County Courier Times* on February 24, 2011.

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

Former Greener Property, 1733 Brandywine Road, South Whitehall Township, **Lehigh 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, Mr. Reza S. Imrani, 1733 Brandywine Road, Allentown, PA 18104), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a release from a 275-gallon underground storage tank. 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 Express Times* on April 8, 2011.

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

Bucknell-Former BZ Motors Site. Lewisburg Borough, **Union County**. TCI Environmental Services, Inc., 100 N. Wilkes Barre Blvd., Wilkes-Barre, PA 18702 on behalf of Bucknell Real Estate, 701 Moore St., Lewisburg, PA 17837 has submitted a Notice of Intent to Remediate soil contaminated with petroleum products at 2013 West Market St., Lewisburg, PA The applicant proposes to remediate the site to meet the Statewide Health Standard. The future use of the property will be for a U.S. Postal Service building.

Habitat for Humanity, Clearfield Borough, **Clearfield County**. Hess & Fisher Engineers, Inc. 37 N. 2nd St., Clearfield, PA 16830 on behalf of Habitat for Humanity, 138 E. Long Ave., Dubois, PA 15801 has submitted a Notice of Intent to Remediate soil contaminated with fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. Future use of the site will be residential.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application for Determination of Applicability 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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR082D003. Impact Environmental Consulting, Inc., 170 Keyland Court, Bohemia, NY 11716.

The Department of Environmental Protection, Bureau of Waste Management has received an application for a determination of applicability under the General Permit # WMGR082. The general permit WMGR082 is for the processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag ("slag") as a construction material. The determination of applicability application was determined administratively complete by Central Office on April 26, 2011.

Persons interested in obtaining more information about the general permit application may contact Scott E.

Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received, under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate a Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

Permit ID No. PAD059087072. MAX Environmental Technologies Inc., 1815 Washington Road, Pittsburgh, PA 15241-1498. MAX Environmental Technologies—Bulger Plant, 200 MAX Drive, Bulger, PA 15019. Application for a residual waste processing facility in Smith Township, **Washington County** was received in the Regional Office on April 21, 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.

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

65-00629: CBC Latrobe Acquisition, LLC (100 33rd Street, Latrobe, PA 15650) for installation of a wastewater pretreatment system at their Latrobe Plant in Latrobe Borough, **Westmoreland 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.

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

67-05069H: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17105) for modification of a limestone crushing plant at their Thomasville Quarry in Jackson Township, **York County**. The modifications include the relocation of the plant to a lower quarry level and the installation of a crusher.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval 67-05069H authorizes the relocation of the Source ID 500 chip plant to a lower level and the addition of an impact crusher and pan feeder for enhanced processing of the limestone aggregate. Particulate matter (PM) emissions from the chip plant are controlled by wet suppression and a fabric filter. The chip plant includes equipment subject to 40 CFR Part 60, Subpart OOO—Standards of performance for Nonmetallic Mineral Processing Plants. The Plan Approval and Operating permit will contain emission limits, along with monitoring, recordkeeping and reporting requirements to ensure the plant complies with the applicable air quality requirements. Potential particulate matter emissions from the plant are estimated at less than three tons per year.

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

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

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

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

Daniel C. Husted, PE may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issues to sources identified in 25 Pa. Code Section 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

38-05038A: Grosfillex, Inc. (230 Old West Penn Avenue, Robeson, PA 19551) for the installation of three (3) automated paint lines and one R&D spray booth at their facility in North Lebanon Township, **Lebanon County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project.

Plan Approval No. 38-05038A is for the installation of three (3) automated paint lines, containing a total of seven (7) spray booths, and one (1) R&D spray booth. The spray booths will be controlled by dry panel filters. The VOC content of each as applied surface coating category (expressed as lbs VOC per gallon of coating solids) will be limited to less than or equal to the following: Base Coats—6.00, Top Coats—4.54, & Acrylics/Textures—9.81. The facility is a minor facility and the plan approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The expected actual air emissions from the proposed project are 22.9 tpy of VOCs, 7.48 tpy of a single HAP (xylene), and 10.4 tpy of total combined HAPs.

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

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

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

- Identification of the proposed permit by the permit number listed above.

- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Tom Hanlon, 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, protests.

Plan approvals issued to sources identified in 25 Pa. Code Section 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

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

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

49-00019A: Sunoco Partners Marketing & Terminals L.P. (525 Fritztown Road, Sinking Spring, PA 19608) for installation of a new vapor recovery unit on the existing truck loading operation at their Northumberland Terminal in Point Township, **Northumberland County**. The existing vapor combustion unit will remain in place as a backup emission control system.

The Department's review of the information contained in the application submitted by Sunoco Partners Marketing & Terminals L.P. indicates that the sources and the air-cleaning devices will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the fugitive air contaminant emission requirement of 25 Pa. Code Section 123.1, the visible emission limitation of 25 Pa. Code Section 123.41, the gasoline terminal operation requirements of 25 Pa. Code Section 129.59 and 40 CFR 63 Subpart BBBBBB requirements related to national emission standards for hazardous air pollutants for source category: gasoline distribution bulk terminals, bulk plants, and pipeline facilities. The plan approval, if issued, will subsequently be incorporated in an operating permit via an administrative amendment in accordance with 25 Pa. Code Section 127.450 at a later date.

Based upon this finding, the Department proposes to issue a plan approval for the installation of a vapor recovery unit. The following is a summary of the types of conditions the Department intends to place in the plan approval to ensure compliance with applicable regulatory requirements.

(1) The volatile organic compound (VOC) emission from the John Zink vapor recovery unit (ID C102) associated with Source ID P101 shall not exceed 0.0291 pounds per 100 gallons (35 milligrams per liter) of gasoline loaded, at any time.

(2) Within 180 days of installation of the VRU, the permittee shall conduct a performance stack test at the exhaust of the VRU to verify compliance with the VOC emissions limit of 35 mg/l. The stack test shall be conducted in accordance with 25 Pa. Code Section 139.

(3) The gasoline and distillate loading operation shall not be operated without the simultaneous operation of either VRU or VCU at any time.

(4) The VRU shall be installed, operated and maintained per the manufacturer's specification and recommendation.

(5) The VRU shall comply with all the applicable requirements of 40 CFR Part 63, Subpart BBBBBB—National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Sections 63.11080 through 63.11100.

(6) The permittee shall continue to comply with all the terms and conditions of the State Only operating permit SMOP 49-00019.

A copy of the plan approval application 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, Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

59-00005J: Dominion Transmission, Inc. (445 West Main St., Clarksburg, WV 26301) for a plan approval to construct a natural gas-fired salt bath heater, rated heat input of 12.0 MMBtu/hr and a natural gas-fired boiler, rated heat input of 3.0 MMBtu/hr. The construction of the proposed sources will be as part of the original USA project, which was permitted under Plan Approval No. 59-00005G at their Sabinsville Compressor Station in Clymer Township, **Tioga County**. The respective facility is a major facility for which a Title V operating permit 59-00005 has been issued.

The Department's review of the information submitted by Dominion Transmission, Inc. indicates that the heater and boiler will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the Best Available Technology requirements of 25 Pa. Code Sections 127.1 and 127.12. Based on these findings, the Department intends to approve the application and issue plan approval for the construction of a natural gas-fired salt bath heater and a natural gas-fired boiler. Additionally, if the Department determines that all equipment constructed are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit #59-00005 via an administrative amendment pursuant to 25 Pa. Code Sections 127.450.

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

1. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, Source ID 044 shall not emit air contaminants in excess of the following limitations:

<i>Air Contaminant</i>	<i>Emission Rates (parts per million, dry volume)</i>
NO _x	30 @ 3% oxygen
CO	250 @ 3% oxygen
VOCs	67 @ 3% oxygen

2. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the particulate matter and sulfur oxide (SO_x, expressed as

SO₂) emissions from Source ID 044 shall not exceed 0.005 pounds per million Btu of heat input, respectively.

3. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, Source IDs 044 and 045 shall be fired on pipeline quality natural gas.

4. No later than 120 days after the initial start-up of Source ID 044, the permittee shall perform a portable gas analyzer stack test to verify compliance with the nitrogen oxide and carbon monoxide emission limitations.

5. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, Source ID 045 shall not be operated more than 4,400 hours in any 12 consecutive month period.

6. The permittee shall keep records on the number of hours that Source ID 045 is operated on a monthly basis.

7. The permittee shall keep records of the carbon monoxide, nitrogen oxide and volatile organic compound emissions from Source ID 044 to verify compliance with the respective emission limitation.

8. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, Air contaminant emissions from Source ID 044 shall be controlled with lox NO_x burners and flue gas recirculation.

9. This condition supersedes Condition #009 in Section C, Site Level Plan Approval Requirements of Plan Approval #59-00005G. Pursuant to the requirements of 25 Pa. Code Sections 127.206 through 127.210, the permittee shall be in possession of 49.98 tons of NO_x emission reduction credits (ERCs) prior to the startup of Sources covered under this plan approval and Plan Approval #59-00005G to offset the total of the net increase in potential to emit. The permittee shall certify to the Northcentral Regional Office of the Department the amount of ERCs purchased, the company from which the ERCs were purchased, and the effective date of transfer of the ERCs. The purchase and application of the NO_x ERCs shall be tracked in the Department's ERC registry system. Failure to purchase and apply 49.98 tons per year of NO_x ERCs prior to the start of operation of any source at the facility shall make this plan approval and Plan Approval #59-00005G null and void.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. 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.

19-00006D: Del Monte Foods (6670 Low Street, Bloomsburg, PA 17815) for a plan approval to construct two (2) vertical coolers and install independent wet centrifugal collectors to control the air contaminant emissions from the coolers at their Bloomsburg facility in South Centre Township, **Columbia County**. The respective facility is a major facility for which a Title V operating permit 19-00006D has been issued.

The Department's review of the information submitted by Del Monte Foods indicates that the construction of the two (2) vertical coolers and installation of the wet centrifugal collectors 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 approve the application and issue plan approval for the construction of the two (2) vertical coolers and installation of the wet centrifugal collectors. Additionally, if the Department determines that the two (2) vertical coolers and associated wet centrifugal collectors are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit #19-00006 via an administrative amendment pursuant to 25 Pa. Code Sections 127.450.

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 concentration of particulate matter (PM/PM₁₀) emissions from each wet centrifugal collector associated with the vertical coolers shall not exceed 0.005 grains per dry standard cubic foot (gr/dscf) of exhaust gas.

2. The particulate matter (PM/PM₁₀) emissions from the exhaust of each wet centrifugal collector shall not exceed 0.89 pounds per hour and 3.90 tons in any 12 consecutive month period.

3. The permittee shall not permit the emission into the outdoor atmosphere any visible air contaminants from each wet centrifugal collector associated with the vertical coolers other than water vapor or steam.

4. Each wet centrifugal collector shall be supplied with fresh water without recirculation. Water from the cooling jackets of the extruders can be utilized in each wet centrifugal collector.

5. Each wet centrifugal collector shall be equipped with instrumentation to continuously monitor the water pressure and flow rate to each collector. An alarm shall be activated when the flow rate is below the required rate.

6. The water feed rate to each wet centrifugal collector associated with the vertical coolers shall not be less than 12 gallons per minute at any time.

7. The vertical coolers shall be equipped with interlocks to prevent the operation of said coolers without the simultaneous operations of the respective wet centrifugal collector.

8. The air contaminant emissions from each vertical cooler shall be controlled by an independent wet centrifugal collector at all times each cooler is operational.

9. The permittee shall keep records of the flow rate of water to each wet centrifugal collector at least once per shift. These records shall be retained for a minimum of five (5) years and shall be made available to the Department upon request.

10. The permittee shall perform EPA reference method particulate matter stack tests from the exhaust of each wet centrifugal collector associated with the vertical coolers within 120 days from the operation of the vertical coolers to demonstrate compliance with the particulate matter emission limitation. The permittee shall perform opacity readings at the exhaust of each wet centrifugal collector during the stack tests in accordance with EPA Method 9 to demonstrate compliance with the opacity limitation. All testing is to be done while vertical coolers are operating at their maximum rate and using reference method test procedures acceptable to the Department.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Depart-

ment's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. 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 David M. Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

59-00002C: Dominion Transmission, Inc. (445 West Main St., Clarksburg, WV 26301) for a plan approval for installation of oxidation catalysts (Control Devices C101 and C102) to control the volatile organic compound and formaldehyde emissions from the two (2) existing natural gas-fired compressor engines (Source ID P101 and P102) and to modify the volatile organic compounds emission limitations for Source IDs P101 and P102 at their Tioga Compressor Station located in Farmington Township, **Tioga County**. The respective facility is a major facility for which a Title V operating permit 59-00002 has been issued.

The Department's review of the information submitted by Dominion Transmission, Inc. indicates that the engines with an oxidation catalyst will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. In addition, the engines will meet the requirements of Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63 Subpart ZZZZ Sections 63.6580—63.6675. Based on these findings, the Department intends to approve the application and issue plan approval for the installation of oxidation catalysts on each engine. Additionally, if the Department determines that the engines with oxidation catalyst are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit #59-00002 via an administrative amendment pursuant to 25 Pa. Code Sections 127.450.

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 total combined volatile organic compound emissions from the two (2) Dresser-Rand TCV-10 engines (Sources P101 & P102), the Tulpro gas heater (Source 033), the Cleaver Brooks boiler (Source 036) and the Waukesha generator (Source P201) shall not exceed 41.3 tons in any 12 consecutive month period.

2. All conditions as specified in Title V operating permit #59-00002 shall remain in effect unless superseded or amend by a condition contained herein. If there is a conflict between a condition contained in the Title V operating permit #59-00002 and a condition contained herein, the permittee shall comply with the condition contained herein rather than the conflicting condition contained in the Title V operating permit #59-00002.

3. The permittee shall not permit the following air contaminant emissions from the exhaust of Control Devices C101 and C102 associated with Source IDs P101 and P102, respectively in excess of the limitations listed below:

a. Total combined volatile organic compounds (VOC)—4.7 pounds per hour and 20.59 tons in any 12 consecutive month period.

b. Non-methane, non-ethane hydrocarbons (NMNEHC)—4.03 pounds per hour and 17.65 tons in any 12 consecutive month period.

c. Formaldehyde—0.67 pounds per hour and 2.94 tons in any 12 consecutive month period.

Based on the stack test results of the removal efficiencies of the volatile organic compound and formaldehyde emissions from Control Devices C101 and C102 associated with Source IDs P101 and P102, respectively, the Department may revise the above emission limitations through the minor modification of the Title V operating permit.

4. Control Devices C101 and C102 shall be capable of reducing the formaldehyde emissions by 80% from Source IDs P101 and P102, respectively.

5. The permittee shall install instrumentation to monitor pressure drop across and the inlet gas temperature of Control Devices C101 and C102 on a continuous basis.

6. Source IDs P101 and shall not be operated without the simultaneous operation of Control Devices C101 and C102, respectively.

7. Control Devices C101 and C102 shall control the air contaminant emissions from Source IDs P101 and P102, respectively.

8. The permittee shall perform non-methane hydrocarbon, non-ethane hydrocarbon, and formaldehyde stack tests upon Source IDs P101 and P102 to verify compliance with the non-methane hydrocarbon, non-ethane hydrocarbon, and formaldehyde emission limitations and the formaldehyde removal efficiency requirements of Control Devices C101 and C102 associated with Source ID P101 and P102.

a. The stack test shall be performed within 90 days from the installation of Control Devices C101 and C102.

b. The stack tests shall consist of three (3) separate test runs and each run shall last at least in one (1) hour in duration.

c. The testing of the inlet and outlet of Control Devices C101 and C102 shall be running simultaneously.

d. The inlet gas temperature of Control Devices C101 and C102 shall be recorded on a continuous basis during the test. The requirement for the temperature range may be established based upon the stack test report.

e. All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while Source IDs P101 and P102 are operating at +/- 10% of full load.

9. Source IDs P101 and P102 are subject to the requirements of Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants as specified in 40 CFR Sections 63.6580—63.6675. The permittee shall comply with all requirements of 40 CFR Part 63 Subpart ZZZZ.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. 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.

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

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

32-00409: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201-9642) Notice is hereby given in accordance with 25 PA Code § 127.44—127.46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-32-00409 to allow the installation and initial temporary operation of a coal preparation plant rated for an annual throughput of 1,600,000 tons of coal at the Starford Mine Coal Preparation Plant located in Greene Township, **Indiana County**. The facility will consist of one triple deck screen and associated conveyers, stackers, stockpiles, material handling points, and truck loadout.

Potential emissions from the facility are estimated to be 77.42 tons of particulate matter (PM), 20.19 tons of particulate matter less than 10 microns in diameter (PM₁₀), 2.06 tons of nitrogen oxides (NO_x), 0.60 tons of carbon monoxide (CO), and 0.30 tons of volatile organic compounds (VOC) per year. Best available technology (BAT) for the proposed sources is the use of radial stackers, existing wind barriers, and a water truck with pressurized spray gun for coal stockpile control, coal moisture greater than or equal to 5% on all conveyers, screens, transfer points, and truck load-out by front-end loader, use of water sprays on the screen, plant entrance paved for the first 500 feet and routinely swept including 250 feet on either side of the plant access road, with the remainder of the roadways delineated by periodic chipping, tarping of all trucks plus a posted notice of tarping requirement, upwind/downwind dustfall monitoring at the request of the Department, and a posted speed limit of 15 mph on all in plant roads. The authorization is subject to State regulations and Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subparts Y and IIII. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes work practice, monitoring, recordkeeping, and reporting conditions. Once all compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with Pa. Code Title 25 Subchapter F.

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

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

Identification of the proposed Plan Approval (PA-32-00409).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

For additional information you may contact Alexander Sandy at 412-442-4028.

PA-03-00250 Rosebud Mining Company (301 Market Street Kittanning, PA 16201) Notice is hereby given in accordance with 25 PA Code §§ 127.44—127.46 that the Department of Environmental Protection (DEP) in-

tends to issue Air Quality Plan Approval: PA-03-00250 to allow the installation and operation of a coal processing plant. The plant will be capable of processing 750,000 tons of coal per year. The plant consists of a two section pit conveyor, a double deck screen that will be equipped with a water spray, a refuse stacker, a tube stacker for product coal, a clean coal and an oversized coal pile. An emergency diesel generator will be placed on site to ventilate the mining during emergency. The plant is located off of Laird's Crossing Road (SR 4033) in West Franklin Township, **Armstrong County**.

The primary pollutant of the concern at this facility is particulate matter from coal handling. Potential emissions from the facility are estimated to be 0.82 tons of nitrogen oxides (NO_x), 0.08 tons of carbon monoxide (CO), 18.19 tons of particulate matter (PM) and 5.33 tons of particulate matter 10 microns in diameter (PM₁₀) per year. Best available technology (BAT) for the proposed sources is implementation of use of radial stackers for coal stockpile control, use of existing wind barriers for stockpile control, use of water truck with pressurized spray gun for stockpile control, maintaining coal moisture equal or more than 5% at all transfer points, use of water spray on the screen, paving 500 feet plant entrance, dust control by sweeping in conjunction with watering and tarpapering of all trucks. The authorization is subject to State regulations and Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subpart IIII & Subpart Y. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes work practice, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with Pa. Code Title 25 Subchapter F.

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

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

Identification of the proposed Plan Approval (PA-03-00250).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

For additional information you may contact Jesse Parihar at 412-442-4030

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

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

AMS 11068: Materials Processing Corporation (10551 Decatur Road., Philadelphia, PA 19154) to install a 9,350 tons per year waste electronics scrap recycling plant in the City of Philadelphia, **Philadelphia County**. The process will consist of a shredder with an electric motor. Shredder emissions will vent to a baghouse. Potential emissions from the facility based on the plan approval emission limits are less than 2 tons per year of Particulate Matter less than 10 microns (PM₁₀). The plan

approval will contain operating, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

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

59-00004: Ward Manufacturing, LLC (PO Box 9, 117 Gulick Street, Blossburg, PA) for renewal of a Title V Operating Permit for their facility in the Borough of Blossburg, **Tioga County**. The facility is currently operating under amended Title V Operating Permit 59-00004 revised August 5, 2010. The facility's main sources include a cupola, core machines, pouring lines operation and molding and casting operations. The facility has the potential to emit major quantities of carbon monoxide, total particulate matter, volatile organic compounds and hazardous air pollutant emissions. The proposed renewal Title V operating permit has incorporated the Compliance Assurance Monitoring (CAM) provisions applicable to the molding and casting operations for monitoring of the performance of the baghouse that control particulate matter emissions. The CAM provisions included in the proposed Title V operating permit require pressure differential monitoring in addition to the existing monitoring requirement using bag leak detection system. Additionally, the Department has made a preliminary determination on the RACT proposal from the company and included the proposed RACT conditions into the Title V operating permit proposal. The proposed renewal Title V operating permit also contains applicable Maximum Achievable Control Technology (MACT) requirements for the cupola, core machines and pouring lines operation which includes monitoring, recordkeeping, and reporting conditions to ensure compliance with this federal regulation as well as state regulations.

18-00007: Brodart Co. (500 Arch Street, Williamsport, PA 17701) for renewal of a Title V Operating Permit to Brodart Co. for their facility in the Wayne Township, **Clinton County**. The facility is currently operating under renewal Title V Operating Permit 18-00007 issued on September 8, 2005. The facility's main sources of air contaminant source are 13 spray-booths. The facility is defined to be a major VOC emitting facility by 25 Pa. Code 121.1. The facility is also classified as a major source for hazardous air pollutants and particulate matter pursuant to the Clean Air Act. The proposed renewal Title V operating permit has revised the Compliance Assurance Monitoring (CAM) provisions applicable to 12 spray-booths. The CAM provisions included in the proposed Title V operating permit require pressure differential monitoring that reasonably assures compliance with the applicable particulate matter emissions limitations. The proposed renewal Title V operating permit contains applicable Maximum Achievable Control Technology (MACT) requirements for the facility. Additional monitoring, recordkeeping, reporting and work practice conditions are included in the Title V operating permit to assure compliance with Federal and State air regulatory requirements.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter

127, Subchapter F.

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

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

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

45-00028: Haines & Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474-0196) for renewal of a state only operating permit for a rock crushing—screening facility in Smithfield Township, **Monroe County**. The State Only operating permit includes emissions, monitoring, record keeping, reporting, testing and any additional conditions designed to ensure compliance with all applicable Federal and State air pollution control requirements.

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

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

53-00012: Patterson Lumber Co., Inc. (95 West Street, Galeton, PA 16922-1136) for their facility in West Branch Township, **Potter County**. The facility's main sources include one natural gas-fired combustion unit, one wood-fired combustion unit, fourteen (14) lumber drying kilns, sixteen (16) pieces of assorted woodworking equipment, and a wax and label application operation. The facility has the potential to emit particulate matter (PM₁₀), nitrogen oxides (NO_x), carbon monoxide (CO), volatile organic compounds (VOCs), hazardous air pollutants (HAPs) and sulfur oxides (SO_x) below the major emission thresholds. The proposed operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

53-00018: PA Pellets, LLC (958 State Road 49 West, Ulysses, PA 16948) for a state only (natural minor) operating permit for a wood pellet manufacturing operation comprised of a 38,000-pound per hour, rotary sawdust and wood chip dryer equipped with a 45 million Btu per hour, wood suspension burner, the particulate matter emissions from which are controlled by a multiclone collector, a hammermill wood chipper, the particulate matter emissions from which are controlled by a fabric collector, and a pellet cooler, the particulate matter emissions from which are controlled by a single cyclone collector, at their facility in Ulysses Borough, **Potter County**.

The facility has the potential to emit nitrogen oxides (NO_x), carbon monoxide (CO), volatile organic compounds (VOCs), particulate matter and sulfur oxides (SO_x) below the major emission thresholds.

The Department's review of the information submitted by PA Pellets, LLC in the previous plan approval applica-

tion (PA 53-399-008) and subsequent compliance documentation indicate that operation of the wood pellet manufacturing operation meets all applicable air quality regulatory requirements pertaining to air-contamination sources and the emission of air contaminants. Based on this information, the Department intends to issue an operating permit for the operation of the wood pellet manufacturing operation.

The following is a summary of the conditions that the Department proposes to place in the operating permit to be issued to ensure compliance with all applicable regulatory requirements. Additionally, all applicable requirements from the previous plan approval (PA 53-399-008) are also included in the proposed operating permit.

1. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the wood pellets produced in the wood pellet manufacturing operation shall be composed of hardwood sawdust and hardwood wood chips only.

2. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, dried sawdust/wood chips from the rotary dryer shall not be stored outside of a building unless stored in a fully enclosed storage bin, nor shall they be conveyed or otherwise handled outside of a building other than with an enclosed system.

3. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the concentration of particulate matter in the exhaust of the multiclone collector associated with the rotary sawdust and wood chip dryer shall not exceed 0.02 grains per dry standard cubic foot of effluent gas volume at any time.

4. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the permittee shall not permit the emission of nitrogen oxides (NO_x, expressed as NO₂) and carbon monoxide from the rotary sawdust and wood chip dryer in excess of 6.6 pounds per hour and 5.2 pounds per hour, respectively.

5. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the rotary sawdust and wood chip dryer shall be fired with dryer product only.

6. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the concentration of particulate matter in the exhaust of the fabric collector associated with the hammermill wood chipper shall not exceed 0.02 grains per dry standard cubic foot of effluent gas volume at any time.

7. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the concentration of particulate matter in the exhaust of the single cyclone collector associated with the pellet cooler shall not exceed 0.02 grains per dry standard cubic foot of effluent gas volume at any time.

8. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the particulate matter collected in the multiclone collector, the fabric collector and the single cyclone collector shall only be removed from the collector by means of an enclosed system.

The proposed operating permit also contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable regulatory requirements.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Depart-

ment'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.

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

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

11-00433: GapVax, Inc. (575 Central Avenue, Johnstown, PA 15902) for the manufacture and fabrication of vacuum trucks at their facility located in Johnstown, **Cambria County**. This is a state only operating permit renewal submittal.

03-00025: P.J. Greco Sons of Kittanning, Inc. (593 Tarrtown Raod, Kittanning, PA 16201) for a scrap processing 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

33-00133: HRI, Inc.—Brookville Asphalt Plant (Interstate 80 Exit 86 & State Route 830, Brookville, PA 15825—mailing address 1750 W. College Ave, State College, PA 16801-2719) on April 18, 2011, to re-issue a Natural Minor Permit to operate a Hot Mix Asphalt Plant in the Pine Creek Township, **Jefferson County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

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

a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

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:

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

¹ The parameter is applicable at all times.

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

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

30753712 and NPDES No. PA0215724, Emerald Coal Resources, LP, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1—Coal Refuse Disposal Facility No. 1 in Franklin Township, **Greene County** and related NPDES permit to add acreage for development of a soil borrow area for site reclamation. No NPDES outfalls are proposed. Coal Refuse Disposal Support Acres Proposed 22.5. No additional discharges. Application received: November 23, 2010.

56961303 and NPDES No. PA0214957, Wilson Creek Energy, LLC, (140 West Union Street, Somerset, PA 15501), to transfer the permit and related NPDES permit for the Milford Mine in Milford Township, **Somerset County** to Wilson Creek Energy, LLC from Svonavec, Inc. No additional discharges. Application received: November 29, 2010.

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

32110102 and NPDES No. PA0263214, Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, commencement, operation and restoration of a bituminous surface mine in Burrell Township, **Indiana County**, affecting 33.8 acres. Receiving stream(s): unnamed tributaries to Tom's Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 11, 2011.

11960107 and NPDES No. PA0234184, TJ Mining, Inc., P. O. Box 370, Carrolltown, PA 15722, permit renewal for reclamation only of a bituminous surface and auger mine in Cresson Township, **Cambria County**, affecting 62.0 acres. Receiving stream(s): UT to Burgoon Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 15, 2011.

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

17030106 and NPDES No. PA0243477, Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface mine located in Becaria Township, **Clearfield County** affecting 244.0 acres. Receiving streams: unnamed tributaries to Dotts Hollow, Dotts Hollow and Clearfield Creek classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: April 15, 2011.

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

19860101R5, Jac-Mar Coal Co. t/a L & E Coal, (P. O. Box 353, Cresco, PA 18326), renewal of an existing anthracite surface mine operation in Conyngham Township, **Columbia County** affecting 190.0 acres, receiving stream: unnamed tributary of Shamokin Creek, classified for the following use: warm water fishes. Application received: April 20, 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

E51-246 Pennsylvania Department of Transport, District 6, 7000 Geerdes Boulevard, King of Prussia, PA 19401, Philadelphia City, **Philadelphia County**, ACOE Philadelphia District

To perform the following water obstruction and encroachment activities within/along the Schuylkill River (CWF-MF) associated with the Schuylkill River Park Trial Phase IIIB project:

1) To construct and maintain approximately 2000 feet long extension of the Schuylkill River Park Trail in the form of a suspended bridge over the stream approximately 50 feet from the river banks, running parallel with the river from Walnut street cul-de-sac to approximately 210 feet southwest of the South Street Bridge. This work includes the associated ramps.

2) To temporarily install and maintain a concrete mixing plant within the floodway associated with the vehicular access and load restrictions in the project area.

The project site is located along the Schuylkill River commencing at the Walnut street Cul-de-sac running southwesterly parallel and ends at approximately 210 feet southwest of the South Street Bridge in the City and County of Philadelphia. (Frankford, PA USGS Quadrangle N: 13.37 inches; W: 8.17 inches).

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

E01-297: PA Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, in Cumberland Township, **Adams County**, U.S. Army Corps of Engineers, Baltimore District

To 1) extend and maintain an existing 9.7-foot wide, single span reinforced concrete slab bridge supported by reinforced concrete abutments having a normal span of 26.0 feet and an underclearance of 3.5 feet in kind by 10.0 feet at the upstream end and 14.0 feet at the downstream end across unnamed tributary to Rock Creek (WWF, MF), 2) construct and maintain a 15-inch stormwater outfall to the unnamed tributary to Rock Creek (WWF, MF) at the bridge location, 3) place and maintain fill in 0.03 acre of two separate PEM wetlands, and 4) temporarily impact 0.05 acre of two separate PEM wetlands all for the purpose of improving safety standards. The project is located at the intersection of Table Rock Road (SR 3019) and Boyd's School Road (Gettysburg, PA Quadrangle; N: 12.1 inches, W: 9 inches; Latitude: 39°51'26", Longitude: 77°13'43") in Cumberland Township, Adams County. The amount of wetland impact is considered a de minimus impact of 0.03 acre and wetland replacement is not required.

E01-299: PA Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, in Menallen Township, **Adams County**, U.S. Army Corps of Engineers, Baltimore District

To 1) remove the existing structure, 2) construct and maintain a 36.0-foot 6.5-inch long, 1.0-foot depressed with baffles, 22.0-foot x 7.0-foot 6.0-inch, reinforced concrete box culvert in Quaker Run (TSF, MF) with depressed concrete aprons extending 12.0 feet upstream and 12.0 feet downstream, and depressed rock aprons extending an additional 5.0 feet upstream and 5.0 feet downstream, 3) relocate and maintain approximately 65.0 feet of an unnamed tributary to Quaker Run (TSF, MF), and 4) place and maintain fill in 0.02 acre of PEM wetland, all for the purpose of improving transportation safety and roadway standards. The project is located along SR 0034 (Carlisle Road) in Menallen Township, Adams County (Biglerville, PA Quadrangle; N: 9.2 inches, W: 7.1 inches; Latitude: 39°57'33", Longitude: 77°15'7.0"). The amount of wetland impact is considered a de minimus impact of 0.02 acre and wetland replacement is not required.

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

E02-1650. Francois Bitz, 1640 Pleasant Hill Road, Baden, PA 15005. The applicant proposes to operate and maintain several ponds that have impacted 1.97 acres of wetlands and were constructed on and have impacted 1,140.0 linear feet of several Unnamed Tributaries to Big Sewickley Creek (TSF) for the purpose of agricultural / animal grazing. The project is located approximately 2,700.0 feet northwest from the intersection of Spang Road and Pleasant Hills Road (Baden, PA Quadrangle N: 7.2 inches; W: 2.7 inches; Latitude: 40°-39'-53"; Longitude: 80°-08'-40") in Marshall Township, **Allegheny County**. The applicant also proposes to enhance 1.82 acres of the newly created 2.11 acres of wetlands and will mitigate 0.17 acre of wetlands, approximately 150.0 linear feet of Unnamed Tributary No. 2 will be restored and 1,000.0 linear feet of stream channel will be mitigated.

E30-237. PA Game Commission, 480 Garards Fort Road, Waynesburg, PA 15370. To: install and maintain fish habitat improvement structures, including mudsills, log vane deflectors, root wads, stone vane deflectors, to

re-grade and stabilize the stream banks, and to establish riparian plantings, along 1,600' of Whiteley Creek (TSF). (Pittsburgh ACOE District; Garards Fort, PA quadrangle N: 14.1", W 9.9". Latitude: 39° 48' 39"; Longitude: 80° 4' 11"). The project is located on State Game Lands 223 in Whiteley Township, **Greene County, PA.**

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

E37-186, North Beaver Township, 861 Mt. Jackson Road New Castle, PA 16102, Wampum Rd T-395 Bridge 2 Replacement in North Beaver Township, **Lawrence County,** ACOE Pittsburgh District (Bessemer, PA Quadrangle N: 40°, 57', 27"; W: 80°, 22', 49").

To remove an existing single span concrete arch structure and to construct and maintain a 25.38 ft out to out prestressed concrete box beam bridge having 2 clear spans of 54.25 ft supported by a center pier and abutments with an underclearance of 13.54 ft a skew of 75° across Hickory Run along T-395 Wampum Road in North Beaver Township, Lawrence County approximately 1/2 mile South of its intersection with S.R. 18.

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

E5929-009: EQT Gathering LLC, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222-3114, Charleston and Duncan Townships, **Tioga County,** ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 4 linear feet of an UNT to Rock Run (CWF) (Antrim, PA Quadrangle 41°38'52.6" N 77°16'8.9" W);

2) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 4 linear feet of an UNT to Rock Run (CWF) (Antrim, PA Quadrangle 41°38'57.9" N 77°16'1.2" W);

3) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 3 linear feet of an UNT to Rock Run (CWF) (Antrim, PA Quadrangle 41°39'0.3" N 77°15'57.7" W);

4) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 3 linear feet of an UNT to Rock Run (CWF) (Antrim, PA Quadrangle 41°39'1.8" N 77°15'56.0" W);

5) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 3 linear feet of an UNT to Rock Run (CWF) (Antrim, PA Quadrangle 41°39'15.5" N 77°15'38.8" W);

6) a temporary road crossing using wood mat bridge impacting 2 linear feet of an UNT to Rock Run (CWF) (Antrim, PA Quadrangle 41°39'39.7" N 77°15'26.1" W);

7) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 6 linear feet of an UNT to Charleston Creek (WWF) (Antrim, PA Quadrangle 41°40'1.9" N 77°15'29.3" W);

8) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 1 linear feet of an UNT to Charleston Creek (WWF) (Antrim, PA Quadrangle 41°40'38.9" N 77°15'29.6" W);

9) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line

impacting 8 linear feet of Charleston Creek (WWF) (Antrim, PA Quadrangle 41°40'44.0" N 77°15'28.4" W);

10) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 1 linear feet of an UNT to Charleston Creek (WWF) (Antrim, PA Quadrangle 41°40'44.8" N 77°15'28.0" W);

11) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 6 linear feet of an UNT to Charleston Creek (WWF) (Antrim, PA Quadrangle 41°40'48.7" N 77°15'26.4" W);

12) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 5 linear feet of an UNT to Charleston Creek (WWF) (Cherry Flats, PA Quadrangle 41°41'26.0" N 77°14'48.4" W);

13) a temporary road crossing using 4, 20 foot long, 4 foot diameter culverts, and a 16 inch diameter natural gas gathering line impacting 12 linear feet of an UNT to Charleston Creek (WWF) (Cherry Flats, PA Quadrangle 41°41'27.5" N 77°14'20.3" W);

14) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 5 linear feet of an UNT to Charleston Creek (WWF) (Cherry Flats, PA Quadrangle 41°41'50.1" N 77°14'8.1" W);

15) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 2 linear feet of an UNT to Babb Creek (EV-CWF) (Cherry Flats, PA Quadrangle 41°43'2.9" N 77°14'1.9" W);

16) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 8 linear feet of Babb Creek (EV-CWF) (Cherry Flats, PA Quadrangle 41°43'12.6" N 77°16'50.4" W);

17) a temporary road crossing using 3, 20 foot long, 4 foot diameter culverts, and a 16 inch diameter natural gas gathering line impacting 12 linear feet of an UNT to Catlin Hollow (TSF) (Cherry Flats, PA Quadrangle 41°44'55.0" N 77°13'3.7" W);

18) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 3 linear feet of an UNT to Catlin Hollow (TSF) (Crooked Creek, PA Quadrangle 41°45'4.9" N 77°12'50.2" W);

19) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 2 linear feet of an UNT to North Elk Run (EV-CWF) (Crooked Creek, PA Quadrangle 41°45'53.0" N 77°12'37.1" W);

20) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 3 linear feet of an UNT to Hills Creek (WWF) (Crooked Creek, PA Quadrangle 41°46'41.0" N 77°12'32.5" W);

21) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line impacting 5 linear feet of an UNT to Hills Creek (WWF) (Crooked Creek, PA Quadrangle 41°46'40.9" N 77°12'32.2" W);

22) a temporary road crossing using wood mat bridge, and a 16 inch diameter natural gas gathering line

impacting 3 linear feet of an UNT to Hills Creek (WWF) (Crooked Creek, PA Quadrangle 41°47'1.0" N 77°12'7.0" W);

23) a temporary road crossing using 3, 20 ft. long, 3 ft. diameter culverts, and a 16 inch diameter natural gas gathering line impacting 15 linear feet of an UNT to Hills Creek (WWF) (Crooked Creek, PA Quadrangle 41°47'42.9" N 77°10'48.9" W);

24) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.03 acres of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°38'46.4" N 77°16'17.5" W);

25) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.13 acres of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°38'49.4" N 77°16'13.5" W);

26) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.06 acres of an exceptional value palustrine forested (EV-PFO) wetland (Antrim, PA Quadrangle 41°39'14.8" N 77°15'39.9" W);

27) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.01 acres of an exceptional value palustrine emergent (EV-PEM) wetland (Antrim, PA Quadrangle 41°39'39.8" N 77°15'25.7" W);

28) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.13 acres of a palustrine forested (PFO) wetland (Antrim, PA Quadrangle 41°40'1.9" N 77°15'28.5" W);

29) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.05 acres of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°40'44.3" N 77°15'28.3" W);

30) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.01 acres of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°40'48.7" N 77°15'26.4" W);

31) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.14 acres of a palustrine emergent (PEM) wetland (Cherry Flats, PA Quadrangle 41°42'13.4" N 77°14'17.0" W);

32) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.01 acres of a palustrine emergent (PEM) wetland (Cherry Flats, PA Quadrangle 41°42'46.8" N 77°14'14.0" W);

33) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.26 acres of an exceptional value palustrine emergent/scrub shrub (EV-PEM/PSS) wetland (Cherry Flats, PA Quadrangle 41°43'12.6" N 77°13'50.3" W);

34) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.16 acres of a palustrine emergent (PEM) wetland (Cherry Flats, PA Quadrangle 41°44'54.9" N 77°13'6.2" W);

35) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.01 acres of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°45'44.1" N 77°12'43.8" W);

36) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.02 acres of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°45'53.3" N 77°12'36.8" W);

37) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.04 acres of a

palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°46'41.0" N 77°12'33.3" W);

38) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.09 acres of a palustrine emergent/scrub shrub (PEM/PSS) wetland (Crooked Creek, PA Quadrangle 41°47'0.9" N 77°12'7.1" W);

39) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.01 acres of a palustrine scrub shrub (PSS) wetland (Crooked Creek, PA Quadrangle 41°47'25.0" N 77°11'23.2" W);

40) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.06 acres of a palustrine emergent (PEM) wetland (Crooked Creek, PA Quadrangle 41°47'32.3" N 77°10'50.7" W);

41) a temporary road crossing and a 16 inch diameter natural gas gathering line impacting 0.01 acres of a palustrine emergent/forested (PEM/PFO) wetland (Crooked Creek, PA Quadrangle 41°47'40.4" N 77°10'48.9" W);

The project will result in 119 linear feet of temporary stream impacts, 1.27 acres of temporary wetland impacts, and 0.46 permanent wetland impacts all for the purpose of installing a natural gas gathering line and associated access roadways.

E1729-002, D.E. Limited Partnership, 1406 North Main Street, Punxsutawney, PA, 15767-2646. Brady Township, **Clearfield County**, ACOE Pittsburgh District.

To construct and maintain a pre-fabricated steel beam with timber decking on pre-cast concrete block abutments with a normal span of 50.0 feet, a width of 13.0 feet, and an under clearance of 4.0 feet across East Branch Mahoning Creek (HQ-CWF), for the purpose of access and maintenance of a natural gas well. The project is located approximately 1,600 feet southeast of the intersection of Golden Yolk Road and Donahue Road. (Luthersburg, PA Quadrangle, N: 3.5 inches; W: 15.5 inches, Latitude: 41°01'10.22"N, Longitude: 78°44'14.26"W).

ENVIRONMENTAL ASSESSMENTS

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

EA21-006, PennDOT Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, USACOE Baltimore District

To construct and maintain a non-jurisdictional dam and four outfall structures in the floodplain of Conodoguinet Creek (WWF, MF) resulting in 0.42 acre of permanent impacts to PEM wetland on SGL 169 located in Upper Mifflin Township, **Cumberland County** (Newville and Newburg, PA Quadrangle; Latitude: N: 40°10'10", Longitude: W: 77°28'54"; North: 8.07 inches, West: 14.90 inches) for the purpose of creating 6.11 acres of wetlands that provide wildlife and waterfowl habitat. The applicant is required to replace 0.42 acre of PEM wetland. The wetlands will be replaced at the site through creation of additional wetlands.

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

D12-014EA, Wykoff Coop Fish Hatchery, 113 Hardinger Street, Sinnemahoning, PA 15861, Grove Township, **Cameron County**, ACOE Baltimore District. Project proposes to breach and remove Wykoff Run Coop Hatchery Dam across Wykoff Run (HQ-CWF) for the purpose of eliminating a threat to public safety and

restoring the stream to a free flowing condition. The project will also involve extending the intake pipe for the Wykoff Run Fish Hatchery. The project will restore approximately 400 feet of stream channel. The dam is located approximately 1000 feet southeast of the intersection of Wykoff Run Road (SR2001) and Jerry Run Road (T356) (Sinnemahoning, PA Quadrangle; Latitude: 41° 18' 48", Longitude: -78° 04' 42")

D63-031EA. Mr. John Korcek, 23 Main Street, Box 545, Ellsworth, PA 15331. Ellsworth Borough **Washington County**, ACOE Pittsburgh District.

Project proposes to breach and remove Ellsworth No. 2 Dam across Center Branch Pigeon Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 1150 feet of stream channel. The dam is located approximately 1100 feet southwest of the intersection of South Main Street (SR 917) and Almond Road (SR 2019) (Ellsworth, PA Quadrangle; Latitude: 40° 06' 24", Longitude: -80° 01' 27").

D62-027EA Mr. Ray Heelan, PO Box 708, Warren, PA 16365, Mead Township, **Warren County**, ACOE Pittsburgh District.

Project proposes to breach and remove War Dam across Morrison Run (EV) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 300 feet of stream channel. The dam is located approximately 1400 feet southwest of the intersection of SR59 and Keenan Street (T413) (Clarendon, PA Quadrangle; Latitude: 41° 49' 07", Longitude: -79° 06' 38").

D09-006EA Mr. David Sharp, 2116-C Great Bend Turnpike, Honesdale, PA 18431, Milford Township **Bucks County**, ACOE Philadelphia District.

Project proposes to remove the remaining portions of Archey's Mill Dam across Unami Creek (HQ-TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 300 feet of stream channel. The dam is located approximately 1700 feet southeast of the intersection of John Fries Highway (SR663) and Allentown Road (SR4027) (Milford Square, PA Quadrangle; Latitude: 40° 26' 15", Longitude: -75° 23' 35").

D21-077EA. Linlo Properties, Mr. Lowell Gates, 1013 Mumma Road, Lemoyne, PA 17043. Monroe and Carroll Townships, **Cumberland and York Counties**, ACOE Baltimore District.

Project proposes to breach and remove Rosegarden Dam across Yellow Breeches Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 3500 linear feet of stream channel. The dam is located approximately 500 feet west of the intersection of Gettysburg Pike (T883) and Chestnut Grove Road (T880) (Mechanicsburg, PA Quadrangle; Latitude: 40° 08' 55", Longitude: -77° 0' 45").

Mr. Michael Allen, Fisheries Manager, Rolling Rock Club Fishing Lodge, 439 Hatchery Lane, Laughlintown, PA 15655-0439. Ligonier Township, **Westmoreland County**, ACOE Pittsburgh District.

Project proposes to breach and remove seventeen low head dams in an approximately two mile section of Rolling Rock Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will also involve the modification of three previously permitted fish enhancement structures. The project will restore approximately 1700 linear feet of stream channel. The dams are located approximately 4 miles south of the intersection of US30 and SR381 (Rector Road).

Dam Number	Latitude	Longitude
D65-228	40° 10' 33"	-79° 11' 53"
D65-235	40° 10' 56"	-79° 12' 15"
D65-248	40° 12' 84"	-79° 12' 48"
D65-249	40° 12' 48"	-79° 12' 49"
D65-250	40° 12' 18"	-79° 12' 50"
D65-251	40° 12' 02"	-79° 12' 52"
D65-252	40° 12' 03"	-79° 12' 54"
D65-253	40° 12' 04"	-79° 12' 54"
D65-254	40° 12' 04"	-79° 12' 55"
D65-257	40° 11' 55"	-79° 12' 39"
D65-258	40° 11' 57"	-79° 12' 57"
D65-260	40° 12' 00"	-79° 12' 43"
D65-264	40° 11' 50"	-79° 12' 36"
D65-282	40° 10' 42"	-79° 12' 13"
D65-283	40° 10' 38"	-79° 12' 02"
D65-284	40° 10' 34"	-79° 11' 58"
D65-285	40° 10' 18"	-79° 11' 17"

ACTIONS

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY
MANAGEMENT (WQM) PERMITS**

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

Location	Permit Authority	Application Type or Category
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062596 (Sewage)	Laceyville Borough Joint Municipal Authority Tannery Street Laceyville, PA 18623	Wyoming County Laceyville Borough	Little Tuscarora Creek (4-D)	Y
PA0008346 (Industrial Waste)	PA American Water Susquehanna WTP Harmony Township Susquehanna, PA 18847	Susquehanna County Harmony Township	East Branch Canawacta Creek (4-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS203502 (Stormwater)	Bonney Forge Corporation PO Box 330 Mount Union, PA 17066	Huntingdon County Shirley Township	UNT to Juniata River / 12-C	Y
PA0032506 (Sew)	PA DCNR Reeds Gap State Park 1405 New Lancaster Valley Road Milroy, PA 17063-9517	Mifflin County Armagh Township	Honey Creek / 12-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0113433 (Sewage)	Lanny Fetterman SFTF 2074 Old Reading Road, Catawissa, PA 17820	Roaring Creek Township, Columbia County	Roaring Creek (5E)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PAS804809 (Stormwater)	Buckeye Energy Services LLC- South Williamsport Terminal 1466 Sylvan Dell Road South Williamsport, PA 17702	Lycoming County Armstrong Township	West Branch Susquehanna River (10C)	Y
PA0228346 (Sewage)	Huston Township Wastewater Treatment Plant PO Box 121 Penfield, PA 15849	Clearfield County Huston Township	Tyler Run (8A)	Y

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

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

NPDES Permit No. PA0261602, Sewage, **James W. Henry Estate**, 3831 Snavely Road, Middletown, PA 17057.

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

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Swatara Creek in Watershed 7-D.

NPDES Permit No. PAS603507, Industrial Waste, **Ames True Temper Inc.**, 12 Industrial Park Road, Lewistown, PA 17044.

This proposed facility is located in Granville Township, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Juniata River in Watershed 12-A.

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

PA0114740, Industrial Waste, SIC Code 4941, **Aqua Pennsylvania, Inc.**, 204 E Sunbury Street, Shamokin, PA 17872-4826. Facility Name: Aqua Pennsylvania, Inc.

This existing facility is located in Coal Township, **Northumberland County**.

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

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

NPDES Permit No. PA0254321, Sewage, **German Township Sewer Authority**, 2 Long Street, McClellandtown, PA 15458-1426

This proposed facility is located in German Township, **Fayette County**

Description of Proposed Action/Activity: Permit issuance to discharge treated sewage.

NPDES Permit No. PA0254355, Sewage, **Robert D. Weitzel**, 435 Comanche Lane, Stoystown, PA 15563

This proposed facility is located in Indian Lake Borough, **Somerset County**

Description of Proposed Action/Activity: Permit issuance to discharge treated sewage.

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

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

WQM Permit No. 1505414, Sewage, Renewal, **Coatesville Catholic Regional School**, 2835 Manor Road, West Brandywine, PA 19320.

This proposed facility is located in West Brandywine Borough, **Chester County**.

Description of Action/Activity: Renewal of the existing Water Quality Management permit serving and elementary school, church, chapel, parish center and rectory.

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

WQM Permit No. 3103401, Amendment 11-1, Sewage, **Alexandria Borough-Porter Township Joint Sewer Authority**, PO Box 113, Alexandria, PA 16611

This proposed facility is located in Porter Township, **Huntingdon County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewerage facilities consisting of: approximately 70, 470' of 8" PVC gravity sewer, 2,000' of 4" PVC force main, 13,800' of 3" PVC force main, 12 grinder pumps, five new lift pump stations, and all other related appurtenances to serve 266 homes in Juniata Valley Pike, South Porter area, Baree Road/Baree Village, and Loop Road of Porter Township.

WQM Permit No. 2805402 Amendment 11-1, Sewage, **Quincy Sewer Authority**, 7575 Mentzer Gap Road, Waynesboro, PA 17268.

This proposed facility is located in Quincy Township, **Franklin County**.

Description of Proposed Action/Activity: Amendment approval for the modification of sewerage facilities consisting of the installation of a diffused air system in the existing aeration tanks. Equipment includes diffusers, blowers, air piping, and valves.

WQM Permit No. 6709401 Amendment 11-1, Sewage, **Southwestern School District**, 225 Bowman Road, Hanover, PA 17331.

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

Description of Proposed Action/Activity: Amendment approval for the modification of sewage facilities consisting of a 5,000 gallon equalization tank with two submersible pumps and coarse bubble diffuser and flow control box prior to aeration chamber.

WQM Permit No. 2210402, Sewage, **James W. Henry Estate**, 3831 Snavely Road, Middletown, PA 17057.

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

Description of Proposed Action/Activity: Permit approval for the construction and operation of sewage facilities consisting of a dual 1000- gallon Septic tank, STB-650 Ecoflo peat filter, 300- gallon dosing tank and UV for disinfection.

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

WQM Permit No. 5610404, Sewerage, **Robert D. Weitzel**, 435 Comanche Lane, Stoystown, PA 15563

This proposed facility is located in Indian Lake Borough, **Somerset County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewage treatment plant.

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

WQM Permit No. 4208402, Sewage, **Amendment No. 2, Norwich Township**, 3853 West Valley Road, Smethport, PA 16749.

This existing facility is located in Norwich Township, **McKean County**.

Description of Proposed Action/Activity: Issuance of a WQM Permit, Amendment No. 2, of the previously issued permit to extend the collection piping on Christian Hollow Road by adding approximately 6,100 linear feet of low pressure sewer to convey sewage from the eastern reaches of the Christian Hollow Road to the previously permitted wastewater collection and treatment system, which is currently under construction. This addition of pressure sewer will serve 13 additional customers

WQM Permit No. WQ018804, Sewage, **Jackie Schiffer**, 940 Cooperstown Road, Cooperstown, PA 16317.

This proposed facility is located in Oakland Township, **Venango County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

WQM Permit No. 2504414, Sewage, **Amendment No. 1, Larry Hites d/b/a Calfin's Place**, 495 Route 6N, Edinboro, PA 16412.

This proposed facility is located in Elk Creek Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Permit for replacement of a sand filter of a commercial Small Flow Treatment Facility.

WQM Permit No. 4287401, Sewage, **Amendment No. 1, Hamilton Township**, P. O. Box 23, Ludlow, PA 16333.

This existing facility is located in Hamilton Township, **McKean County**.

Description of Proposed Action/Activity: Issuance of a WQ Permit to raise the pH levels of the STP effluent by using a soda ash slurry using an LMI series A74 pump mounted on a 35 gallon polyethylene tank and feed to the influent stream at the STP.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 091101	Frederick Belforti 2025 Freeh Lane Quakertown, PA 18951	Bucks	Springfield Township	Cooks Creek (EV-MF)
PAI01 1506001-R	Upper Uwchlan Township 140 Pottstown Pike Chester Springs, PA 19425	Chester	Upper Uwchlan Township	Marsh Creek (HQ-TSF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151101	Matthew Yates PO Box 180 New London, PA 19360	Chester	New London Township	Hodgson Run (HQ-TSF-MF)
PAI01 151106	Thomas Whitford 933 Field Club Road Pittsburgh, PA 15238	Chester	Willistown Township	Crum Creek (HQ-CWF-MF)
<i>Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025410002	Signature Springs LLC 600 New Hampshire Ave. NW Washington DC 20037	Schuylkill	East Union Twp.	UNT to Davis Run, HQ-CWF, MF
PAI024810013	City of Bethlehem 10 East Church Street Bethlehem, PA 18018	Northampton	City of Bethlehem	Lehigh River, WWF, MF - and - Saucon Creek, HQ-CWF, MF
<i>Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701</i>				
<i>Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106(5)	Ian Salada 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
<i>Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI093710001	PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Lawrence County	Little Beaver Township	Unnamed Tributary to Beaver Dam Run To Beaver Dam Run/HQ-CWF

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs

PAG-13 Stormwater Discharges from MS4

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Warminster Township Bucks County	PAG0200 0910053	JERC Partners VIII, LP 171 Route 173, Ste 201 Asbury, NJ 08802	Pennypack Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chester City Delaware County	PAG0200 2311004	Chester Economic Dev Auth PO Box 407 511 Welsh Street Chester, PA 19016-0407	Chester Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511043	Brighter Hope, LP 350 Sentry Parkway Building 630, Suite 300 Blue Bell, PA 19422	Delaware River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Moosic Borough, Lackawanna Co.	PAG02003511004	Rich Pettinato Preferred Meals 4135 Birney Ave. Moosic, PA 18507	Lackawanna River, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Dupont Borough - and - Pittston Twp., Luzerne Co.	PAG02004010024	Wilkes-Barre/Scranton International Airport 100 Terminal Drive Avoca, PA 18641	Lidy Creek, CWF, MF - and - Spring Brook, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Larksville Bor., Luzerne Co.	PAG02004011003	Wyoming Valley West School District Charles P. Suppon 450 N. Maple Ave. Kingston, PA 18704	Susquehanna River, WWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Lemon Twp., Wyoming Co.	PAG02006611002	Southwestern Energy 2350 N. Sam Houston Parkway East Houston, TX 77032	Tunkhannock Creek, TSF, MF	Wyoming Co. Cons. Dist. 570-836-2589
Logan Township, Blair County	PAG2000711004	Sheetz, Inc, 5700 Sixth Avenue, Altoona, PA 16602	Unnamed Tributary to Sandy Run (CWF)	Blair County Conservation District, 814-696-0877 ext 5
Ralpho Township Northumberland County	PAG2044910018	Shamokin-Coal Twp Joint Sewer Authority 114 Bridge St Shamokin, PA 17872	Shamokin Creek WWF	Northumberland County Conservation District RR 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, X 4
Duncan Township Tioga County	PAG2005911006	Babb Creek Watershed Association 2051 Reed St Williamsport, PA 17701	UNT to Smallpox Creek CWF-MF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, X 3
Edinboro Boro Erie County	PAG02 0025 10 013	Edinboro University of Pennsylvania Construction Office McNerny Hall, Suite 207 Edinboro PA 16444	Darrows Creek / Upper French Creek Watershed WWF	Erie Conservation District 814-825-6403

*General Permit Type—PAG-3**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Muncy Township,
Lycoming CountyPAR114801
(Stormwater)Andritz, Inc.
35 Sherman Street
Muncy, PA 17756West Branch
Susquehanna River,
WWFNorthcentral
Regional Office
Water Management
Program
208 West Third Street,
Suite 101
Williamsport, PA 17701
(570) 327-3664Milton Borough,
Lycoming CountyPAR804801
(Stormwater)ACF Industries, LLC
417 N. Arch Street
Milton, PA 17847West Branch
Susquehanna River,
WWFNorthcentral
Regional Office
Water Management
Program
208 West Third Street,
Suite 101
Williamsport, PA 17701
(570) 327-3664City of Williamsport
Lycoming County

PAR204824

JW Aluminum Company
2475 Trenton Avenue
Williamsport, PA
17701-7904

Fox Hollow—10-A

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

PAR228311

Meridien Hardwoods
of PA, Inc.
P. O. Box 227
Old Pittsfield Road
Pittsfield, PA 16340

Brokenstraw Creek 16-B

DEP NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
814/332-6942*General Permit Type—PAG-4**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Berks County /
Cumru Township

PAG043650

Robert Heist
500 Heist Lane
Mohnton, PA 19540

Angelica Creek / 3-C

DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707Oakland Township
Venango County

PAG041035

Jackie Schiffer
940 Cooperstown Rd.
Cooperstown, PA 16317Unnamed tributary to
East Branch Sugar
Creek 16-DDEP NWRO
Water Management
230 Chestnut St.
Meadville, PA 16335
814-332-6942*General Permit Type—PAG-8**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Site Name &
Location**Contact Office &
Phone No.*Throop Borough,
Lackawanna
County

PAG082212

Lackawanna River Basin
Sewer Authority Throop
P. O. Box 9068
Dickson City, PA 18579Lackawanna River Basin
Sewer Authority Throop
R.145 Boulevard Ave.
Throop, PA 18579PA DEP NERO
2 Public Square
Wilkes-Barre, PA
18701-1915
570-826-2511

General Permit Type—PAG-10

*Facility Location:
Municipality &
County*

Troy Township
Bradford County

Permit No.
PAG104820

*Applicant Name &
Address*
Tennessee Gas
Pipeline Co.
El Paso Corportion
1001 Louisiana Street
750 F
Houston, TX 77002

*Receiving
Water / Use*
Unnamed Tributary to
South Branch Sugar
Creek—4-C

*Contact Office &
Phone No.*
DEP Northcentral
Regional Office
Water Management
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448
570.327.3664

General Permit Type—PAG-12

*Facility Location:
Municipality &
County*

Lebanon County /
South Annville
Township

Permit No.
PAG123702

*Applicant Name &
Address*
Reid & Diane Hoover
400 Mt. Wilson Road
Lebanon, PA 17042

*Receiving
Water / Use*
UNT Bachman Run /
TSF / 7-J

*Contact Office &
Phone No.*
DEP—SCRO—
Watershed Management
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4802

Dauphin County
Washington
Township

PAG123650

Barry Wilcher
920 West Matterstown
Road
Millersburg, PA 17061

UNT Wiconisco Creek /
WWF / 6-C

DEP—SCRO—
Watershed Management
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4802

York County
Chanceford
Township

PAG123701

David & Cathy
Reifsneider
Gobblers Knob
Turkey Farm
2596 New Bridgeville
Road
Felton, PA 17322-7705

Beaver Creek /
CWF / 7-I

DEP—SCRO—
Watershed Management
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4802

York County
Lower Chanceford
Township

PAG123703

Bob Gochenaur
Stone Chimney Hollow
Farm
3449 Delta Road
Airville, PA 17302

Orson Run / TSF / 7-I

DEP—SCRO—
Watershed Management
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4802

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapters 77 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

*The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

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

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724.769.1100

NPDES No. PA0235873 (Mining Permit No. 65091301), **C&D Coal Company**, (145 Ivy Lane, Tazwell, VA 24651). A new NPDES and mining activity permit for the Kingston West Mine in Derry Township, **Westmoreland County** a new underground mine. Surface Acres Affected 10.0, Underground Acres Affected 999.0. Receiving stream: Unnamed Tributary to Loyalhanna Creek, classified for the following use: WWF. Kiskiminetas-Conemaugh River Watershed/TMDL. Application received April 29, 2009.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The proposed average daily discharge rate for Outfall 001 is 0.247 MGD (precipitation dependent)

Outfall 001 discharges to: Unnamed Tributary to Loyalhanna Creek

The proposed effluent limits for Outfall 001 Lat: 40° 21' 29" Long: 79° 23' 07" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		1.50	2.34	
Manganese (mg/l)		1.00	1.56	
Aluminum (mg/l)		0.50	0.75	
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mOs/kg)			Monitor and Report	
Total Dissolved Solids (mg/l)			Monitor and Report	
Sulfates (mg/l)			Monitor and Report	
Chlorides (mg/l)			Monitor and Report	

¹The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 002 is 0.220 MGD (precipitation dependent)

Outfall 002 discharges to: Unnamed Tributary to Loyalhanna Creek

The proposed effluent limits for Outfall 001 Lat: 40° 21' 27" Long: 79° 23' 02.5" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		1.50	2.34	
Manganese (mg/l)		1.00	1.56	
Aluminum (mg/l)		0.50	0.75	
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mOs/kg)			Monitor and Report	
Total Dissolved Solids (mg/l)			Monitor and Report	
Sulfates (mg/l)			Monitor and Report	
Chlorides (mg/l)			Monitor and Report	

¹The parameter is applicable at all times.

The proposed average daily discharge rate for Outfall 003 is 0.576 MGD

Outfall 003 discharges to: Unnamed Tributary to Loyalhanna Creek

The proposed effluent limits for Outfall 003 Lat: 40° 21' 32.8" Long: 79° 23' 11.9" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		1.50	2.34	
Manganese (mg/l)		1.00	1.56	
Aluminum (mg/l)		0.50	0.75	
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (mOs/kg)		50	78	
Total Dissolved Solids (mg/l)			Monitor and Report	
Sulfates (mg/l)			Monitor and Report	
Chlorides (mg/l)			Monitor and Report	

¹The parameter is applicable at all times.

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publica-

tion 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. 3611504, Public Water Supply.

Applicant	City of Lancaster
Municipality	West Lampeter Township
County	Lancaster
Responsible Official	Robert J Ruth PE, Deputy Director of Public Works/City Engineer 120 North Duke Street PO Box 1599 Lancaster, PA 17608-1599
Type of Facility	Installation of Willow Street Booster Pump Station and transmission mains.
Consulting Engineer	Matthew D Warfel The ARRO Consulting, Inc. 108 West Airport Road Lititz, PA 17543
Permit to Construct Issued:	4/21/2011

Operations Permit issued to: **The York Water Company**, 7670100, Spring Garden Township, **York County** on 4/21/2011 for the operation of facilities approved under Construction Permit No. 6706515.

Operations Permit issued to: **Greencastle Area, Franklin County**, Water Authority, 7280014, Antrim Township, Franklin County on 4/11/2011 for the operation of facilities approved under Construction Permit No. 2807504.

Operations Permit issued to: **Leola Sewer Authority**, 7360140, Upper Leacock Township, **Lancaster County** on 4/21/2011 for the operation of facilities approved under Construction Permit No. 3611512 MA.

Operations Permit issued to: **Oley Township Municipal Authority**, 3060053, Heidelberg Township, **Berks County** on 4/21/2011 for the operation of facilities approved under Construction Permit No. 0610516 MA.

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

Permit No. Minor Amendment—Construction Public Water Supply.

Applicant	Mifflinburg Borough Municipal Authority
[Township or Borough] County	Mifflinburg Borough Union
Responsible Official	Mr. Steve B. Benner Mifflinburg Borough Municipal Authority 5 North 5th Street, Suite 1 Mifflinburg, PA 17844
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 22, 2011
Description of Action	Modifications to the backwash tank and rehabilitation of Filters 1 and 2.

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

Permit No. 2511502 , Public Water Supply	
Applicant	Waterford Municipal Authority
Township or Borough	Waterford Borough
County	Erie County
Type of Facility	Public Water Supply
Consulting Engineer	August E. Maas, PE
Permit to Construct Issued	04/19/2011

Permit No.1099201-T1-MA1 , Public Water Supply	
Applicant	Cranberry Township
Township or Borough	Cranberry Township
County	Butler County
Type of Facility	Public Water Supply
Consulting Engineer	Charles K. Brence, PE
Permit to Construct Issued	04/25/2011

Operations Permit issued to **Borough of Wampum**, PWSID, #6370032, Wampum Borough, **Lawrence County**. Permit Number 3780501-MA1, issued April 15, 2011, for operation of 4-Log treatment of viruses for Entry Point No. 101 and No. 102. This permit action is taken under the requirements of the Groundwater Rule and is applied to operation permit 3780501.

Operations Permit issued to **Fairview Township Water Authority**, PWSID, #6250040, Fairview Township, **Erie County**. Permit Number 4224-T2-MA4, issued April 22, 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 4224-T2.

Operations Permit issued to **Fairview Township Water Authority**, PWSID, #6250040, Fairview Township, **Erie County**. Permit Number 2584501-T2-MA3, issued April 22, 2011, for operation of 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 2584501-T2.

Operations Permit issued to **Girard Borough**, PWSID, #6250049, Girard Borough, **Erie County**. Permit Number 2503501-MA1, issued April 22, 2011, for operation of 4-Log treatment of viruses for Entry Point No. 100, 101, and 104. This permit action is taken under the requirements of the Groundwater Rule and is applied to operation permit 2503501.

Operations Permit issued to **Grove City Borough**, PWSID, #6430040, Grove City Borough, **Mercer County**. Permit Number 4300501-MA1, issued April 25, 2011, for operation of 4-Log treatment of viruses for Entry Point

No. 101 and 102. This permit action is taken under the requirements of the Groundwater Rule and is applied to operation permit 4300501.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West St Clair Township	PO Box 92 Alum Bank, PA 15521	Bedford County

Plan Description: The approved plan provides for the extension of sanitary sewer collection service to the Grandview area along Wayne Boulevard in West St. Clair Township. The project will serve 3 existing homes and will produce 1200 gallons per day of sewage flow. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location: Located at 151 Shatto Drive, Carlisle in North Middleton Township, Cumberland County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Middleton Township	2051 Spring Road, Carlisle, PA 17013	Cumberland

Plan Description: Approval of a revision to the Official Sewage Plan of North Middleton Township, Cumberland County. The approved plan provides for a Small Flow Treatment Facility (SFTF) to serve the existing Marjorie Greeger dwelling at 151 Shatto Drive in the Kendor Summit development in North Middleton Township. The proposed SFTF is to repair a malfunctioning on-lot sewage system. It will have a treated discharge of 400 gallons per day to the Conodoguinet Creek. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bethel Township	3015 South Pine Grove St., Fredericksburg, Pa 17026	Lebanon

Plan Description: The approved plan provides for a relocation of the sewage treatment plant, changing the discharge point to the Little Swatara Creek and the expansion of the existing 0.15 MGD sewage treatment plant to 0.65 MGD at full build out. This project expands the scope of previously approved planning in Bethel Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Newport Borough	231 Market Street, Newport, PA 17074	Perry

Plan Description: The approved plan provides for a biological nutrient reduction upgrade to the existing sewage treatment plant in order to comply with the Chesapeake Bay Tributary Strategy. The capacity of the sewage treatment plant will be an annual average daily flow of 0.4 MGD with a provision to expand by 0.173 MGD to accommodate the future sewage disposal needs of Howe Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Hanover Township	7171 Allentown Boulevard Harrisburg PA 17112	Dauphin

Plan Description: The approved plan provides for a biological nutrient reduction upgrade of the existing 0.78 MGD average daily flow sewage treatment plant in order to meet the Chesapeake Bay Tributary Strategy. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
York Township	190 Oak Road, Dallastown, PA 17313	York County

Plan Description: Bridgewater, DEP Code No. A3-67971-613-3: The approved plan revision consists of a 535 lot single-family and multi-family residential subdivision on 63 acres with 318 single-family residential lots, 110 twin-unit lots, and 106 multiple unit townhome lots and one open space lot. Total estimated sewage flows are 213,600 gpd tributary York Township's collection and conveyance system, and ultimately, the Springettsbury Township Wastewater Treatment Plant. The project will be constructed in five phases, and the later phases will require an upgrade to the Township's collection and conveyance system, which will require a Departmental permit at that time. The proposed subdivision is located on the north side of Dusquene just north of Springwood Road and just west of Chestnut Hill Road in York Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hopewell Township	P. O. Box 429, Stewartstown, PA 17363-0429	York County

Plan Description: Bridgeview, DEP Code No. A3-67930-205-3: The approved plan revision consists of a 141 lot single-family and multi-family residential subdivision on

31.32 acres with 138 building lots and three open space lots. Total estimated sewage flows are 31,740 gpd tributary to an on-site proposed pump station, the existing Bailey's Pump Station #1 and ultimately, the Stewartstown Borough Wastewater Treatment Plant. The proposed subdivision is located on the south side of Bridgeview Road between Valley Road and Bailey Drive in Hopewell Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Bethlehem Commerce Center-Slag Bank 4, Bethlehem City, **Northampton County**. Kenneth G. Robbins, HDR Engineering, 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 has submitted a Remedial Investigation Report (on behalf of his client, Lehigh

Valley Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164), concerning the remediation of soil found to have been impacted by VOCs, Semi-VOCs and Inorganic constituents as a result of historical operations at the former Bethlehem Steel Plant. The report was submitted in partial fulfillment of the Site-Specific Standard. A public notice regarding the submission of the Remedial Investigation Report was published in *The Express Times* on March 17, 2011.

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

Steven Fenton Residence / Harmony Estates MHP, North Middleton Township, **Cumberland County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Keystone Oil Products Corporation, 1600 Hummel Avenue, Camp Hill, PA 17011-5527; P.C. Sekhar Chadaga, 110 Inverness Drive, Blue Bell, PA 19422-3202; and Steven Fenton, 30 Coral Drive, Carlisle, PA 17013-7439, submitted a Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

L. B. Marks Leasing Company, North Lebanon and Swatara Townships, **Lebanon County**. Liberty Environmental, Inc, 50 North Fifth Street, 5th Floor, Reading, PA 19601, on behalf of L. B. Marks Leasing Company, 1720 Grace Avenue, Lebanon, PA 17046, submitted a Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health and Site Specific Standards.

Allen Krause Residence, Paradise Township, **Lancaster County**. GemChem Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Allen Krause, 3208 Lincoln Highway East, Paradise, PA 17562, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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.

D. Grosvenor 1H/2V Well Site, Intersection of SR 3001 and SR 3019, Dimock Township, **Susquehanna County**. Dawn Washo, Resource Environmental Management, Inc., 36 Taylor Lane, Montrose, PA 18801 submitted a Final Report (on behalf of her 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 hydraulic fluid as a result of a release during the offloading of a forklift from a transport truck. The report documented attainment of the Statewide Health Standard for soil and was approved on April 18, 2011. The report was originally submitted within 90 days of the release.

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

Steven Fenton Residence / Harmony Estates MHP, North Middleton Township, **Cumberland County**. Marshall Miller & Associates, Inc., 3913 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Keystone Oil Products Corporation, 1600 Hummel Avenue, Camp Hill, PA 17011-5527; P.C. Sekhar Chadaga, 110 Inverness Drive, Blue Bell, PA 19422-3202; and Steven Fenton, 30 Coral Drive, Carlisle, PA 17013-7439, submitted a Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on April 21, 2011.

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

Dhaliwal Transport, Interstate 80@MM190E, Greene Township, **Clinton County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857, on behalf of Dhaliwal Transport, 1856 Chatfield Circle, Stockton, CA 95206, 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 20, 2011.

Universal Well Services Site, City of Williamsport, **Lycoming County**, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Universal Well Services, 250 Arch St., Williamsport, PA 17701 has submitted a Final Report within 90 days of the release 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 18, 2011.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

General Permit Registration No. WMGR123NC005. Eureka Resources, LLC, 419 Second Street, Williamsport, PA 17701. Registration to operate under General Permit No. WMGR123 for treatment and reuse of gas well frac water and production water. The registration was approved by Northcentral Regional Office on April 21, 2011.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 301220. Clean Earth Of Philadelphia, Inc., 3201 South 61st Street, Philadelphia PA 19153-3502, City of Philadelphia, **Philadelphia County**. This permit was issued to allow for the short-term, continued operation of the Clean Earth of Philadelphia, Inc., facility, an existing residual waste processing facility, during the review of the facility's 10-year renewal application. The permit was issued by the Southeast Regional Office on April 21, 2011.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

Permit Application No. 101649. Phoenix Resources, Inc., 782 Antrim Road, Wellsboro, PA 16901, Duncan Township, **Tioga County**. The minor permit modification is for a change in operating hours and the solidification of waste. The permit was issued by the Northcentral Regional Office on April 19, 2011.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412.442.4000.

Permit ID #100663. Kelly Run Sanitation, Inc., 625 Cherrington Parkway, Moon Township, PA 15108. Kelly Run Landfill, State Route 51, 1500 Hayden Boulevard, Elizabeth, PA 15037-0333. Operation of a municipal waste landfill in Forward Township, **Allegheny County**. Permit renewal issued in the Regional Office on April 21, 2011.

Permit ID #101565. Ambridge Transfer Station, 2197 Duss Avenue, Ambridge PA 15003. Operation of a municipal waste transfer station located in Ambridge Borough, **Beaver County**. Permit renewal issued in the Regional Office on April 22, 2011.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

GP3-36-03185: Mellott Co. (100 Mellott Drive, Warfordsburg, PA 17267) on April 19, 2011, to install and operate a portable nonmetallic mineral processing plant at the Pennsy Supply East Petersburg Quarry in East Hempfield Township, **Lancaster County**.

GP11-36-03185: Mellott Co. (100 Mellott Drive, Warfordsburg, PA 17267) on April 19, 2011 for to install and operate two non-road diesel engines at the Pennsy Supply East Petersburg Quarry in East Hempfield Township, **Lancaster County**.

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

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

GP9-59-197A: Glenn O. Hawbaker, Inc. (782 Antrim Road, Wellsboro, PA 16901) on April 8, 2011, to construct and operate one Caterpillar Model C-9 diesel-fired engine equipped with an oxidation catalyst with a rating of 480 brake horsepower (bhp) equipped with an oxidation catalyst pursuant to the General Plan Approval and /or General Operating Permit BAQ-GPA/GP-9: Diesel or #2

fuel-fired Internal Combustion Engines, at their Plant #25—Antrim facility located in Duncan Township, **Tioga County**.

GP3-08-340A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on April 15, 2011, to construct and operate a portable non-metallic mineral screener with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Plant #37—Bradford County Quarry located in Burlington Borough, **Bradford County**.

GP11-08-340A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on April 15, 2011, to construct and operate one Deutz model TCD2013L04 diesel-fired engine with a rating of 167 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at their Plant #37—Bradford County Quarry in Burlington Borough, **Bradford County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

01-05016L: ISP Minerals, Inc. (1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) on April 13, 2011, to install a replacement baghouse for the 48" Gyradisc 300 secondary crusher at their stone quarrying facility in Hamiltonban Township, **Adams County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401 Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

15-0060D: SECCRA Landfill (P. O. Box 221, Kennett Square, PA, 19348) On April 15, 2011, to operate an enclosed flare in London Grove Township, **Chester County**.

46-0094A: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA, 19422) On April 15, 2011, to operate an asphalt plant in Whitemarsh Township, **Montgomery County**.

09-0010: TEVA Pharmaceuticals USA, Inc. (650 Cathill Road, Sellersville, PA, 18960) On April 15, 2011, to operate a dust collector in West Rockhill Township, **Bucks County**.

09-0152B: Gelest, Inc. (11 East Steel Road, Morrisville, PA, 19067) On April 15, 2011, to operate a dust collector in Falls Township, **Bucks County**.

46-0032D: SPS Technologies, Inc. (301 Highland Avenue, Jenkintown, PA, 19046) On April 21, 2011, to operate a metal alloys plating line in Abington Township, **Montgomery 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

06-05109A: Atlas Minerals & Chemicals (1227 Valley Road, PO Box 38, Mertztown, PA 19539) on April 22, 2011, to construct a second asphalt processing line controlled by an oil knockout tank and an afterburner, at their facility in Longswamp Township, **Berks County**. This plan approval was extended.

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

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

PA-04-00725A: Pennsylvania Biodiesel, Inc (759 Northgate Circle, New Castle, Pa 16105) on April 21, 2011 for an extension of the Plan Approval for the temporary operation and to conduct an initial operating permit inspection of the facility located at Potter Township, **Beaver County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

40-00044: Toledo Furniture, Inc. (152 Horton Street, Wilkes-Barre, PA 18702-3433) on April 20, 2011, to operate a wood fired boiler, spray booth, and heat tunnel at their cabinet and countertop manufacturing facility in the City of Wilkes-Barre, **Luzerne County**.

54-00057: Reading Anthracite Co. (P O Box 1200, Pottsville, PA 17901) a State Only Operating Permit for Anthracite Mining operation in Butler Township, **Schuylkill County**.

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

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

29-03001: JLG Equipment Service, Inc. (1 JLG Drive, McConnellsburg, PA 17233-9502) on April 12, 2011, for the military boom and scissor lift products repairing and reconditioning facility in Ayr Township, **Fulton County**. This is a renewal of the State-only operating permit.

07-03048: Chimney Rocks Animal Rest, Inc. (524 Chimney Rocks Road, Hollidaysburg, PA 16648-9501) on April 14, 2011, for their animal crematory in Blair Township, **Blair County**. This is a renewal of the State-only operating permit.

67-03154: Service Tire Truck Center, Inc. (2800 Concord Road, York, PA 17402-7012) on April 21, 2011, for the truck tire retreading facility in Springettsbury Township, **York County**.

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

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

04-00412: PSC Metals (5875 Landerbrooke Dr, Cleveland OH 44124) on April 21, 2011, issued a State Only Operating Permit renewal to PSC Metals to authorize the operation of their auto shredder facility at the Koppel plant located in Big Beaver Borough, **Beaver County**. Annual emissions from the facility are estimated to be less than 5 tons of total particulate matter. Emissions from these sources are controlled through the use of a water spray system and a cyclone. The facility is subject to the applicable requirements of Title 25 PA Code, Chapters 121 through 145. The Department believes that the facility will meet these requirements by complying with State Only Operating Permit conditions relating to restrictions, monitoring, recordkeeping, reporting and work practice standards. 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

0-00273: Superior Adsorbents—Emlenton Plant (3539 Oneida Valley Road, P. O. Box 566, Emlenton, PA 16373) on April 19, 2011, to re-issue a Natural Minor Permit to operate this activated carbon processing plant in the Allegheny Township, **Butler County**.

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

46-00025: Johnson Matthey Inc. (900 River Road, Conshohocken, PA 19428) on April 20, 2011, for a minor modification of the Title V Operating Permit in Upper Merion Township, **Montgomery County**. This title V Operating Permit was administratively amended due to a minor modification.

23-00003: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061) On April 20, 2011, for a Title V Operating Permit Minor Modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.462 and 127.542 in Trainer Borough, **Delaware County**. Modification to add additional nitrogen oxides emission limits to its fluidized catalytic cracking unit, and specify H₂S monitoring requirements. The permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

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

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

67-03001: Frito-Lay, Inc. (3553 Gillespie Drive, York, PA 17404-5803) on April 21, 2011, for their snack food manufacturing facility in West Manchester Township, **York County**. The State-only permit was administratively amended to reflect a change of ownership.

36-05118: RR Donnelley Financial, Inc. (391 Steel Way, PO Box 3780, Lancaster, PA 17601-3153) on April 22, 2011, for their printing facility in Lancaster City,

Lancaster County. The State-only permit was administratively amended to reflect a change of ownership.

06-05065: Glen Gery Corp. (423 South Pottsville Pike, Shoemakersville, PA 19555-9742) on April 22, 2011, for their brick manufacturing facility located in Perry Township, **Berks County.** The Title V permit was modified to add synthetic minor limits for hazardous air pollutants (HAPs).

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

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

OP-04-00218: NF&M International, Inc. (1729 Pennsylvania Avenue, Monaca, PA 15061). Per Title 25 Pa. Code Section 127.449(i), this Notice is for the following de minimis emission increase at the NF&M International, Inc., facility located in Monaca, **Beaver County:**

Emissions from this project will not exceed 0.01 tpy HF or 0.01 tpy HNO₃ from the installation and operation of a nitric acid/hydrofluoric acid pickling line controlled by a 1,100 acfm at 95 degrees F, MAPCO model no. MW-200, packed column scrubber. The list of de minimis increases includes only this project.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

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

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

COAL PERMITS ACTIONS

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

30081601 and NPDES Permit # PA0235792, Coresco, LLC, (308 Dents Run Road, Morgantown, WV 26501-2006), to revise the permit for the Overland Conveyor in Dunkard Township, **Greene County** to replace two sediment traps with a sedimentation pond and to revise the NPDES permit to add a new discharge point, #006. Receiving stream: Unnamed Tributary to Crooked Creek, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is East Dunkard Township Water Authority and intake: Monongahela River. Application received: March 11, 2010. Permit issued: April 25, 2011.

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

56950105 and NPDES No. PA0213136. Marquise Mining Corporation, 3889 Menoher Boulevard, Johnstown, PA 15905, permit renewal for the continued operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 245.0 acres. Receiving stream(s): unnamed tributaries to Wells Creek and unnamed tribs to Stonycreek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Authority. Application received: November 16, 2010. Permit issued: April 15, 2011.

32663056 and NPDES No. PA0606111. Beilchick Brothers, P.O. Box 7, Heilwood, PA 15745, permit renewal for the continued operation and restoration of a bituminous surface mine in Pine Township, **Indiana County**, affecting 748.0 acres. Receiving stream(s): unnamed tributaries to Yellow Creek classified for the following use(s): high quality cold water fishery. The first downstream potable water supply intake from the point of discharge is Indiana County Water Authority Yellow Creek Surface Water Withdrawal. Application received: October 12, 2010. Permit issued: April 20, 2011.

56090110 and NPDES No. PA0262862. Wilson Creek Energy, LLC, 140 West Union Street, Somerset, PA 15501, transfer of an existing bituminous surface and auger mine from Godin Mining, Inc., 128 Colton Drive, Stoystown, PA 15563, located in Jenner Township, **Somerset County**, affecting 91.9 acres. Receiving stream(s): unnamed tributaries to Quemahoning Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority. Application received: November 18, 2010. Permit issued: April 21, 2011.

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

02090201 and NPDES Permit No. PA0251909. Coal Valley Sales, LLC (111 Freeport Road, Pittsburgh, PA 15215). Permit issued for commencement, operation, and reclamation of a bituminous surface mining site/coal reprocessing facility located in West Deer and Indiana Townships, **Allegheny County**, affecting 260.6 acres. Receiving streams: unnamed tributary to Little Deer Creek. Application received: March 11, 2010. Permit issued: April 19, 2011.

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

10100102 and NPDES Permit No. PA0258962. Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Commencement, operation and restoration of a bituminous strip operation in Allegheny Township, **Butler County** affecting 68.0 acres. Receiving streams: Unnamed tributaries to North Branch Bear Creek. Application received: October 13, 2010. Permit Issued: April 19, 2011.

5380-10100102-E-1. Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Application for a stream encroachment to conduct mining activities within 100 feet but no closer than 25 feet of unnamed tributaries 6a and 6b to North Branch Bear Creek in Allegheny Township, **Butler County**. Receiving streams: Unnamed tributaries to North Branch Bear Creek. Application received: October 13, 2010. Permit Issued: April 19, 2011.

16940107 and NPDES Permit No. PA0226831. RFI Energy, Inc. (P. O. Box 162, Sligo, PA 16255) Revision to add 61.0 acres to the surface mining permit for a dragline walk area in Perry & Licking Townships, **Clarion County** affecting 278.0 acres. Receiving streams: Five unnamed tributaries to Cherry Run. Application received: February 2, 2011. Permit Issued: April 19, 2011.

16940107-GP101-1. RFI Energy, Inc. (P. O. Box 162, Sligo, PA 16255) Application for a general permit to install and use a temporary road crossing 650 feet south of the Cherry Run intersection with S.R. 2009 in Perry & Licking Townships, **Clarion County**. Receiving streams: Five unnamed tributaries to Cherry Run. Application received: February 2, 2011. Permit Issued: April 19, 2011.

16940107-GP101-2. RFI Energy, Inc. (P. O. Box 162, Sligo, PA 16255) Application for a general permit to install and use a temporary road crossing 350 feet west of an unnamed tributary to the Cherry Run intersection with T-368 in Perry & Licking Townships, **Clarion County**. Receiving streams: Five unnamed tributaries to Cherry Run. Application received: February 2, 2011. Permit Issued: April 19, 2011.

43850105 and NPDES Permit No. PA0108758. Grove City Materials, LP (3340 U.S. Route 422, New Castle, PA 16101) Renewal of an existing bituminous strip and limestone removal operation in Pine & Mercer Townships, **Mercer & Butler Counties** affecting 103.0 acres. Receiving streams: Two unnamed tributaries to Swamp Run. Application received: February 28, 2011. Permit Issued: April 20, 2011.

NONCOAL PERMITS ACTIONS

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

32900301 and NPDES No. PA0598712. Edward C. Griffith Quarrying, Inc., 14472 Rt. 119 Highway North, Rochester Mills, PA 15771, revision of an existing bituminous surface mine to change the land use from pastureland and/or land occasionally cut for hay to

commercial/industrial land in North Mahoning Township, **Indiana County**, affecting 45.3 acres. Receiving stream(s): unnamed tributaries to 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: December 2, 2010. Permit issued: March 31, 2011.

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

37950304. Glacial Sand & Gravel Co. (P. O. Box 1022, Kittanning, PA 16201) Renewal of existing NPDES Permit No. PA0227145 in Plain Grove, Scott & Worth Townships, **Lawrence & Butler Counties** affecting 199.3 acres. Receiving streams: Unnamed tributary to Jamison Run and Jamison Run. Application received: March 3, 2011. Permit Issued: April 20, 2011.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

BLASTING PERMITS ACTIONS

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

63114003. Aguila Exploration Management, Inc. (600 17th Street, Suite 2800 S, Denver CO 80202). Blasting activity permit for the construction of the Washington 3D 2011, to conduct seismic exploration activity located in East Finley, etc. Townships, **Washington County**. The duration of blasting is expected to last one year. Blasting permit issued: April 20, 2011.

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

08114114. Maine Drilling & Blasting, Inc. (P. O. Box 1140, Gardiner, ME 04345-1140). Construction blasting for a water retention pond located in Windham Township, **Bradford County**. Permit issued: April 21, 2011. Permit expires: April 20, 2012.

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.

41114008. Pennsylvania General Energy Co., LLC (120 Market St., Warren, PA 16365). Construction blasting for a well pad—COP Tract 293 Pad F—located in Cummings Township, **Lycoming County**. Permit issued: April 20, 2011. Permit expires: July 1, 2012.

57114104. TAW, Inc. (RR2, Box 14, Wysox, PA 18854). Construction blasting for a pool/pond for Curtain Water Impoundment (Chief Oil & Gas) located in Cherry Township, **Sullivan County**. Permit issued: April 21, 2011. Permit expires: July 31, 2011.

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

35114101. SAPP Drilling & Blasting, Inc. (444 N. 400 W, St. George, UT 84770), construction blasting for Valley View Business Park in Jessup and Archbald Boroughs, **Lackawanna County** with an expiration date of December 31, 2011. Permit issued: April 20, 2011.

51114001. Explo-Craft, Inc., (P. O. Box 1332, West Chester, PA 19380), construction blasting for St. Joseph's University Dormitory Project in the City of Philadelphia, **Philadelphia County** with an expiration date of December 31, 2011. Permit issued: April 20, 2011.

36114001. Winchester Blasting Services, Inc., (5400 Crestwood Drive, Knoxville, TN 37914), construction blasting for the Holtwood Skimmer Wall Pier No. 2 in Martic Township, **Lancaster County** with an expiration date of July 30, 2011. Permit issued: April 21, 2011.

58114010. John Brainard, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for the Valentine I (KK) Well Pad in Lenox Township, **Susquehanna County** with an expiration date of August 30, 2011. Permit issued: April 21, 2011.

58114011. John Brainard, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for the Barber Yard Expansion in Lenox Township, **Susquehanna County** with an expiration date of August 30, 2011. Permit issued: April 21, 2011.

22114101. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for JB Hunt in Swatara Township, **Dauphin County** with an expiration date of April 18, 2012. Permit issued: April 21, 2011.

36114124. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Home Towne Square in Clay Township, **Lancaster County** with an expiration date of April 30, 2012. Permit issued: April 21, 2011.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E0829-009: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Athens Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. Two 16 inch diameter temporary waterlines and a 16 ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 572 square feet; (Sayre, PA Quadrangle N: 10.9 inches, W: 14.5 inches, Latitude: 41°56'7.05", Longitude: -76°35'54.37") in Athens Township, Bradford County.

2. Two 16 inch diameter temporary waterlines and a 16 ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 1,190 square feet; (Sayre, PA Quadrangle N: 10.9 inches, W: 14.5 inches, Latitude: 41°56'7.82", Longitude: -76°35'25.61") in Athens Township, Bradford County.

3. Two 16 inch diameter temporary waterlines and a 16 ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 6,347 square feet; (Sayre, PA Quadrangle N: 10.9 inches, W: 14.5 inches, Latitude: 41°56'9.32", Longitude: -76°34'55.53") in Athens Township, Bradford County.

The project will result in 8,109 square feet of wetland impact from waterlines and temporary mat crossings. These crossings will accumulate a total of 0.19 acres of PEM wetland impacts all for the purpose of installing temporary water lines with associated access roadways.

E0829-008: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Albany and Terry Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. Two 16 inch diameter temporary waterlines and a 16 ft wide equipment mat across a Palustrine Emergent Wetland. Impacted Area: 25 square feet; (Colley, PA Quadrangle N: 19.8 inches, W: 1.97 inches, Latitude: 41°36'42.07", Longitude: -76°22'28.19") in Terry Township, Bradford County.

2. Two 16 inch diameter temporary waterlines and a 16 ft wide equipment mat across an Unnamed Tributary to Sugar Run (CWF, MF). Impacted Area: 3 square feet;

(Dushore, PA Quadrangle N: 19.8 inches, W: 1.97 inches, Latitude: 41°36'42.14", Longitude: -76°22'33.43") in Terry Township, Bradford County.

3. Two 16 inch diameter temporary waterlines and a 16 ft wide equipment mat across an Unnamed Tributary to Sugar Run (CWF, MF). Impacted Area: 32 square feet; (Dushore, PA Quadrangle N: 19.8 inches, W: 1.97 inches, Latitude: 41°36'38.74", Longitude: -76°22'39.16") in Terry Township, Bradford County.

4. Two 16 inch diameter temporary waterlines and a 16 ft wide equipment mat across an Unnamed Tributary to Sugar Run (CWF, MF). Impacted Area: 50 square feet; (Dushore, PA Quadrangle N: 19.8 inches, W: 1.97 inches, Latitude: 41°36'37.76", Longitude: -76°22'43.65") in Terry Township, Bradford County.

5. Two 16 inch diameter temporary waterlines and a 16 ft wide equipment mat across an Unnamed Tributary to Sugar Run (CWF, MF). Impacted Area: 30 square feet; (Dushore, PA Quadrangle N: 19.8 inches, W: 1.97 inches, Latitude: 41°36'37.76", Longitude: -76°22'47.23") in Terry Township, Bradford County.

6. Two 16 inch diameter temporary waterlines and a 16 ft wide equipment mat across Sugar Run (CWF, MF) and an adjacent Palustrine Emergent Wetland. Impacted Area: 9,328 square feet; (Dushore, PA Quadrangle N: 19.8 inches, W: 1.97 inches, Latitude: 41°36'31.47", Longitude: -76°22'59.46") in Terry Township, Bradford County.

7. Two 16 inch diameter temporary waterlines and a 16 ft wide equipment mat across an Unnamed Tributary to Sugar Run (CWF, MF). Impacted Area: 96 square feet; (Dushore, PA Quadrangle N: 19.8 inches, W: 1.97 inches, Latitude: 41°36'29.85", Longitude: -76°23'11.79") in Albany Township, Bradford County.

The project will result in 35 linear feet of temporary stream impacts and 9,139 square feet of wetland impact from waterlines and temporary mat crossings. These crossings will accumulate a total of 0.21 acres of PEM wetland impacts all for the purpose of installing temporary water lines with associated access roadways.

E0829-004: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Albany and Overton Township and New Albany Borough, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6 inch diameter temporary water line and a 16 foot wide equipment mat across an unnamed tributary to Ladds Creek (CWF, MF), (Dushore, PA Quadrangle, Latitude: 41°35'55.61", Longitude: -76°27'22.06");

2. a 6 inch diameter temporary water line and a 16 foot wide equipment mat across an unnamed tributary to Ladds Creek (CWF, MF). (Dushore, PA Quadrangle, Latitude: 41°36'10.31", Longitude: -76°28'3.88");

3. a 6 inch diameter temporary water line across Ladds Creek (CWF, MF), (Dushore, PA Quadrangle, Latitude: 41°35'50.51", Longitude: -76°28'1.86");

4. a 6 inch diameter temporary water line and a 16 foot wide equipment mat impacting 38 square feet of a Exceptional Value Palustrine Emergent Wetland (EV-PEM) (Dushore, PA Quadrangle, Latitude: 41°34'33.45", Longitude: -76°29'28.96").

5. a 6 inch diameter temporary water line and a 16 foot wide equipment mat impacting 19 square feet of a Exceptional Value Palustrine Emergent Wetland (EV-PEM) (Dushore, PA Quadrangle, Latitude: 41°34'34.74", Longitude: -76°29'30.0").

6. a 6 inch diameter temporary water line and a 16 foot wide equipment mat impacting 19 square feet of an Exceptional Value Palustrine Emergent Wetland (EV-PEM) (Dushore, PA Quadrangle, Latitude: 41°35'7.89", Longitude: -76°29'28.98").

7. a 6 inch diameter temporary water line and a 16 foot wide equipment mat across an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle, Latitude: 41°35'7.89", Longitude: -76°29'28.98").

8. a 6 inch diameter temporary water line and a 16 foot wide equipment mat impacting 49 square feet of an Exceptional Value Palustrine Emergent Wetland (EV-PEM) (Dushore, PA Quadrangle, Latitude: 41°35'10.44", Longitude: -76°29'26.12").

9. a 6 inch diameter temporary water line and a 16 foot wide equipment mat impacting 49 square feet of an Exceptional Value Palustrine Emergent Wetland (EV-PEM) (Dushore, PA Quadrangle Latitude: 41°35'16.90", Longitude: -76°28'56.11").

The project will result in 34 linear feet of temporary stream impacts and 185 square feet (0.01 acres) of EV-PEM wetland impact all for the purpose of installing temporary water lines with associated access roadways.

E5729-005: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Fox Township, **Sullivan County**, ACOE Baltimore District.

To construct and maintain:

(1) two 16.0 inch diameter temporary water lines along an access road across Fall Run (EV, MF). Associated Impacts previously permitted under GP 11-5729-10-02; (Grover Quadrangle 41°32'18.86"N 76°45'10.59"W).

(2) two 16.0 inch diameter temporary water lines and a 16 ft wide equipment mat impacting 238 square feet of a palustrine emergent (PEM) wetland; (Grover Quadrangle 41°32'23.24"N 76°45'16.98"W).

(3) two 16.0 inch diameter temporary water lines and an 16 ft wide equipment mat across an unnamed tributary to Weed Creek (EV, MF). Impacted Area: 50 square feet; (Grover Quadrangle 41°32'19.48"N 76°45'29.62"W).

The project will result in 3 linear feet of temporary stream impacts from water line and temporary mat crossings. These crossings will accumulate a total of 50 square feet of watercourse impacts and 238 square feet of wetland impacts all for the purpose of installing temporary water lines with associated access roadways.

E5729-006: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Forks and Overton Townships, Sullivan and **Bradford Counties**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Black Creek (EV, MF). Impacted Area: 53 square feet; (Dushore Quadrangle 41°34' 19.67"N 76°29' 27.64"W).

(2) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 62 square feet of a palustrine emergent (PEM) wetland; (Dushore Quadrangle 41°34' 1.47"N 76°29' 40.48"W).

(3) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 3341 square feet of a palustrine emergent (PEM) wetland; (Dushore Quadrangle 41°33' 56.13"N 76°29' 48.56"W).

(4) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 1692 square feet of a palustrine emergent (PEM) wetland adjacent to Black Creek (EV, MF); (Overton Quadrangle 41°33' 26.58"N 76°30' 15.78"W).

(5) two 16.0 inch diameter temporary water lines across Black Creek (EV, MF). Impacted Area: 73 square feet; (Overton Quadrangle 41°33' 24.03"N 76°30' 18.35"W).

(6) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 3314 square feet of a palustrine emergent (PEM) wetland adjacent to Black Creek (EV, MF); (Overton Quadrangle 41°33' 23.94"N 76°30' 21.34"W).

(7) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 491 square feet of a palustrine emergent (PEM) wetland; (Overton Quadrangle 41°33' 22.97"N 76°30' 26.04"W).

(8) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 741 square feet of a palustrine emergent (PEM) wetland; (Overton Quadrangle 41°33' 24.91"N 76°31' 23.31"W).

(9) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Streby Run (EV, MF). Impacted Area: 139 square feet; (Overton Quadrangle 41°33' 14.70"N 76°31' 40.26"W).

The project will result in 31 linear feet of temporary stream impacts from water lines and temporary mat crossings. These crossings will accumulate a total of 0.01 acres of watercourse impacts and 0.22 acres of wetland impacts all for the purpose of installing temporary water lines with associated access roadways for Marcellus well development.

E5729-004: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Forks Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 16.0 inch diameter temporary water lines and a 16 ft wide equipment mat impacting 621 square feet of a palustrine emergent (PEM) wetland adjacent to Big Bottom Run (EV, MF); (Overton Quadrangle 41°31' 53.06"N 76°32' 23.19"W).

(2) two 16.0 inch diameter temporary water lines and an 16 ft wide equipment mat across Big Bottom Run (EV, MF) and associated wetlands. Impacted Wetland Area: 255 square feet, Impacted Stream Area: 97 square feet; (Overton Quadrangle 41°31' 54.98"N 76°32' 22.13"W).

(3) two 16.0 inch diameter temporary water lines and a 16 ft wide equipment mat impacting 671 square feet of a palustrine emergent (PEM) wetland adjacent to SR4013; (Overton Quadrangle 41°32' 20.69"N 76°32' 20.07"W).

(4) two 16.0 inch diameter temporary water lines and an 16 ft wide equipment mat across an unnamed tributary to Big Bottom Run (EV, MF). Impacted Area: 50 square feet; (Overton Quadrangle 41°32' 35.52"N 76°32' 25.46"W).

(5) two 16.0 inch diameter temporary water lines and a 16 ft wide equipment mat impacting 38 square feet of a palustrine emergent (PEM); (Overton Quadrangle 41°32' 39.96"N 76°32' 19.01"W).

(6) two 16.0 inch diameter temporary water lines and a 16 ft wide equipment mat impacting 253 square feet of a palustrine emergent (PEM); (Overton Quadrangle 41°32' 40.48"N 76°32' 18.09"W).

(7) two 16.0 inch diameter temporary water lines and an 16 ft wide equipment mat across an unnamed tributary to Streby Run (EV, MF). Impacted Area: 194 square feet; (Overton Quadrangle 41°33' 1.64"N 76°31' 50.33"W).

(8) two 16.0 inch diameter temporary water lines and an 16 ft wide equipment mat across an unnamed tributary to Streby Run (EV, MF). Impacted Area: 68 square feet; (Overton Quadrangle 41°33' 2.42"N 76°31' 39.74"W).

(9) two 16.0 inch diameter temporary water lines and an 16 ft wide equipment mat across Streby Run (EV, MF). Impacted Area: 102 square feet; (Overton Quadrangle 41°33' 9.03"N 76°31' 33.09"W).

(10) two 16.0 inch diameter temporary water lines and an 16 ft wide equipment mat across an unnamed tributary to Streby Run (EV, MF). Impacted Area: 139 square feet; (Overton Quadrangle 41°33' 14.7"N 76°31' 40.26"W).

The project will result in 39 linear feet of temporary stream impacts from water line and temporary mat crossings. These crossings will accumulate a total of 0.015 acres of watercourse impacts and 0.04 acres of wetland impacts all for the purpose of installing temporary water lines with associated access roadways.

E5729-007: Chesapeake Appalachia, LLC, 101 N. Main Street, Athens, PA 18810, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 1937 square feet of a palustrine emergent (PEM) wetland; (Overton Quadrangle 41°31' 57.16"N 76°35' 26.30"W).

(2) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 4299 square feet of a palustrine emergent (PEM) wetland; (Overton Quadrangle 41°32' 14.36"N 76°35' 36.64"W).

(3) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Mill Creek (EV) and adjacent wetlands. Impacted Area: 2344 square feet; (Overton Quadrangle 41°32' 17.51"N 76°35' 30.65"W).

(4) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Mill Creek (EV). Impacted Area: 32 square feet; (Overton Quadrangle 41°32' 26.23"N 76°35' 15.65"W).

(5) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across Mill Creek (EV). Impacted Area: 325 square feet; (Overton Quadrangle 41°32' 28.67"N 76°35' 11.55"W).

(6) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Mill Creek (EV) and adjacent wetlands. Impacted Area: 662 square feet; (Overton Quadrangle 41°32' 30.28"N 76°35' 12.07"W).

(7) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat impacting 2133 square feet of a palustrine emergent (PEM) wetland; (Overton Quadrangle 41°32' 45.94"N 76°35' 11.64"W).

(8) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Mill Creek (EV). Impacted Area: 250 square feet; (Overton Quadrangle 41°32' 54.64"N 76°35' 3.41"W).

(9) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Mill Creek (EV). Impacted Area: 17 square feet; (Overton Quadrangle 41°32' 59.34"N 76°35' 2.50"W).

(10) two 16.0 inch diameter temporary water lines and a 16 foot wide equipment mat across an unnamed tributary to Mill Creek (EV). Impacted Area: 106 square feet; (Overton Quadrangle 41°33' 3.18"N 76°34' 52.8"W).

(11) two 16.0 inch diameter temporary water lines across an unnamed tributary to Mill Creek (EV) adjacent to Millview Mountain Road. Impacted Area: 12 square feet; (Overton Quadrangle 41°32' 15.58"N 76°35' 47"W).

(12) two 16.0 inch diameter temporary water lines across an unnamed tributary to Mill Creek (EV) adjacent to Millview Mountain Road. Impacted Area: 6 square feet; (Overton Quadrangle 41°32' 23.34"N 76°35' 52.90"W).

(13) two 16.0 inch diameter temporary water lines across an unnamed tributary to Blackwater Run (EV). Impacted Area: 65 square feet; (Overton Quadrangle 41°31' 59.87"N 76°36' 33.95"W).

(14) two 16.0 inch diameter temporary water lines and an 16 foot wide equipment mat across impacting 66 square feet of a palustrine emergent (PEM) wetland adjacent to McCarty Driscoll Road; (Overton Quadrangle 41°32' 1.34"N 76°36' 35.82"W).

(15) two 16.0 inch diameter temporary water lines impacting 4 square feet of a palustrine emergent (PEM) wetland adjacent to McCarty Driscoll Road; (Overton Quadrangle 41°32' 4.60"N 76°36' 42.18"W).

The project will result in 54 linear feet of temporary stream impacts from water lines and temporary mat crossings. These crossings will accumulate a total of 0.02 acres of watercourse impacts and 0.26 acres of wetland impacts all for the purpose of installing temporary water lines with associated access roadways for Marcellus well development.

E5929-002: Talisman Energy USA, 337 Daniel Zenker Drive, Horseheads, NY 14845, Ward Township, **Tioga County**, ACOE Baltimore District.

To construct, operate and maintain:

(1) a 20 foot wide access road with an 18 inch diameter culvert pipe, a 12 inch diameter natural gas gathering line and a temporary aerial 18 inch diameter freshwater transfer line crossing of an exceptional value scrub shrub wetland (EV- PSS) impacting 476 square feet. (Gleason, PA Quadrangle 41°41' 15.02"N 76°57' 12.48"W);

(2) a 20 foot wide access road with an 18 inch culvert pipe, a 12 inch natural gas gathering line and a temporary aerial 18 inch freshwater transfer line crossing of an exceptional value scrub shrub wetland (EV- PSS) impacting 528 square feet. (Gleason, PA Quadrangle 41°41' 13.24"N 76°57' 4.54"W).

The project will result in 0.03 acres of permanent EV-PSS wetland impacts all for the purpose of obtaining natural gas from the Marcellus shale.

E5829-004. Southwestern Energy Production Company; 181 W. Tioga Street, Suite 2, Tunkhannock, PA 18657; Lenox Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) One 9 feet wide x 7 feet high x 25 feet long Concrete Box Culvert replacing two varying size culverts beneath an existing access drive on an Unnamed Tributary to Tunkhannock Creek (Chap. 93 CWF-MF); located at N 41°42' 15.7" Lat., W -75°39' 40.4" Long.; Stream Impact: 40 feet; U.S.G.S. Lenoxville Topographic Quadrangle.

2) One 24 inch diameter x 40 lineal foot Culvert in an existing field access road across a Palustrine Emergent

(PEM) Wetland; located at N 41°42' 18.9" Lat., W -75°39' 46" Long.; Crossing Impact: 1,464 square feet; U.S.G.S. Lenoxville Topographic Quadrangle.

The project will result in the impact of 40 feet of stream channel and 1,464 square feet of Palustrine Emergent Wetlands all for the purpose of access to the Gerfin Well Site. Wetland impacts are de minimus.

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

E35-432. Matthew Paris, 633 White Birch Road, South Abington Township, PA 18411. South Abington Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To fill 0.04 acres of wetlands within the Leggetts Creek Watershed. The project is located at 633 White Birch Road (Dalton, PA Quadrangle Latitude: 41°30'1.1"; Longitude: -75°40'45.1"). Subbasin: 5A.

E40-705. Jay Crossin, 208 Union Street, Harveys Lake, PA 18704-2840. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain an 800 sq ft, pile-supported boathouse extending approximately 74-foot from the shoreline of Harveys Lake (HQ-CWF); and to construct and maintain an adjoining 700 sq ft, pile-supported dock extending approximately 96-foot from the shoreline of Harveys Lake for the purpose of creating a personal recreational structure at the property located at "Pole #9." The project is located on the west side of Lakeside Drive adjacent to Donegall Hill Road, approximately 2.3 miles northwest of the intersection of S.R. 415 and S.R. 118 (Harveys Lake, PA Quadrangle Latitude: 41°21'19"; Longitude: -76°1'57") in Harveys Lake Borough, Luzerne County. Subbasin: 5B.

E35-414. Alliance Sanitary Landfill, 398 South Keyser Avenue. Taylor Borough, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To excavate 0.18 acre of PEM wetland for the purpose of constructing 2 stormwater management basins associated with the proposed Alliance Sanitary Landfill Area 2A Expansion project. The permittee is required to provide 2.0 acres of replacement wetland. The project is located on the north side of SR 3011 at its intersection with I-476 in Taylor Borough, Lackawanna County (Scranton Quadrangle Lat.: 41°23' 26"; Long.: -75°44' 10"). Subbasin: 5A.

E52-224. Columbia Gas Transmission, LLC, 1700 MacCorkle Avenue SE, Charleston, WV 25314. Delaware, Dingman, Milford & Westfall Townships, **Philadelphia County**, Army Corps of Engineers Philadelphia District.

To abandon the existing pipeline and to construct and maintain the following water obstructions and encroachments associated with the 11.4 mile long natural gas transmission pipeline—Line 1278 replacement project:

1. (SPA-DJC-001) a 20-inch diameter pipeline crossing of an UNT to Raymondskill Creek (HQ-CWF, MF), impacting approximately 95 feet of channel, by means of open trench cut (Latitude: 41°17' 39.5"; Longitude: -74°52' 21.9") in Dingman Township.

2. (SPA-DJC-002) a 20-inch diameter pipeline crossing of Raymondskill Creek (HQ-CWF, MF), impacting approximately 76 feet of channel, by means of open trench cut (Latitude: 41°18' 13.7"; Longitude: -74°51' 59.8"), in Dingman Township.

3. (SPA-DJC-008) a 20-inch diameter pipeline crossing of an UNT to Raymondskill Creek (HQ-CWF, MF), im-

packing approximately 189 feet of channel, by means of open trench cut (Latitude: 41°18' 26.4"; Longitude: -74°51' 50.9") in Dingman Township.

4. (SPA-DJC-007) a 20-inch diameter pipeline crossing of an UNT to Raymondskill Creek (HQ-CWF, MF), impacting approximately 108 feet of channel, by means of open trench cut (Latitude: 41°18' 26.6"; Longitude: -74°51' 50.5") in Dingman Township.

5. (SPA-DJC-003) a 20-inch diameter pipeline crossing of an UNT to Swale Brook (HQ-CWF, MF), impacting approximately 80 feet of channel, by means of open trench cut (Latitude: 41°18' 59.1"; Longitude: -74°51' 25.0") in Dingman Township.

6. (SPA-DJC-009) a 20-inch diameter pipeline crossing of Swale Brook (HQ-CWF, MF), impacting approximately 82 feet of channel, by means of open trench cut (Latitude: 41°19' 14.9"; Longitude: -74°51' 11.1") in Dingman Township.

7. (SPA-DJC-010) a 20-inch diameter pipeline crossing of Sloat Brook (EV, MF), impacting approximately 86 feet of channel, by means of open trench cut (Latitude: 41°19' 43.9"; Longitude: -74°50' 41.5") in Dingman Township.

8. (SPA-DJC-011) a 20-inch diameter pipeline crossing of an UNT to Sloat Brook (EV, MF), impacting approximately 76 feet of channel, by means of open trench cut (Latitude: 41°19' 58.4"; Longitude: -74°50' 26.0") in Dingman Township.

9. (SPA-DJC-013) a 20-inch diameter pipeline crossing of an UNT to Sawkill Creek (EV, MF), impacting approximately 87 feet of channel, by means of open trench cut (Latitude: 41°20' 14.2"; Longitude: -74°50' 01.2") in Milford Township.

10. (SPA-DJC-012) a 20-inch diameter pipeline crossing of an UNT to Sawkill Creek (EV, MF), impacting approximately 9 feet of channel, by means of open trench cut (Latitude: 41°20' 15.2"; Longitude: -74°50' 0.3") in Milford Township.

11. (SPA-BMC-001) a 20-inch diameter pipeline crossing of Sawkill Creek (EV, MF), impacting approximately 143 feet of channel, by means of open trench cut (Latitude: 41°20' 37.6"; Longitude: -74°49' 40.9") in Milford Township.

12. (SPA-BMC-002) a 20-inch diameter pipeline crossing of an UNT to Vantine Brook (HQ-CWF, MF), impacting approximately 88 feet of channel, by means of open trench cut (Latitude: 41°21' 15.9"; Longitude: -74°49' 07.3") in Westfall Township.

13. (SPA-BMC-003) a 20-inch diameter pipeline crossing of an Vandermark Creek (HQ-CWF, MF), impacting approximately 84 feet of channel, by means of open trench cut (Latitude: 41°22' 10.0"; Longitude: -74°48' 01.3") in Westfall Township.

14. (SPA-DJC-014) a 20-inch diameter pipeline crossing of an UNT to Cummins Creek (HQ-CWF, MF), impacting approximately 11 feet of channel, by means of open trench cut (Latitude: 41°23' 25.3"; Longitude: -74°46' 29.7") in Westfall Township.

15. (SPA-DJC-017) a 20-inch diameter pipeline crossing of an UNT to Bush Kill Creek (EV, MF), impacting approximately 90 feet of channel, by means of open trench cut (Latitude: 41°23' 52.1"; Longitude: -74°45' 56.0") in Westfall Township.

16. (SPA-DJC-015) Dual 10-inch diameter pipeline crossing of an UNT to the Delaware River (HQ-CWF, MF), impacting approximately 96 feet of channel, by

means of open trench cut (Latitude: 41°24' 29.1"; Longitude: -74°44' 35.1") in Westfall Township.

17. (WPA-DJC-001) a 20-inch diameter pipeline crossing of 34 feet of wetlands, temporarily impacting 0.04 acres of PEM wetlands (EV) (Latitude: 41°17' 32.4"; Longitude: -74°52' 25.6") in Dingman Township.

18. (WPA-DJC-002) a 20-inch diameter pipeline crossing of 263 feet of wetlands, temporarily impacting 0.42 acres of PEM/PFO wetlands (EV), by means of open trench cut (Latitude: 41°17' 39.3"; Longitude: -74°52' 22.0") in Dingman Township.

19. (WPA-DJC-003) a 20-inch diameter pipeline crossing of 177 feet of wetlands, temporarily impacting 0.13 acres of PEM wetlands (EV), by means of open trench cut (Latitude: 41°21' 56.2"; Longitude: -74°48' 18.2") in Dingman Township.

20. (WPA-DJC-004) a 20-inch diameter pipeline crossing of 45 feet of wetlands, temporarily impacting 0.04 acres of PEM wetlands (EV), by means of open trench cut (Latitude: 41°21' 13.4"; Longitude: -74°49' 09.9") in Dingman Township.

21. (WPA-DJC-013) a 20-inch diameter pipeline crossing of 272 feet of wetlands, temporarily impacting 0.32 acres of PEM wetlands (EV), by means of open trench cut (Latitude: 41°18' 16.6"; Longitude: -74°51' 58.1") in Dingman Township.

22. (WPA-DJC-008) a 20-inch diameter pipeline crossing of 503 feet of wetlands, temporarily impacting 0.33 acres of PEM wetlands (EV), by means of open trench cut (Latitude: 41°18' 24.9"; Longitude: -74°51' 52.0") in Dingman Township.

23. (WPA-DJC-005) a 20-inch diameter pipeline crossing of 69 feet of wetlands, temporarily impacting 0.03 acres of PEM wetlands (EV), by means of open trench cut (Latitude: 41°18' 45.2"; Longitude: -74°51' 36.3") in Dingman Township.

24. (WPA-DJC-006) a 20-inch diameter pipeline crossing of 52 feet of wetlands, temporarily impacting 0.02 acres of PEM wetlands (EV), by means of open trench cut (Latitude: 41°18' 49.8"; Longitude: -74°51' 32.6") in Dingman Township.

25. (WPA-DJC-007) a 20-inch diameter pipeline crossing of 361 feet of wetlands, temporarily impacting 0.30 acres of PEM/PFO wetlands (EV), by means of open trench cut (Latitude: 41°18' 58.7"; Longitude: -74°51' 25.5") in Dingman Township.

26. (WPA-DJC-009) a 20-inch diameter pipeline crossing of 109 feet of wetlands, temporarily impacting 0.10 acres of PEM wetlands (EV), by means of open trench cut (Latitude: 41°19' 15.0"; Longitude: -74°51' 11.2") in Dingman Township.

27. (WPA-DJC-010) a 20-inch diameter pipeline crossing of 109 feet of wetlands, temporarily impacting 0.11 acres of PEM/PFO wetlands (EV), by means of open trench cut (Latitude: 41°19' 52.1"; Longitude: -74°50' 33.0") in Dingman Township.

28. (WPA-DJC-011) a 20-inch diameter pipeline adjacent to PEM wetlands (EV), by means of open trench cut, temporarily impacting 0.02 acre (Latitude: 41°20' 0.1"; Longitude: -74°50' 34.9") in Dingman Township.

29. (WPA-DJC-012) a 20-inch diameter pipeline crossing of 16 feet of wetlands, temporarily impacting 0.03 acres of PEM wetlands (EV), by means of open trench cut (Latitude: 41°20' 17.8"; Longitude: -74°49' 58.9") in Milford Township.

30. (WPA-BMC-004) a 20-inch diameter pipeline crossing of 63 feet of wetlands, temporarily impacting 0.07 acres of PEM wetlands (EV), by means of open trench cut (Latitude: 41°17' 54.4"; Longitude: -74°52' 12.7") in Milford Township.

31. (WPA-BMC-003) a 20-inch diameter pipeline adjacent to PEM wetlands (EV) by means of open trench cut, temporarily impacting 0.04 acres (Latitude: 41°17' 52.4"; Longitude: -74°52' 13.6") in Westfall Township.

32. (WPA-BMC-001) a 20-inch diameter pipeline crossing of 291 feet of wetlands, temporarily impacting 0.41 acre of PEM wetlands (EV), by means of open trench cut (Latitude: 41°22' 10.5"; Longitude: -74°48' 0.8") in Westfall Township.

33. (WPA-BMC-002) a 20-inch diameter pipeline crossing of 232 feet of wetlands, temporarily impacting 0.10 acre of PEM wetlands (EV), by means of open trench cut (Latitude: 41°22' 07.6"; Longitude: -74°48' 04.1") in Westfall Township.

34. (WPA-DJC-015) a 20-inch diameter pipeline adjacent to PEM wetlands (EV), by means of open trench cut, temporarily impacting 0.03 acre (Latitude: 41°22' 43.5"; Longitude: -74°47' 20.3") in Westfall Township.

35. (WPA-DJC-016) a 20-inch diameter pipeline crossing of 120 feet of wetlands, temporarily impacting 0.08 acre of PEM/PFO wetlands (EV), by means of open trench cut (Latitude: 41°23' 17.5"; Longitude: -74°46' 39.1") in Westfall Township.

36. (WPA-DJC-018) a 20-inch diameter pipeline crossing of 74 feet of wetlands, temporarily impacting 0.10 acre of PEM wetlands (EV), by means of open trench cut (Latitude: 41°23' 24.0"; Longitude: -74°46' 29.6") in Westfall Township.

37. (WPA-DJC-019) a 20-inch diameter pipeline adjacent to PEM/PFO wetlands (EV), by means of open trench cut, temporarily impacting 0.03 acre (Latitude: 41°23' 47.8"; Longitude: -74°46' 03.1") in Westfall Township.

38. (WPA-DJC-023) a 20-inch diameter pipeline crossing of 434 feet of wetlands, temporarily impacting 0.55 acre of PEM/PFO wetlands (EV), by means of open trench cut (Latitude: 41°23' 51.8"; Longitude: -74°45' 56.2") in Westfall Township.

39. (WPA-DJC-020) a 20-inch diameter pipeline crossing of 55 feet of wetlands, temporarily impacting 0.06 acre of PEM/PFO wetlands (EV), by means of open trench cut (Latitude: 41°24' 0.5"; Longitude: -74°45' 38.6") in Westfall Township.

40. (WPA-DJC-021) a 20-inch diameter pipeline crossing adjacent to PSS wetlands (EV), by means of open trench cut, temporarily impacting 0.01 acre (Latitude: 41°24' 04.8"; Longitude: -74°45' 31.6") in Westfall Township.

The project will temporarily impact 3.33 acres of wetlands (2.96-PEM and 0.37-PFO) and 1,425 linear feet of stream channel.

The project site is located on the north side of Weber Road approximately 0.2 mile from its intersection of State Route 2001 (Edgemere, PA Quadrangle Latitude: 41°17' 05.2"; Longitude -74°52' 40.8") and runs northeasterly direction and ends on the east side of River Road approximately 0.2 mile from its intersection with Bluestone Boulevard (Port Jervis North, NY-PA Quadrangle Latitude: 41° 24' 27.3"; Longitude -74°44' 33.7") in Dingman Township, Milford Township and Westfall Township. Subbasin: 1D.

E52-217. Tennessee Gas Pipeline Company, 1001 Louisiana Street, Houston, TX 77002. Lackawaxen Township, Shohola Township & Milford Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Pike County portion of the Tennessee Gas Pipeline 300, Loop 323 Line Project:

1. (Crossing S001) A 30" diameter steel natural gas transmission line across the Lackawaxen River (HQ-TSF, MF) by means of open trench cut (Lat: 41°29' 8.6"; Long: -75°01' 35.3") in Lackawaxen Township.

2. (Crossing S007A) A 30" diameter steel natural gas transmission line across an unnamed tributary to West Falls Creek (HQ-CWF, MF) by means of open trench cut (Lat: 41°17' 43.5"; Long: -75°02' 0.0") in Lackawaxen Township.

3. (Crossing S010) A 30" diameter steel natural gas transmission line across an unnamed tributary to Lords Creek (HQ-CWF, MF) by means of open trench cut (Lat: 41°28' 12.8"; Long: -75°01' 01.9") in Lackawaxen Township.

4. (Crossing S015) A 30" diameter steel natural gas transmission line across Lords Creek (HQ-CWF, MF) by means of open cut trench (Lat: 41°27' 48.4"; Long: -75°00' 16.8") in Lackawaxen Township.

5. (Crossing S018) A 30" diameter steel natural gas transmission line across Lords Creek (HQ-CWF, MF) by means of open cut trench (Lat: 41°27' 47.5"; Long: -75°00' 17") in Lackawaxen Township.

6. (Crossing S020) A 30" diameter steel natural gas transmission line across an unnamed tributary to Shohola Creek (HQ-CWF, MF) by means of open trench cut (Lat: 41°26' 4.9"; Long: -74°57' 39.3") in Shohola Township.

7. (Crossing S004) A 30" diameter steel natural gas transmission line across Shohola Creek (HQ-CWF, MF) by means of open trench cut (Lat: 41°25' 28.6"; Long: -74°56' 50.0") in Shohola Township.

8. (Crossing S009) A 30" diameter steel natural gas transmission line across an unnamed tributary to Shohola Creek (HQ-CWF, MF) by means of open trench cut (Lat: 41°25' 19.0"; Long: -74°56' 33.6") in Shohola Township.

9. (Crossing S047) A 30" diameter steel natural gas transmission line across Walker Lake Creek (HQ-CWF, MF) by means of open trench cut (Lat: 41°24' 31.2"; Long: -74°55' 21.5") in Shohola Township.

10. (Crossing S005) A 30" diameter steel natural gas transmission line across Twin Lakes Creek (HQ-CWF, MF) by means of open trench cut (Lat: 41°24' 0.1"; Long: -74°54' 17.5") in Shohola Township.

11. (Crossing S008) A 30" diameter steel natural gas transmission line across Savantine Creek (EV, MF) by means of open trench cut (Lat: 41°23' 18.5"; Long: -74°52' 50.4") in Shohola Township.

12. (Crossing S035) A 30" diameter steel natural gas transmission line across Craft Brook (EV, MF) by means of open trench cut (Lat: 41°22' 24.9"; Long: -74°51' 13.5") in Milford Township.

13. (Crossing S028AR3) A temporary access road crossing of an unnamed tributary to Shohola Creek (HQ-CWF, MF) consisting of a 16" corrugated metal pipe (Lat: 41°25' 29.4"; Long: -74°56' 26.1") in Shohola Township.

14. (Crossing S055AR6) A temporary access road crossing of an unnamed tributary to Shohola Creek (HQ-CWF,

MF) consisting of a 16" corrugated metal pipe (Lat: 41°23' 55.0"; Long: -74°54' 10.0") in Milford Township.

15. (Wetland Impact W007) A 30" diameter steel natural gas transmission line crossing of approximately 131 feet of PFO/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.16 acre (Lat: 41°29' 58.5"; Long: -75°03' 47.4") in Lackawaxen Township.

16. (Wetland Impact W007B) A 30" diameter steel natural gas transmission line crossing of approximately 142 feet of PFO/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.30 acre (Lat: 41°17' 39.9"; Long: -75°00' 20.8") in Lackawaxen Township.

17. (Wetland Impact W007C) A 30" diameter steel natural gas transmission line crossing of approximately 110 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.06 acre (Lat: 41°17' 39.7"; Long: -75°01' 49.4") in Lackawaxen Township.

18. (Wetland Impact W003) A 30" diameter steel natural gas transmission line crossing of approximately 146 feet of PFO/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.25 acre (Lat: 41°29' 30.0"; Long: -75°02' 26.4") in Lackawaxen Township.

19. (Wetland Impact W004) A 30" diameter steel natural gas transmission line crossing of approximately 8 feet of PEM wetland, by means of open trench cut, with temporary impacts of 0.04 acre (Lat: 41°29' 10.0"; Long: -75°01' 39.0") in Lackawaxen Township.

20. (Wetland Impact W004A) A 30" diameter steel natural gas transmission line adjacent to PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.12 acre (Lat: 41°29' 09.0"; Long: -75°01' 36.0") in Lackawaxen Township.

21. (Wetland Impact W017) A 30" diameter steel natural gas transmission line crossing of approximately 52 feet of PFO/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.23 acre (Lat: 41°29' 03.3"; Long: -75°01' 27.0") in Lackawaxen Township.

22. (Wetland Impact W022) A 30" diameter steel natural gas transmission line adjacent to PFO wetland, by means of open trench cut, with temporary wetland impacts of 0.02 acre (Lat: 41°28' 9.8"; Long: -75°01' 0.0") in Lackawaxen Township.

23. (Wetland Impact W023) A 30" diameter steel natural gas transmission line adjacent to PFO/POW wetland, by means of open trench cut, with temporary wetland impacts of 0.04 acre (Lat: 41°28' 2.2"; Long: -75°00' 50.7") in Lackawaxen Township.

24. (Wetland Impact W024) A 30" diameter steel natural gas transmission line adjacent to PFO/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.01 acre (Lat: 41°27' 57.8"; Long: -75°00' 43.5") in Lackawaxen Township.

25. (Wetland Impact W015) A 30" diameter steel natural gas transmission line crossing of approximately 38 feet of POW/PEM/PFO wetland, by means of open trench cut, with temporary wetland impacts of 0.17 acre (Lat: 41°27' 47.9"; Long: -75°00' 15.0") in Lackawaxen Township.

26. (Wetland Impact W005) A 30" diameter steel natural gas transmission line adjacent to PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.01 acre (Lat: 41°27' 19.2"; Long: -74°59' 25.5") in Lackawaxen Township.

27. (Wetland Impact W016) A 30" diameter steel natural gas transmission line crossing of approximately 277 feet of PEM/PSS wetland, by means of open trench cut, with temporary wetland impacts of 0.63 acre (Lat: 41°26' 49.7"; Long: -74°58' 51.4") in Lackawaxen Township.

28. (Wetland Impact W018A) A 30" diameter steel natural gas transmission line crossing of approximately 65 feet of PFO/PSS wetland, by means of open trench cut, with temporary wetland impacts of 0.03 acre (Lat: 41°26' 32.9"; Long: -74°58' 22.5") in Lackawaxen Township.

29. (Wetland Impact W018) A 30" diameter steel natural gas transmission line crossing of approximately 259 feet of PFO/PEM/PSS wetland, by means of open trench cut, with temporary wetland impacts of 0.49 acre (Lat: 41°26' 29.1"; Long: -74°58' 17.5") in Shohola Township.

30. (Wetland Impact W019A) A 30" diameter steel natural gas transmission line crossing of approximately 76 feet of PEM/PSS wetland, by means of open trench cut, with temporary wetland impacts of 0.10 acre (Lat: 41°26' 17.8"; Long: -74°57' 52.6") in Shohola Township.

31. (Wetland Impact W019) A 30" diameter steel natural gas transmission line crossing of approximately 36 feet of PFO/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.02 acre (Lat: 41°25' 02.7"; Long: -74°57' 39.1") in Shohola Township.

32. (Wetland Impact W008) A 30" diameter steel natural gas transmission line crossing of approximately 81 feet of PFO/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.10 acre (Lat: 41°25' 36.3"; Long: -74°57' 06.4") in Shohola Township.

33. (Wetland Impact W009) A 30" diameter steel natural gas transmission line adjacent to PFO/PSS wetland, by means of open trench cut, with temporary wetland impacts of 0.01 acre (Lat: 41°25' 32.7"; Long: -74°56' 54.5") in Shohola Township.

34. (Wetland Impact W021) A 30" diameter steel natural gas transmission line crossing of approximately 6 feet of PFO/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.01 acre (Lat: 41°25' 17.8"; Long: -74°56' 33.8") in Shohola Township.

35. (Wetland Impact W011) A 30" diameter steel natural gas transmission line crossing of approximately 381 feet of PFO/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.67 acre (Lat: 41°24' 47.3"; Long: -74°55' 46.3") in Shohola Township.

36. (Wetland Impact W011A) A 30" diameter steel natural gas transmission line crossing of approximately 90 feet of PFO/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.14 acre (Lat: 41°24' 30.9"; Long: -74°55' 20.6") in Shohola Township.

37. (Wetland Impact W012) A 30" diameter steel natural gas transmission line crossing of approximately 48 feet of PFO/PEM/PSS wetland, by means of open trench cut, with temporary wetland impacts of 0.19 acre (Lat: 41°23' 59.6"; Long: -74°54' 17.2") in Shohola Township.

38. (Wetland Impact W013) A 30" diameter steel natural gas transmission line crossing of approximately 401 feet of PFO/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.59 acre (Lat: 41°24' 7.7"; Long: -74°54' 34.5") in Shohola Township.

39. (Wetland Impact W014) A 30" diameter steel natural gas transmission line crossing of approximately 534 feet of PFO/PEM wetland (EV), by means of open trench cut, with temporary wetland impacts of 0.88 acre (Lat: 41°23' 16.7"; Long: -74°52' 50.9") in Shohola Township.

40. (Wetland Impact W038) A 30" diameter steel natural gas transmission line crossing of approximately 517 feet of PFO/PSS/PEM wetland (EV), by means of open trench cut, with temporary wetland impacts of 1.19 acre (Lat: 41°22' 41.9"; Long: -74°51' 48.6") in Milford Township.

41. (Wetland Impact W039) A 30" diameter steel natural gas transmission line crossing of approximately 208 feet of POW/PSS wetland (EV), by means of open trench cut, with temporary wetland impacts of 0.55 acre (Lat: 41°22' 23.9"; Long: -74°51' 12.4") in Milford Township.

42. (Wetland Impact W041) A 30" diameter steel natural gas transmission line crossing of approximately 151 feet of PFO/PEM wetland (EV), by means of open trench cut, with temporary wetland impacts of 0.10 acre (Lat: 41°22' 16.5"; Long: -74°50' 51.6") in Milford Township.

43. (Wetland Impact W052) Widening an existing access road which crosses approximately 30 feet of PFO wetland with temporary wetland impacts of 0.10 acre (Lat: 41°16' 14.4"; Long: -74°35' 30.9") in Lackawaxen Township.

44. (Wetland Impact W053) Widening an existing access road which crosses approximately 26 feet of PFO wetland with temporary wetland impacts of 0.14 acre (Lat: 41°16' 14.3"; Long: -74°35' 57.5") in Lackawaxen Township.

45. (Wetland Impact W050) Widening an existing access road which crosses approximately 33 feet of PEM wetland with temporary wetland impacts of 0.09 acre (Lat: 41°15' 56.7"; Long: -74°35' 33.2") in Lackawaxen Township.

46. (Wetland Impact W051) Widening an existing access road which crosses approximately 18 feet of PEM wetland with temporary wetland impacts of 0.09 acre (Lat: 41°15' 56.6"; Long: -74°35' 33.1") in Lackawaxen Township.

47. (Wetland Impact W009A) Widening an existing access road which crosses approximately 18 feet of PSS/PEM wetland with temporary wetland impacts of 0.01 acre (Lat: 41°25' 37.7"; Long: -74°56' 58.6") in Shohola Township.

48. (Wetland Impact W09B) Widening an existing access road which crosses approximately 14 feet of PEM wetland with temporary wetland impacts of 0.01 acre (Lat: 41°25' 38.7"; Long: -74°57' 02.1") in Shohola Township.

49. (Wetland Impact W09C) Widening an existing access road which crosses approximately 70 feet of PEM wetland with temporary wetland impacts of 0.02 acre (Lat: 41°25' 38.3"; Long: -74°57' 02.1") in Shohola Township.

50. (Wetland Impact W029) Temporary impact of 0.09 acre of PEM wetland for the construction of a temporary access road (Lat: 41°25' 47.4"; Long: -74°56' 14.6") in Shohola Township.

51. (Wetland Impact W030) Temporary impact of 0.01 acre of PEM wetland for the construction of a temporary access road (Lat: 41°25' 36.5"; Long: -74°56' 22.2") in Shohola Township.

52. (Wetland Impact W055) Widening an existing access road which crosses approximately 160 feet of PEM wetland with temporary wetland impacts of 0.04 acre (Lat: 41°13' 57.1"; Long: -74°31' 56.6") in Shohola Township.

53. (Wetland Impact W036) Temporary impact of 0.02 acre of PEM wetland for the construction of a temporary access road (Lat: 41°21' 55.4"; Long: -74°51' 20.5") in Milford Township.

54. (Wetland Impact W044) Temporary impact of 0.01 acre of PEM wetlands for the construction Compression Station 323 (Lat: 41°30' 08.0"; Long: -75°03' 47.9") in Lackawaxen Township.

The project will temporarily impact 7.61 acres of wetlands and approximately 952 feet of stream channel.

The project begins on the east side of Westcolang Road approximately 0.30 mile from its intersection of State Route 0590 (Narrowsburg, NY-PA Quadrangle Lat: 41°29' 59.2"; Long: -75°03' 48.4") in Lackawaxen Township and ends on the east side of an unnamed road approximately 0.80 miles from its intersection with Schocopee Road (Milford, PA-NJ Quadrangle Lat: 41°22' 19.0"; Long: -74°50' 58.9") in Milford Township. Subbasin: 1, B, D.

E64-282. Tennessee Gas Pipeline Company, 1001 Louisiana Street, Houston, TX 77002. Dyberry Township, Honesdale Borough, Clinton Township. Berlin Township, Bethany Borough & Mount Pleasant Township, **Wayne County**, Army Corps of Engineers Baltimore & Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Wayne County portion of the Tennessee Gas Pipeline 300 Line Project Loop 321:

1. (Crossing S020) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to Brace Brook (CWF, MF) by means of open cut trench (Lat: 41°42' 0.3"; Long: -75°27' 44.9") in Mount Pleasant Township.

2. (Crossing S020A) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to Brace Brook (CWF, MF) by means of open cut trench (Lat: 41°42' 0.6"; Long: -75°27' 43.2") in Mount Pleasant Township.

3. (Crossing S021) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to Brace Brook (CWF, MF) by means of open cut trench (Lat: 41°42' 0.6"; Long: -75°27' 40.3") in Mount Pleasant Township.

4. (Crossing S021A) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to Brace Brook (CWF, MF) by means of open cut trench (Lat: 41°41' 44.3"; Long: -75°26' 51.9") in Mount Pleasant Township.

5. (Crossing S033) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to West Branch Lackawaxen River (HQ-CWF, MF) by means of open cut trench (Lat: 41°40' 48.0"; Long: -75°24' 39.1") in Clinton Township.

6. (Crossing S034) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to West Branch Lackawaxen River (HQ-CWF, MF) by means of open cut trench (Lat: 41°40' 45.7"; Long: -75°24' 36.3") in Clinton Township.

7. (Crossing S058) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to West Branch Lackawaxen River (HQ-CWF, MF) by means of open cut trench (Lat: 41°40' 21.9"; Long: -75°24' 8.9") in Clinton Township.

8. (Crossing S038) A 30" diameter steel natural gas transmission line across West Branch Lackawaxen River

(HQ-CWF, MF) by means of open cut trench (Lat: 41°39' 7.7"; Long: -75°21' 58.1") in Clinton Township.

9. (Crossing S040) A 30" diameter steel natural gas transmission line across Unnamed Tributary to West Branch Lackawaxen River (HQ-CWF, MF) by means of open cut trench (Lat: 41°39' 0.1"; Long: -75°21' 44.7") in Clinton Township.

10. (Crossing S042) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to West Branch Lackawaxen River (HQ-CWF, MF) by means of open cut trench (Lat: 41°38' 42.3"; Long: -75°21' 12.1") in Clinton Township.

11. (Crossing S044) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to West Branch Lackawaxen River (HQ-CWF, MF) by means of open cut trench (Lat: 41°38' 36.5"; Long: -75°20' 56.8") in Clinton Township.

12. (Crossing S044D) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to West Branch Lackawaxen River (HQ-CWF, MF) by means of open cut trench (Lat: 41°38' 15.8"; Long: -75°19' 52.5") in Dyberry Township.

13. (Crossing S045) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to West Branch Lackawaxen River (HQ-CWF, MF) by means of open cut trench (Lat: 41°37' 23.5"; Long: -75°18' 19.7") in Dyberry Township.

14. (Crossing S046) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to Dyberry Creek (HQ-CWF, MF) by means of open cut trench (Lat: 41°36' 25.3"; Long: -75°17' 24.2") in Dyberry Township.

15. (Crossing S047) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to Dyberry Creek (HQ-CWF, MF) by means of open cut trench (Lat: 41°36' 20.8"; Long: -75°16' 49.9") in Dyberry Township.

16. (Crossing S048) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to Dyberry Creek (HQ-CWF, MF) by means of open cut trench (Lat: 41°40' 4.7"; Long: -75°23' 44.3") in Dyberry Township.

17. (Crossing S049) A 30" diameter steel natural gas transmission line across Dyberry Creek (HQ-CWF, MF) by means of open cut trench (Lat: 41°35' 47.7"; Long: -75°15' 57.0") in Dyberry Township.

18. (Crossing S052) A 30" diameter steel natural gas transmission line across Carley Brook (HQ-CWF, MF) by means of open cut trench (Lat: 41°34' 54.3"; Long: -75°14' 45.9") in Honesdale Borough.

19. (Crossing S053) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to Carley Brook (HQ-CWF, MF) by means of open cut trench (Lat: 41°34' 45.3"; Long: -75°14' 27.0") in Honesdale Borough.

20. (Crossing S054) A 30" diameter steel natural gas transmission line across Holbert Creek (HQ-CWF) by means of open cut trench (Lat: 41°34' 22.9"; Long: -75°13' 34.8") in Berlin Township.

21. (Crossing S054A) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to Indian Orchard Brook (HQ-CWF) by means of open cut trench (Lat: 41°34' 1.3"; Long: -75°12' 25.4") in Berlin Township.

22. (Crossing S055) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to Indian

Orchard Brook (HQ-CWF) by means of open cut trench (Lat: 41°34' 3.8"; Long: -75°12' 41.2") in Berlin Township.

23. (Crossing S056) A 30" diameter steel natural gas transmission line across Indian Orchard Brook (HQ-CWF) by means of open cut trench (Lat: 41°34' 2.7"; Long: -75°12' 25.7") in Berlin Township.

24. (Crossing S057) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to Indian Orchard Brook (HQ-CWF) by means of open cut trench (Lat: 41°34' 3.1"; Long: -75°12' 24.4") in Berlin Township.

25. (Crossing S051A) A 30" diameter steel natural gas transmission line across an Unnamed Tributary to Indian Orchard Brook (HQ-CWF) by means of open cut trench (Lat: 41°34' 3.1"; Long: -75°12' 24.4") in Berlin Township.

26. (Crossing S061AR4) A temporary access road crossing an Unnamed Tributary to West Branch Lackawaxen River (HQ-CWF, MF) consisting of a 16" corrugated metal pipe (Lat: 41°40' 39.5"; Long: -75°25' 33.4") in Clinton Township.

27. (Wetland Impact W017) A 30" diameter steel natural gas transmission line crossing of approximately 81 feet of PFO/PEM wetland (EV), by means of open cut trench, with temporary wetland impacts of 0.21 acre (Lat: 41°41' 59.6"; Long: -75°27' 43.3") in Mount Pleasant Township.

28. (Wetland Impact W017A) A 30" diameter steel natural gas transmission line crossing of approximately 46 feet of PFO wetland, by means of open cut trench, with temporary wetland impacts of 0.02 acre (Lat: 41°42' 0.7"; Long: -75°27' 42.3") in Mount Pleasant Township.

29. (Wetland Impact W018) A 30" diameter steel natural gas transmission line crossing of approximately 250 feet of PFO/PEM wetland (EV), by means of open cut trench, with temporary wetland impacts of 0.17 acre (Lat: 41°41' 59.9"; Long: -75°27' 42.1") in Mount Pleasant Township.

30. (Wetland Impact W019) A 30" diameter steel natural gas transmission line crossing of approximately 51 feet of PFO/PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.14 acre (Lat: 41°41' 43.3"; Long: -75°26' 51.8") in Mount Pleasant Township.

31. (Wetland Impact W020A) A 30" diameter steel natural gas transmission line crossing of approximately 88 feet of PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.07 acre (Lat: 41°41' 28.8"; Long: -75°26' 16.5") in Mount Pleasant Township.

32. (Wetland Impact W021) A 30" diameter steel natural gas transmission line adjacent to PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.03 acre (Lat: 41°41' 17.5"; Long: -75°25' 42.3") in Clinton Township.

33. (Wetland Impact W0222) A 30" diameter steel natural gas transmission line crossing of approximately 216 feet of PEM/PSS/PFO wetland, by means of open cut trench, with temporary wetland impacts of 0.49 acre (Lat: 41°40' 48.1"; Long: -75°24' 36.6") in Clinton Township.

34. (Wetland Impact W055) A 30" diameter steel natural gas transmission line adjacent to PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.01 acre (Lat: 41°40' 33.4"; Long: -75°24' 19.2") in Clinton Township.

35. (Wetland Impact W053) A 30" diameter steel natural gas transmission line crossing of approximately 914 feet of PFO/PEM wetland, by means of open cut trench,

with temporary wetland impacts of 1.80 acre (Lat: 41°40' 14.8"; Long: -75°24' 6.0") in Clinton Township.

36. (Wetland Impact W023) A 30" diameter steel natural gas transmission line crossing of approximately 278 feet of PSS/PFO/PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.53 acre (Lat: 41°40' 43.2"; Long: -75°24' 31.0") in Clinton Township.

37. (Wetland Impact W024) A 30" diameter steel natural gas transmission line crossing of approximately 94 feet of PFO/PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.21 acre (Lat: 41°39' 47.3"; Long: -75°23' 12.7") in Clinton Township.

38. (Wetland Impact W025) A 30" diameter steel natural gas transmission line crossing of approximately 33 feet of PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.04 acre (Lat: 41°39' 38.1"; Long: -75°22' 52.1") in Clinton Township.

39. (Wetland Impact W057) A 30" diameter steel natural gas transmission line adjacent to PEM/PSS wetland, by means of open cut trench, with temporary wetland impacts of 0.10 acre (Lat: 41°39' 15.8"; Long: -75°22' 13.9") in Clinton Township.

40. (Wetland Impact W056) A 30" diameter steel natural gas transmission line crossing of approximately 110 feet of PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.22 acre (Lat: 41°39' 14.1"; Long: -75°22' 12.8") in Clinton Township.

41. (Wetland Impact W028) A 30" diameter steel natural gas transmission line adjacent to PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.02 acre (Lat: 41°39' 8.4"; Long: -75°21' 57.1") in Clinton Township.

42. (Wetland Impact W027) A 30" diameter steel natural gas transmission line crossing of approximately 187 feet of PFO/PEM wetland (EV), by means of open cut trench, with temporary wetland impacts of 0.31 acre (Lat: 41°38' 59.7"; Long: -75°21' 44.5") in Clinton Township.

43. (Wetland Impact W029) A 30" diameter steel natural gas transmission line crossing of approximately 106 feet of PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.21 acre (Lat: 41°38' 43.0"; Long: -75°21' 11.0") in Clinton Township.

44. (Wetland Impact W029A) A 30" diameter steel natural gas transmission line crossing of approximately 30 feet of PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.22 acre (Lat: 41°38' 42.7"; Long: -75°21' 8.0") in Clinton Township.

45. (Wetland Impact W031) A 30" diameter steel natural gas transmission line adjacent to PFO wetland, by means of open cut trench, with temporary wetland impacts of 0.15 acre (Lat: 41°38' 38.0"; Long: -75°20' 59.2") in Clinton Township.

46. (Wetland Impact W032) A 30" diameter steel natural gas transmission line adjacent to PFO wetland, by means of open cut trench, with temporary wetland impacts of 0.05 acre (Lat: 41°38' 34.9"; Long: -75°20' 51.5") in Clinton Township.

47. (Wetland Impact W032A) A 30" diameter steel natural gas transmission line adjacent to PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.01 acre (Lat: 41°38' 24.5"; Long: -75°20' 23.0") in Clinton Township.

48. (Wetland Impact W030A) A 30" diameter steel natural gas transmission line adjacent to PEM wetland,

by means of open cut trench, with temporary wetland impacts of 0.02 acre (Lat: 41°38' 25.1"; Long: -75°20' 24.1") in Clinton Township.

49. (Wetland Impact W032B) A 30" diameter steel natural gas transmission line crossing of approximately 88 feet of PEM/PSS wetland, by means of open cut trench, with temporary wetland impacts of 0.16 acre (Lat: 41°38' 23.6"; Long: -75°20' 20.5") in Clinton Township.

50. (Wetland Impact W032C) A 30" diameter steel natural gas transmission line crossing of approximately 113 feet of PFO/PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.20 acre (Lat: 41°38' 23.1"; Long: -75°20' 19.0") in Clinton Township.

51. (Wetland Impact W032D) A 30" diameter steel natural gas transmission line adjacent to PFO/PEM wetland (EV), by means of open cut trench, with temporary wetland impacts of 0.08 acre (Lat: 41°38' 16.2"; Long: -75°19' 54.9") in Clinton Township.

52. (Wetland Impact W032E) A 30" diameter steel natural gas transmission line crossing of approximately 256 feet of PFO/PEM wetland (EV), by means of open cut trench, with temporary wetland impacts of 0.68 acre (Lat: 41°38' 15.0"; Long: -75°19' 50.0") in Clinton Township.

53. (Wetland Impact W032F) A 30" diameter steel natural gas transmission line crossing of approximately 403 feet of PSS/PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.66 acre (Lat: 41°38' 11.9"; Long: -75°19' 42.1") in Clinton Township.

54. (Wetland Impact W032G) A 30" diameter steel natural gas transmission line crossing of approximately 68 feet of PEM wetland, by means of open cut trench, with temporary wetland impacts of .13 acre (Lat: 41°37' 55.1"; Long: -75°19' 5.2") in Clinton Township.

55. (Wetland Impact W033) A 30" diameter steel natural gas transmission line crossing of approximately 169 feet of PFO/PEM/PSS wetland, by means of open cut trench, with temporary wetland impacts of 0.34 acre (Lat: 41°37' 50.9"; Long: -75°18' 59.9") in Dyberry Township.

56. (Wetland Impact W034) A 30" diameter steel natural gas transmission line crossing of approximately 251 feet of PFO/PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.48 acre (Lat: 41°37' 43.5"; Long: -75°18' 55.5") in Dyberry Township.

57. (Wetland Impact W077) A 30" diameter steel natural gas transmission line crossing of approximately 33 feet of PFO/PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.05 acre (Lat: 41°37' 31.0"; Long: -75°18' 37.0") in Dyberry Township.

58. (Wetland Impact W035) A 30" diameter steel natural gas transmission line crossing of approximately 316 feet of PFO/PEM/PSS wetland, by means of open cut trench, with temporary wetland impacts of 0.68 acre (Lat: 41°37' 23.8"; Long: -75°18' 18.1") in Dyberry Township.

59. (Wetland Impact W036) A 30" diameter steel natural gas transmission line crossing of approximately 158 feet of PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.17 acre (Lat: 41°37' 3.5"; Long: -75°17' 56.4") in Dyberry Township.

60. (Wetland Impact W037) A 30" diameter steel natural gas transmission line adjacent to PFO wetland, by means of open cut trench, with temporary wetland impacts of 0.05 acre (Lat: 41°37' 4.5"; Long: -75°17' 55.3") in Dyberry Township.

61. (Wetland Impact W038) A 30" diameter steel natural gas transmission line crossing of approximately 202

feet of PEM/PFO wetland, by means of open cut trench, with temporary wetland impacts of 0.28 acre (Lat: 41°36' 37.9"; Long: -75°17' 30.6") in Dyberry Township.

62. (Wetland Impact W039) A 30" diameter steel natural gas transmission line crossing of approximately 206 feet of PEM/PSS wetland, by means of open cut trench, with temporary wetland impacts of 0.37 acre (Lat: 41°36' 25.5"; Long: -75°17' 3.2") in Bethany Borough.

63. (Wetland Impact W040) A 30" diameter steel natural gas transmission line crossing of approximately 275 feet of PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.32 acre (Lat: 41°36' 24.4"; Long: -75°17' 0.4") in Dyberry Township.

64. (Wetland Impact W041) A 30" diameter steel natural gas transmission line crossing of approximately 158 feet of PEM/PSS wetland, by means of open cut trench, with temporary wetland impacts of 0.18 acre (Lat: 41°36' 23.9"; Long: -75°16' 57.8") in Dyberry Township.

65. (Wetland Impact W042) A 30" diameter steel natural gas transmission line crossing of approximately 254 feet of PSS/PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.37 acre (Lat: 41°36' 21.0"; Long: -75°16' 48.7") in Dyberry Township.

66. (Wetland Impact W043) A 30" diameter steel natural gas transmission line crossing of approximately 19 feet of PEM/PSS wetland, by means of open cut trench, with temporary wetland impacts of 0.03 acre (Lat: 41°35' 56.3"; Long: -75°16' 9.6") in Dyberry Township.

67. (Wetland Impact W044A) A 30" diameter steel natural gas transmission line adjacent to PSS wetland, by means of open cut trench, with temporary wetland impacts of 0.02 acre (Lat: 41°35' 45.8"; Long: -75°15' 59.1") in Dyberry Township.

68. (Wetland Impact W044) A 30" diameter steel natural gas transmission line crossing of approximately 37 feet of PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.11 acre (Lat: 41°35' 46.9"; Long: -75°15' 55.5") in Dyberry Township.

69. (Wetland Impact W045) A 30" diameter steel natural gas transmission line crossing of approximately 43 feet of PEM/PSS wetland, by means of open cut trench, with temporary wetland impacts of 0.14 acre (Lat: 41°35' 46.8"; Long: -75°15' 53.8") in Dyberry Township.

70. (Wetland Impact W059) A 30" diameter steel natural gas transmission line adjacent to PEM/PSS wetland, by means of open cut trench, with temporary wetland impacts of 0.02 acre (Lat: 41°35' 44.7"; Long: -75°15' 56.8") in Dyberry Township.

71. (Wetland Impact W046) A 30" diameter steel natural gas transmission line crossing of approximately 90 feet of PSS/PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.14 acre (Lat: 41°35' 36.1"; Long: -75°15' 28.5") in Honesdale Borough.

72. (Wetland Impact W047) A 30" diameter steel natural gas transmission line crossing of approximately 3 feet of PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.07 acre (Lat: 41°35' 27.1"; Long: -75°15' 11.5") in Honesdale Borough.

73. (Wetland Impact W048) A 30" diameter steel natural gas transmission line crossing of approximately 15 feet of PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.03 acre (Lat: 41°34' 58.4"; Long: -75°14' 53.1") in Honesdale Borough.

74. (Wetland Impact W049) A 30" diameter steel natural gas transmission line adjacent to PEM wetland, by

means of open cut trench, with temporary wetland impacts of 0.04 acre (Lat: 41°34' 56.1"; Long: -75°14' 50.9") in Honesdale Borough.

75. (Wetland Impact W060) A 30" diameter steel natural gas transmission line adjacent to PEM/PSS wetland, by means of open cut trench, with temporary wetland impacts of 0.04 acre (Lat: 41°35' 0.8"; Long: -75°14' 44.8") in Honesdale Borough.

76. (Wetland Impact W050) A 30" diameter steel natural gas transmission line crossing of approximately 68 feet of PSS wetland, by means of open cut trench, with temporary wetland impacts of 0.06 acre (Lat: 41°34' 25.0"; Long: -75°13' 38.4") in Berlin Township.

77. (Wetland Impact W051) A 30" diameter steel natural gas transmission line crossing of approximately 175 feet of PEM/PSS/PFO wetland, by means of open cut trench, with temporary wetland impacts of 0.30 acre (Lat: 41°34' 22.0"; Long: -75°13' 33.4") in Berlin Township.

78. (Wetland Impact W052) A 30" diameter steel natural gas transmission line crossing of approximately 2 feet of PFO/PEM wetland, by means of open cut trench, with temporary wetland impacts of 0.01 acre (Lat: 41°34' 1.3"; Long: -75°12' 25.4") in Berlin Township.

79. (Wetland Impact W054B) A 30" diameter steel natural gas transmission line crossing of approximately 8 feet of PFO wetland, by means of open cut trench, with temporary wetland impacts of 0.01 acre (Lat: 41°34' 1.3"; Long: -75°12' 25.4") in Berlin Township.

80. (Wetland Impact W076) A 30" diameter steel natural gas transmission line crossing of approximately 61 feet of PFO wetland, by means of open cut trench, with temporary wetland impacts of 0.21 acre (Lat: 41°33' 55.0"; Long: -75°11' 47.0") in Berlin Township.

81. (Wetland Impacts W081 - W085) To temporarily impact 0.02 acre of PEM wetlands for the construction of Pipeline Yard 321-15 (Lat: 41°35' 27.0"; Long: -75°10' 42.0") in Berlin Township.

The project will temporarily impact 11.49 acres of wetlands and approximately 1,768 feet of stream channel.

The project begins approximately 1.70 miles east from the intersection of Pleasant Mount Drive and State Route 0247 (Forest City, PA Quadrangle: Latitude: 41°42' 05.7"; Longitude: -75°27' 57.3") in Mount Pleasant Township and ends approximately 2.45 miles northeast of the intersection of Interstate 84 and U.S. Route 0006 (White Mills, PA Quadrangle: Latitude: 41°33' 47.6"; Longitude: -75°11' 31.7") in Berlin Township. Subbasin: 1B.

E58-286. Tennessee Gas Pipeline Company, 1001 Louisiana Street Houston, TX 77002. Auburn Township, Springville Township, Herrick Township, Uniondale Borough and Clifford Township, Susquehanna County, Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Susquehanna County portion of the Tennessee Gas Pipeline 300 Line Project, Loop 319 and Loop 321:

1. (Crossing S010) A 30" diameter steel natural gas transmission line across an unnamed tributary to Little Meshoppen Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 0.8"; Long: -76°03' 50.1") in Auburn Township.

2. (Crossing S035) A 30" diameter steel natural gas transmission line across Little Meshoppen Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 05.8"; Long: -76°03' 20.0") in Auburn Township.

3. (Crossing S036) A 30" diameter steel natural gas transmission line across an unnamed tributary to Little Meshoppen Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 4.5"; Long: -76°03' 26.5") in Auburn Township.
4. (Crossing S027) A 30" diameter steel natural gas transmission line across Nick Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 12.7"; Long: -76°02' 0.6") in Auburn Township.
5. (Crossing S029) A 30" diameter steel natural gas transmission line across an unnamed tributary to Nick Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 12.2"; Long: -76°01' 59.2") in Auburn Township.
6. (Crossing S030) A 30" diameter steel natural gas transmission line across an unnamed tributary to Nick Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 16.5"; Long: -76°01' 16.5") in Auburn Township.
7. (Crossing S028) A 30" diameter steel natural gas transmission line across Riley Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 24.5"; Long: -75°59' 53.3") in Auburn Township.
8. (Crossing S033) A 30" diameter steel natural gas transmission line across an unnamed tributary to West Branch Meshoppen Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 38.8"; Long: -75°57' 25.1") in Springville Township.
9. (Crossing S034) A 30" diameter steel natural gas transmission line across West Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 41.1"; Long: -75°57' 0.8") in Springville Township.
10. (Crossing S013) A 30" diameter steel natural gas transmission line across unnamed tributary to White Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 43.2"; Long: -75°56' 37.3") in Springville Township.
11. (Crossing S014) A 30" diameter steel natural gas transmission line across White Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 43.2"; Long: -75°56' 29.6") in Springville Township.
12. (Crossing S015) A 30" diameter steel natural gas transmission line across unnamed tributary to White Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 44.5"; Long: -75°56' 27.4") in Springville Township.
13. (Crossing S016) A 30" diameter steel natural gas transmission line across unnamed tributary to Thomas Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 41.3"; Long: -75°54' 50.3") in Springville Township.
14. (Crossing S018) A 30" diameter steel natural gas transmission line across an unnamed tributary to Stevens Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 37.8"; Long: -75°54' 09.3") in Springville Township.
15. (Crossing S020) A 30" diameter steel natural gas transmission line across an unnamed tributary to Stevens Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 37.7"; Long: -75°53' 56.6") in Springville Township.
16. (Crossing S022) A 30" diameter steel natural gas transmission line across an unnamed tributary to Stevens Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 38.4"; Long: -75°53' 28.9") in Springville Township.
17. (Crossing S023) A 30" diameter steel natural gas transmission line across Stevens Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 38.4"; Long: -75°53' 19.5") in Springville Township.
18. (Crossing S024) A 30" diameter steel natural gas transmission line across Meshoppen Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 41.4"; Long: -75°52' 27.4") in Springville Township.
19. (Crossing S026) A 30" diameter steel natural gas transmission line across an unnamed tributary to Meshoppen Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 42.0"; Long: -75°52' 24.8") in Springville Township.
20. (Crossing S002) A 30" diameter steel natural gas transmission line across East Branch Tunkhannock Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 34.5"; Long: -75°31' 43.0") in Herrick Township.
21. (Crossing S005) A 30" diameter steel natural gas transmission line across unnamed tributary to East Branch Tunkhannock Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 35.1"; Long: -75°31' 40.7") in Herrick Township.
22. (Crossing S009) A 30" diameter steel natural gas transmission line across an unnamed tributary to East Branch Tunkhannock Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 36.9"; Long: -75°31' 42.4") in Herrick Township.
23. (Crossing S013) A 30" diameter steel natural gas transmission line across Little Creek (CWF, MF) by means of open trench cut (Lat: 41°42' 33.2"; Long: -75°30' 56.4") in Herrick Township.
24. (Crossing S015) A 30" diameter steel natural gas transmission line across Stillwater Lake (CWF, MF) by means of open trench cut (Lat: 41°42' 37.1"; Long: -75°29' 13.3") in Uniondale Borough.
25. (Crossing S016) A 30" diameter steel natural gas transmission line across East Branch Lackawanna River (HQ-CWF, MF) by means of open trench cut (Lat: 41°42' 27.4"; Long: -75°28' 45.5") in Uniondale Borough.
26. (Crossing S043AR6) A temporary access road crossing of Little Meshoppen Creek (CWF, MF) consisting of a 16" diameter corrugated metal pipe (Lat: 41°42' 01.6"; Long: -76°03' 21.9") in Auburn Township.
27. (Wetland Impact W013) A 30" diameter steel natural gas transmission line crossing of approximately 221 feet of PEM/POW wetland, by means of open trench cut, with temporary wetland impacts of 0.36 acre (Lat: 41°41' 57.0"; Long: -76°06' 31.8") in Auburn Township.
28. (Wetland Impact W014) A 30" diameter steel natural gas transmission line crossing of approximately 213 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.35 acre (Lat: 41°41' 57.4"; Long: -76°05' 50.5") in Auburn Township.
29. (Wetland Impact W015) A 30" diameter steel natural gas transmission line crossing of approximately 522 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 1.01 acre (Lat: 41°41' 56.5"; Long: -76°05' 08.7") in Auburn Township.
30. (Wetland Impact W016) A 30" diameter steel natural gas transmission line crossing of approximately 48 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.11 acre (Lat: 41°41' 56.0"; Long: -76°05' 02.7") in Auburn Township.
31. (Wetland Impact W017) A 30" diameter steel natural gas transmission line adjacent to PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.03 acre (Lat: 41°41' 56.3"; Long: -76°04' 59.0") in Auburn Township.
32. (Wetland Impact W018) A 30" diameter steel natural gas transmission line crossing of approximately 1 foot

of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.05 acre (Lat: 41°42' 0.1"; Long: -76°04' 07.8") in Auburn Township.

33. (Wetland Impact W019) A 30" diameter steel natural gas transmission line crossing of approximately 145 feet of PFO/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.32 acre (Lat: 41°41' 59.3"; Long: -76°03' 56.4") in Auburn Township.

34. (Wetland Impact W052) A 30" diameter steel natural gas transmission line crossing of approximately 304 feet of PEM/PSS wetland, by means of open trench cut, with temporary wetland impacts of 0.49 acre (Lat: 41°42' 06.2"; Long: -76°03' 18.5") in Auburn Township.

35. (Wetland Impact W021) A 30" diameter steel natural gas transmission line crossing of approximately 169 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.33 acre (Lat: 41°42' 06.9"; Long: -76°03' 07.4") in Auburn Township.

36. (Wetland Impact W022) A 30" diameter steel natural gas transmission line crossing of approximately 179 feet of PEM wetland with temporary wetland impacts of .37 acre (Lat: 41°42' 9.5"; Long: -76°02' 39.3") in Auburn Township.

37. (Wetland Impact W044) A 30" diameter steel natural gas transmission line crossing of approximately 856 feet of PEM/PSS wetland, by means of open trench cut, with temporary wetland impacts of 2.79 acre (Lat: 41°42' 12.4"; Long: -76°02' 08.3") in Auburn Township.

38. (Wetland Impact W045) A 30" diameter steel natural gas transmission line crossing of approximately 105 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.15 acre (Lat: 41°42' 11.7"; Long: -76°02' 0.1") in Auburn Township.

39. (Wetland Impact W049) A 30" diameter steel natural gas transmission line crossing of approximately 211 feet of PSS/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.47 acre (Lat: 41°42' 11.6"; Long: -76°01' 57.6") in Auburn Township.

40. (Wetland Impact W050) A 30" diameter steel natural gas transmission line crossing of approximately 626 feet of PEM/POW wetland, by means of open trench cut, with temporary wetland impacts of 1.44 acre (Lat: 41°42' 15.7"; Long: -76°01' 23.9") in Auburn Township.

41. (Wetland Impact W051) A 30" diameter steel natural gas transmission line crossing of approximately 60 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.15 acre (Lat: 41°42' 16.8"; Long: -76°01' 13.0") in Auburn Township.

42. (Wetland Impact W046) A 30" diameter steel natural gas transmission line adjacent to PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.17 acre (Lat: 41°42' 22.9"; Long: -76°00' 35.6") in Auburn Township.

43. (Wetland Impact W047) A 30" diameter steel natural gas transmission line crossing of approximately 383 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.88 acre (Lat: 41°42' 23.4"; Long: -76°00' 24.7") in Auburn Township.

44. (Wetland Impact W048) A 30" diameter steel natural gas transmission line crossing of approximately 65 feet of PEM wetland by means of open trench cut and temporary widening of an existing access road across the same wetland, with temporary wetland impacts of 0.14 acre (Lat: 41°42' 24.4"; Long: -75°59' 44.6") in Auburn Township.

45. (Wetland Impact W023) A 30" diameter steel natural gas transmission line crossing of approximately 466 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.53 acre (Lat: 41°42' 27.0"; Long: -75°58' 47.5") in Auburn Township.

46. (Wetland Impact W024) A 30" diameter steel natural gas transmission line crossing of approximately 376 feet of PFO/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.71 acre (Lat: 41°42' 29.5"; Long: -75°58' 29.7") in Auburn Township.

47. (Wetland Impact W028) A 30" diameter steel natural gas transmission line crossing of approximately 434 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.83 acre (Lat: 41°42' 43.7"; Long: -75°56' 20.3") in Springville Township.

48. (Wetland Impact W029) A 30" diameter steel natural gas transmission line crossing of approximately 494 feet of PEM/PSS wetland with temporary wetland impacts of 1.23 acre (Lat: 41°42' 43.6"; Long: -75°56' 08.0") in Springville Township.

49. (Wetland Impact W030) A 30" diameter steel natural gas transmission line crossing of approximately 30 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.06 acre (Lat: 41°42' 43.0"; Long: -75°56' 07.2") in Springville Township.

50. (Wetland Impact W031) A 30" diameter steel natural gas transmission line crossing of approximately 158 feet of PSS/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.32 acre (Lat: 41°42' 42.6"; Long: -74°55' 28.8") in Springville Township.

51. (Wetland Impact W033) A 30" diameter steel natural gas transmission line crossing of approximately 253 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.38 acre (Lat: 41°42' 39.6"; Long: -75°54' 55.0") in Springville Township.

52. (Wetland Impact W034) A 30" diameter steel natural gas transmission line crossing of approximately 188 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.30 acre (Lat: 41°42' 41.3"; Long: -75°54' 52.1") in Springville Township.

53. (Wetland Impact W035) A 30" diameter steel natural gas transmission line crossing of approximately 95 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.12 acre (Lat: 41°42' 39.0"; Long: -75°54' 37.9") in Springville Township.

54. (Wetland Impact W036) A 30" diameter steel natural gas transmission line crossing of approximately 272 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.98 acre (Lat: 41°42' 38.1"; Long: -75°54' 18.6") in Springville Township.

55. (Wetland Impact W038) A 30" diameter steel natural gas transmission line adjacent to PEM/PFO wetland, by means of open trench cut, with temporary wetland impacts of 0.01 acre (Lat: 41°42' 37.1"; Long: -75°54' 13.8") in Springville Township.

56. (Wetland Impact W040) A 30" diameter steel natural gas transmission line crossing of approximately 384 feet of PEM/PSS wetland, by means of open trench cut, with temporary wetland impacts of 0.91 acre (Lat: 41°42' 42.2"; Long: -75°52' 27.4") in Springville Township.

57. (Wetland Impact W041) A 30" diameter steel natural gas transmission line crossing of approximately 7 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.04 acre (Lat: 41°42' 41.6"; Long: -75°52' 22.8") in Springville Township.

58. (Wetland Impact W042) A 30" diameter steel natural gas transmission line crossing of approximately 282 feet of PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.56 acre (Lat: 41°42' 44.4"; Long: -75°51' 25.5") in Springville Township.

59. (Wetland Impact W043) A 30" diameter steel natural gas transmission line crossing of approximately 132 feet of PEM/PSS wetland, by means of open trench cut, with temporary wetland impacts of 0.28 acre (Lat: 41°42' 26.9"; Long: -75°58' 47.5") in Springville Township.

60. (Wetland Impact W065) To place fill for a temporary access road widening, crossing approximately 225 feet of PEM wetland with temporary wetland impacts of 0.01 acre (Lat: 41°41' 54.2"; Long: -76°06' 38.3") in Auburn Township.

61. (Wetland Impact W066) To place fill for a temporary access road widening, crossing approximately 225 feet of PEM wetland with temporary wetland impacts of 0.02 acre (Lat: 41°41' 54.1"; Long: -76°06' 37.9") in Auburn Township.

62. (Wetland Impact W072) A 30" diameter steel natural gas transmission line adjacent to PFO wetland, by means of open trench cut, with temporary wetland impacts of 0.04 acre (Lat: 41°42' 36.4"; Long: -75°32' 25.0") in Herrick Township.

63. (Wetland Impact W005) A 30" diameter steel natural gas transmission line crossing of approximately 102 feet of PEM/PFO wetland, by means of open trench cut, with temporary wetland impacts of 0.53 acre (Lat: 41°42' 34.7"; Long: -75°32' 20.4") in Herrick Township.

64. (Wetland Impact W073) A 30" diameter steel natural gas transmission line adjacent to PSS/PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.12 acre (Lat: 41°42' 35.0"; Long: -75°32' 10.0") in Herrick Township.

65. (Wetland Impact W074) A 30" diameter steel natural gas transmission line adjacent to PEM wetland, by means of open trench cut, with temporary wetland impacts of 0.03 acre. (Lat: 41°42' 35.0"; Long: -75°31' 53.0") in Herrick Township.

66. (Wetland Impact W004) A 30" diameter steel natural gas transmission line crossing of approximately 566 feet of PEM/PFO/PSS wetland (EV), by means of open trench cut, with temporary wetland impacts of 0.83 acre (Lat: 41°42' 35.6"; Long: -75°31' 40.0") in Herrick Township.

67. (Wetland Impact W008) A 30" diameter steel natural gas transmission line crossing of approximately 47 feet of PEM/PSS/PFO wetland, by means of open trench cut, with temporary wetland impacts of 0.11 acre (Lat: 41°42' 34.3"; Long: -75°31' 35.2") in Herrick Township.

68. (Wetland Impact W009) A 30" diameter steel natural gas transmission line crossing of approximately 104 feet of PEM/PFO wetland, by means of open trench cut, with temporary wetland impacts of 0.26 acre (Lat: 41°42' 36.3"; Long: -75°31' 30.2") in Herrick Township.

69. (Wetland Impact W010) A 30" diameter steel natural gas transmission line crossing of approximately 98 feet of PEM/PSS wetland (EV), by means of open trench cut, with temporary wetland impacts of 0.11 acre (Lat: 41°42' 32.4"; Long: -75°30' 55.7") in Herrick Township.

70. (Wetland Impact W011) A 30" diameter steel natural gas transmission line crossing of approximately 209 feet of PEM wetland, by means of open trench cut, with

temporary wetland impacts of 0.42 acre (Lat: 41°42' 32.5"; Long: -75°30' 51.7") in Herrick Township.

71. (Wetland Impact W075) A 30" diameter steel natural gas transmission line adjacent to PFO wetland, by means of open trench cut, with temporary wetland impacts of 0.32 acre (Lat: 41°42' 36.8"; Long: -75°29' 58.0") in Herrick Township.

72. (Wetland Impact W013) A 30" diameter steel natural gas transmission line crossing of approximately 581 feet of PEM/PSS/POW wetland, by means of open trench cut, with temporary wetland impacts of 1.13 acre (Lat: 41°42' 35.9"; Long: -75°29' 37.8") in Uniondale Borough.

73. (Wetland Impact W014) A 30" diameter steel natural gas transmission line crossing of approximately 792 feet of PEM/PSS wetland, by means of open trench cut, with temporary wetland impacts of 2.56 acre (Lat: 41°42' 37.7"; Long: -75°29' 11.5") in Uniondale Borough.

74. (Wetland Impact W015) A 30" diameter steel natural gas transmission line crossing of approximately 135 feet of PEM/PFO/PSS wetland (EV) with temporary wetland impacts of 0.33 acre (Lat: 41°42' 26.6"; Long: -75°28' 45.2") in Uniondale Borough.

75. (Wetland Impact W013) Widening an existing access road which crosses approximately 93 feet of PSS/PEM/PFO wetland with temporary wetland impacts of 0.05 acre (Lat: 41°42' 35.9"; Long: -75°29' 40.3") in Uniondale Borough.

76. (Wetland Impact W090) Widening an existing access road which crosses approximately 236 feet of PEM wetland (EV) with temporary wetland impacts of 0.21 acre (Lat: 41°42' 39.2"; Long: -75°28' 48.8") in Uniondale Borough.

The project will temporarily impact 24.0 acres of wetlands and approximately 1,768 feet of stream channel.

The project begins approximately 0.5 mile southwest from the intersection of State Route 0367 and T 327 (Auburn Center, PA Quadrangle: Latitude: 41°41' 58.4"; Longitude: -76°07' 07.4") in Auburn Township and ends 1.8 miles northeast of the intersection of State Route 0171 and State Route 2010 (Forest City, PA Quadrangle: Latitude: 41°42' 05.7"; Longitude: -75°27' 57.3") in Clifford Township. Subbasin: 4D, E, G.

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

E28-361: D-111 Group, LLC, 826 Tallow Hill Road, Chambersburg, PA 17202, Hamilton Township, **Franklin County**, ACOE Baltimore District

To: 1) construct and maintain a 41.0-foot long, 6.0-inch uniformly depressed, 72.0-inch diameter CMP culvert, install and maintain two 1.0-inch water laterals and two 1.5-inch sanitary sewer laterals in and across an unnamed tributary to Back Creek (TSF, MF), to place and maintain approximately 146.0 cubic yards of fill in the floodway of an unnamed tributary to Back Creek (TSF, MF), and to fill and maintain 0.004 acre of PEM wetland; 2) construct and maintain an 88.0-foot long, 6.0-inch uniformly depressed, 24.0-inch CMP culvert, install and maintain an 8.0-inch PVC sanitary sewer line and an 8.0-inch waterline in and across an unnamed tributary to Back Creek (TSF, MF), to place and maintain approximately 622.0 cubic yards of fill in the floodway of an unnamed tributary to Back Creek (TSF, MF), and to fill and maintain 0.004 acre of PEM wetland; 3) fill and maintain 0.09 acre of PEM wetland; 4) fill and maintain

0.009 acre of PEM wetland; 5) fill and maintain 0.01 acre of PEM wetland; 6) construct and maintain a 108.0-foot long, 6.0-inch uniformly depressed, 72.0-inch diameter CMP culvert, install and maintain an 8.0-inch sanitary sewer line and an 8.0-inch waterline in and across an unnamed tributary to Back Creek (TSF, MF), and to place and maintain approximately 1,741.0 cubic yards of fill in the floodway of an unnamed tributary to Back Creek (TSF, MF); 7) install and maintain an 8.0-inch PVC sanitary sewer line in and across an unnamed tributary to Back Creek (TSF, MF); 8) install and maintain a 10.0-inch PVC sanitary sewer line and a 6.0-inch water line in and across an unnamed tributary to Back Creek (TSF, MF); 9) install and maintain a 10.0-inch PVC sanitary sewer line in and across an unnamed tributary to Back Creek (TSF, MF); 10) construct and maintain a 20.0-foot long, 6.0-inch uniformly depressed, 72.0-inch diameter CMP culvert, install and maintain a 6.0-inch force main, an 8.0-inch PVC sanitary sewer line, and an 8.0-inch waterline in and across an unnamed tributary to Back Creek (TSF, MF), to place and maintain approximately 461.0 cubic yards of fill in the floodway of an unnamed tributary to Back Creek (TSF, MF), and to fill and maintain 0.02 acre of PEM wetland; 11) fill and maintain 0.15 acre of PEM wetland; 12) install and maintain a 10.0-inch PVC sanitary sewer line and a 6.0-inch water line in and across an unnamed tributary to Back Creek (TSF, MF); 13) install and maintain a 6.0-inch water line in and across an unnamed tributary to Back Creek (TSF, MF); and 14) install and maintain a 4.0-inch water line in and across a PEM wetland. The project is located south of Crottlestown Road (T533) approximately one mile northwest of its intersection with Route 30 (Chambersburg, PA Quadrangle; N: 12.0 inches, W: 11.6 inches; Latitude: 39°50'46", Longitude: 77°42'24") in Hamilton Township, Franklin County. The purpose of the project is to construct a subdivision and residential development called Whiskey Run Vista, Sections 1 and 2. The permittee is required to provide a minimum of 0.32 acre of replacement wetland onsite.

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

E11-341. Pennsylvania Department of Transportation, District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648. To remove the existing SR 271, two lane, 40.5 ft wide, nine span bridge having a total length of 750 ft, and having an underclearance of 44 ft; and to construct and maintain 200 ft downstream a 39.7 ft total width, two lane, seven span, replacement bridge, having a total length of 722 ft, and having an underclearance of 47 ft over the Little Conemaugh River (WWF). In addition, for construction of the replacement bridge and removal of the existing bridge install a temporary stream crossing and a temporary causeway, and construct and maintain associated replacement stormwater outfalls to the Little Conemaugh River (WWF). As mitigation for impacting the riparian buffer in the area of the bridge removal, the applicant will replant the impacted buffer. The bridge improvement and relocation project is located 2 miles northeast of Johnstown (Johnstown, PA Quadrangle: North: 16.9 inches; West: 1.3 inches; Latitude 40° 20' 39"; and Longitude 78° 53' 7") in Franklin and East Conemaugh Boroughs, **Cambria County**.

ENVIRONMENTAL ASSESSMENTS

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

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

Project proposes to breach and remove Taylor Run Dam across Taylor Run (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 600 feet of stream channel. The dam is located approximately 3300 feet south of the intersection of SR2017 and Taylor Run Road (Blossburg, PA Quadrangle; Latitude: 41°38' 43", Longitude: -77°02' 40).

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, PO Box 8554, Harrisburg, PA 17105-8554.

D45-290. EL-DO Lake Dam, EL-DO Lake Property Owners Association, P. O. Box 849, Kresgeville, PA 18333. To modify, operate, and maintain the EL-DO Lake Dam across a tributary to Dotters Creek (EV), impacting 0.03 acres of wetlands (PEM) with no proposed impacts to the stream channel and providing for a minimum of 0.13 acres of wetland mitigation, for the purpose of rehabilitating the dam to meet the current Department Regulations. (Pohopoco Mountain, PA Quadrangle N: 14.95 inches; W: 5.0 inches) in Polk Township, **Monroe County**. The 0.03 acre wetland wetland impact is considered deminimus and replacement is not required.

D23-094A. Upper Darby Township, 100 Garrett Road, Room 301, Upper Darby, PA 19082-3135. To operate and maintain Naylor's Run Dam across Naylor's Run (WWF, MF). This structure was constructed under an emergency permit, EP-D23-094, after the original structure was severely damaged and breached during heavy storm events in August 2004. (Lansdowne, PA Quadrangle N: 14.6 inches; W 4.1 inches) Upper Darby Township, **Delaware County**.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

ESCGP-1 # ESG11-117-0035

Applicant Name Ultra Resources, Inc

Contact Person Erika Tokarz

Address 5 East Avenue #108

City, State, Zip Wellsboro, PA 16901-1613

County Tioga

Township(s) Elk Twp.

Receiving Stream(s) and Classification(s) Parker Hollow,
Kettle Creek (EV, MF)

ESCGP-1 # ESG11-105-0001

Applicant Name Ultra Resources, Inc

Contact Person Erika Tokarz

Address 5 East Avenue #108

City, State, Zip Wellsboro, PA 16901-1613

County Potter

Township(s) West Branch Twp.

Receiving Stream(s) and Classification(s) Hurd Hollow,
Leech Hollow, Paul Hollow, South Br. Pine Cr HQ-CWF,
MF

ESCGP-1 # ESX11-015-0060

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street

City, State, Zip Athens, PA 18810

County Bradford

Township(s) Troy Twp.

Receiving Stream(s) and Classification(s) UNT of N. Br.
Towanda Cr—CWF; UNT of Canfield Run/UNT of
Sugar Cr TSF/EV; N Br Towanda Cr CWF;
Canfield Run/Sugar Cr TSF/EV

ESCGP-1 # ESX11-081-0027

Applicant Name Pennsylvania General Energy Company,
LLC

Contact Person Douglas Kuntz

Address 120 Market Street

City, State, Zip Warren, PA 16365

County Lycoming

Township(s) Cummings Twp.

Receiving Stream(s) and Classification(s) UNT to Boone
Run (EV); UNT to Love Run (EV)

ESCGP-1 # ESX11-081-0026

Applicant Name Pennsylvania General Energy Company,
LLC

Contact Person Douglas Kuntz

Address 120 Market Street

City, State, Zip Warren, PA 16365

County Lycoming

Township(s) Cummings Twp.

Receiving Stream(s) and Classification(s) UNT to Boone
Run (EV); Boone Run (HQ/CWF)

ESCGP-1 # ESX11-081-0025

Applicant Name Pennsylvania General Energy Company,
LLC

Contact Person Douglas Kuntz

Address 120 Market Street

City, State, Zip Warren, PA 16365

County Lycoming

Township(s) Cummings Twp.

Receiving Stream(s) and Classification(s) Boone Run
(HQ-CWF); UNT to Boone Run (HQ-CWF); Little
Pine Cr (CWF)

ESCGP-1 # ESX11-081-0028

Applicant Name Anadarko E&P Company LP

Contact Person Bertha Nefe

Address P. O. Box 1330

City, State, Zip Houston, TX 77251-1330

County Lycoming

Township(s) Watson Twp

Receiving Stream(s) and Classification(s) Gamble Run
(HQ-CWF, MF); Gamble Fork (HQ-CWF, MF); Pine
Run (HQ-TSF, MF); Gamble (HQ-CWF, MF)

ESCGP-1 # ESX11-081-0030

Applicant Name Anadarko E&P Company LP

Contact Person Bertha Nefe

Address P. O. Box 1330

City, State, Zip Houston, TX 77251-1330

County Lycoming

Township(s) McHenry Twp.

Receiving Stream(s) and Classification(s) McClure Run
(HQ-CWF, MF); Browns Run (HQ-CWF, MF); Pine Cr
(HQ-TSF, MF)

ESCGP-1 # ESX11-081-0029

Applicant Name Anadarko E&P Company LP

Contact Person Bertha Nefe

Address P. O. Box 1330

City, State, Zip Houston, TX 77251-1330

County Lycoming

Township(s) Cummings Twp.

Receiving Stream(s) and Classification(s) Little Pine Cr,
UNT Little Pine Cr (Parker Hollow) EV, MF; Pine Cr
HQ-TSF, MF; Dam Run, UNT Dam Run HQ-CWF, MF)

ESCGP-1 # ESX10-117-0130(02)

Applicant Name Seneca Resources Corporation

Contact Person Mike Clinger

Address 51 Zents Blvd

City, State, Zip Brookville, PA 15825

County Tioga

Township(s) Shippen and Chatham Twps.

Receiving Stream(s) and Classification(s) Walker Hollow
and Left and Right Straight Run (HQ)

ESCGP-1 # ESX11-035-0002

Applicant Name XTO Energy, Inc

Contact Person Stacey Vehovic

Address 395 Airport Road

City, State, Zip Indiana, PA 15701

County Clinton

Township(s) Chapman Twp.

Receiving Stream(s) and Classification(s) UNT to W Br.
Susquehanna R (HQ, CWF, MF); W. Br Susquehanna
River (HQ, CWF, MF)

ESCGP-1 # ESX11-081-0017

Applicant Name XTO Energy, Inc

Contact Person Stacey Vehovic

Address 395 Airport Road

City, State, Zip Indiana, PA 15701

County Lycoming

Township(s) Jordan Twp.

Receiving Stream(s) and Classification(s) Little Muncy
Creek (CWF, MF); Susquehanna River Basin

ESCGP-1 # ESX11-117-0045

Applicant Name Talisman Energy USA, Inc.

Contact Person Guido Struyk

Address 50 Pennwood Place

City, State, Zip Warrendale, PA 15086

County Tioga

Township(s) Ward Twp.

Receiving Stream(s) and Classification(s) UNT to Morris
Run (CWF/MF), Fall Brook (CWF/MF), Morris Run

ESCGP-1 # ESX11-015-0075

Applicant Name Talisman Energy USA, Inc.

Contact Person Guido Struyk

Address 50 Pennwood Place

City, State, Zip Warrendale, PA 15086
 County Bradford
 Township(s) Windham Twp.
 Receiving Stream(s) and Classification(s) (2) UNT to
 Wysox Creek (CWF/MF); Wysox Cr (CWF/MF)

ESCGP-1 # ESX11-117-0044
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Guido Struyk
 Address 50 Pennwood Place
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Hamilton Twp.
 Receiving Stream(s) and Classification(s) UNT to East Cr
 Tioga R (EV/MF); UNT to Coal Cr (CWF/MF), Tioga
 River (CWF)

ESCGP-1 # ESX11-015-0072
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Sylvania Borough, Columbia Twp.
 Receiving Stream(s) and Classification(s) Morgan Cr
 (TSF/MF), UNT to Sugar Cr (TSF/MF), Sugar
 Cr (TSF/MF)

ESCGP-1 # ESX11-015-0073
 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) UNT's to Mill
 Cr (TSF-MF); UNTs to South Cr (CWF-MF)

ESCGP-1 # ESX11-117-0014
 Applicant Name Mainesburg GS, LP
 Contact Person Ralph Neumann
 Address 20329 SH 249, STE 450
 City, State, Zip Houston, TX 77070
 County Tioga
 Township(s) Covington, Richmond, Sullivan Twps.
 Receiving Stream(s) and Classification(s) UNT to Canoe
 Camp and Wilson Creeks, Canoe Camp and Wilson
 Creeks

ESCGP-1 # ESX11-115-0028
 Applicant Name Chief Oil & Gas LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road Ext, Ste 210
 City, State, Zip Wexford, PA 15090
 County Susquehanna
 Township(s) Lenox Twp.
 Receiving Stream(s) and Classification(s) Utleigh Brook
 (TSF), Tunkhannock Cr

ESCGP-1 # ESX11-115-0022
 Applicant Name Chief Oil & Gas LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road Ext, Ste 210
 City, State, Zip Wexford, PA 15090
 County Susquehanna
 Township(s) Springville Twp.
 Receiving Stream(s) and Classification(s) Field Br,
 Montroe Cr, and UNT to Field Br (CWF,MF); Tunkhan-
 nock Cr (TSF, MF)

ESCGP-1 # ESX11-117-0042
 Applicant Name SWEPI LP
 Contact Person Richard Lewis
 Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Union
 Receiving Stream(s) and Classification(s) UNT to West
 Mill Creek—HQ-CWF

ESCGP-1 # ESX11-117-0043
 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) UNT to Seeley
 Creek—CWF UNT to Bear Creek—CWF

*Northwest Region: Oil and Gas Program Manager, 230
 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-019-0062—Pallack A Well Pad
 Applicant Rex Energy Operating Corp.
 Contact Patrick M. McKinney
 Address 476 Rolling Ridge Dr., Suite 300
 City State College State PA Zip Code 16801
 County Butler Township(s) Lancaster(s)
 Receiving Stream(s) and Classification(s) UNT to Crab
 Run (CWF) and UNT to Yellow Creek (CWF)—
 Secondary Water Crab Run and Yellow Creek

ESCGP-1 #ESX11-019-0063—Brennan A Well Pad
 Applicant Rex Energy Operating Corporation
 Contact Patrick M McKinney
 Address 476 Rolling Ridge Drive Suite 300
 City State College State PA Zip Code 16801
 County Butler Township(s) Lancaster(s)
 Receiving Stream(s) and Classification(s) UNT to Yellow
 Creek (CWF), Yellow Creek-other

ESCGP-1 # ESX11-065-0026—Cook Pad
 Applicant EXCO Resources (PA), LLC
 Contact Mr. Gregg Stewart
 Address 3000 Ericsson Drive, Suite 200
 City Warrendale State PA Zip Code 15086
 County Jefferson Township(s) Polk(s)
 Receiving Stream(s) and Classification(s) South Branch
 North Fork Redbank Creek/North Fork Redbank Creek

ESCGP-1 #ESX11-019-0064—Meyer A Well Pad
 Applicant Rex Energy Operating Corporation
 Address 476 Rolling Ridge Drive, Suite 300
 City State College State PA Zip Code 16801
 County Butler Township(s) Jackson(s)
 Receiving Stream(s) and Classification(s) Likens Run
 (WWF) and UNT to Breakneck Creek (WWF)

ESCGP-1 #ESX11-019-0066—Zang A Well Pad and
 Impoundment
 Applicant Rex Energy Corporation
 Contact Allan Berenbrok, P.E.
 Address 476 Rolling Ridge Drive Suite 300
 City State College State PA Zip Code 16801
 County Butler Township(s) Forward(s)
 Receiving Stream(s) and Classification(s) Connoqueness-
 ing Creek (WWF)/Slippery Rock Creek(WWF)-other

ESCGP-1 #ESX11-019-0065—Plesniak A Well Pad and
 Impoundment
 Applicant Rex Energy Corporation
 Contact Patrick M. McKinney
 Address 476 Rolling Ridge Drive, Suite 300
 City State College State PA Zip Code 16801
 County Butler Township(s) Lancaster(s)
 Receiving Stream(s) and Classification(s) UNT to Yellow
 Creek—CWF, Yellow Creek—Other

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

Beaver County Conservation District: 156 Cowpath Road, Aliquippa, PA 15001. (724-378-1701)

ESCGP-1 No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
04 11 001	Eric N. Stewart Appalachia Midstream Services 179 Chesapeake Drive PO Box 1300 Jane Lew, WV 26278	Beaver	South Beaver Township	UNT to Brush Run (HQ-CWF)

STORAGE TANKS

SITE-SPECTIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 504, 1101 and 1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, PO Box 8763, Harrisburg, PA 17105-8763.

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
11-59-001	Multi-Chem Group, LLC 3401 West Admiral Doyle Drive New Iberia, LA 70560-9796 Attn: Stacey Dunbar	Tioga	Charleston Township	3 ASTs storing hazardous substances	30,000 gallons total
11-41-002	Lonza, Inc. 3500 Trenton Avenue Williamsport, PA 17701 Attn: Michael Shaffer	Lycoming	City of Williamsport	1 AST storing caustic soda	36,000 gallons

SPECIAL NOTICES

Approval of Registration/Applications under General Permit for Short-Term Construction Project BMR-GP-103

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

59101002, Atlas Land & Royalty, Inc. (95 W. Wellsboro Street, P. O. Box 467, St. Marys, PA 15857), authorization to extract sandstone and shale in Lawrence Township, Tioga County in order to provide fill material to the Riccelli Terminal a construction project in Covington Township, **Tioga County**. Receiving streams: Unnamed Tributary to Tioga River. Authorization approved: April 15, 2011.

[Pa.B. Doc. No. 11-767. Filed for public inspection May 6, 2011, 9:00 a.m.]

Bid Opportunity

OSM 03(3361)101.1, Abandoned Mine Reclamation Project, McCrea Furnace West, Mahoning Township, Armstrong County. The principle items of work and approximate quantities include mobilization and demobilization; implementation of the erosion and sediment control; clearing and grubbing/solid waste removal; grading 771,170 cubic yards; subsurface drain 950 linear feet; gas line relocation; permanent swales 470 linear feet; permanent access roads 700 linear feet; tree planting 13,750; and seeding 56.1 acres. This bid issues May 6, 2011, and bids will be opened on June 9, 2011, at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact

the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-768. Filed for public inspection May 6, 2011, 9:00 a.m.]

Bid Opportunity

OSM 65(2538)101.1, Abandoned Mine Land Reclamation Project, Airshaft Road, Allegheny Township, Westmoreland County. The principle items of work and approximate quantities include mobilization and demobilization; demolition; removal and disposal of mine facilities; clearing and grubbing; backfilling mine shaft 5,937 tons; grout 889 tons; and seeding. This bid issues May 6,

2011, and bids will be opened on June 9, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-769. Filed for public inspection May 6, 2011, 9:00 a.m.]

Solid Waste Advisory Committee Meeting Cancellation

The Solid Waste Advisory Committee meeting scheduled for Thursday, May 12, 2011, has been cancelled. The next regularly scheduled meeting is for September 15, 2011, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the September 15, 2011, meeting will be available on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (select "Public Participation" then "Public Participation Center").

Questions concerning this meeting should be directed to Michael Texter at (717) 783-6006, mtexter@state.pa.us.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 11-770. Filed for public inspection May 6, 2011, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Crawford County

The Department of General Services (Department) will accept bids for the purchase of 0.3297-acre ± of land and building formerly known as the Meadville National Guard Armory located at 894 Diamond Park, City of Meadville, Crawford County. Bids are due Thursday, June 16, 2011. Interested parties wishing to receive a copy of Solicitation No. 94420 should view the Department web site at www.dgs.state.pa.us or call Lisa Kettering at (717) 787-1321.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 11-771. Filed for public inspection May 6, 2011, 9:00 a.m.]

Real Estate for Sale Delaware County

The Department of General Services (Department) will accept bids for the purchase of 0.25-acre of land and

single family residence located at 215 East Avon Road, City of Chester, Delaware County. Bids are due Monday, July 25, 2011. Interested parties wishing to receive a copy of Solicitation No. 94416 should view the Department web site at www.dgs.state.pa.us or call Jayne Fitzpatrick at (717) 787-2834.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 11-772. Filed for public inspection May 6, 2011, 9:00 a.m.]

Real Estate for Sale Delaware County

The Department of General Services (Department) will accept bids for the purchase of 0.25-acre of land and single family residence located at 962 East 20th Street, City of Chester, Delaware County. Bids are due Monday, July 25, 2011. Interested parties wishing to receive a copy of Solicitation No. 94417 should view the Department web site at www.dgs.state.pa.us or call Jayne Fitzpatrick at (717) 787-2834.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 11-773. Filed for public inspection May 6, 2011, 9:00 a.m.]

Real Estate for Sale Erie County

The Department of General Services (Department) will accept bids for the purchase of 0.48-acre ± of land and building containing 10,985 square feet ±, formerly known as the Corry National Guard Armory located at 215 East Washington Street, City of Corry, Erie County. Bids are due Thursday, June 2, 2011. Interested parties wishing to receive a copy of Solicitation No. 94421 should view the Department web site at www.dgs.state.pa.us or call Lisa Kettering at (717) 787-1321.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 11-774. Filed for public inspection May 6, 2011, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Vincentian Home
111 Perrymont Road
Pittsburgh, PA 15237-5239

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.33(a) (relating to utility room).

Manorcare Health Services—Kingston
 200 Second Avenue
 Kingston, PA 18704
 FAC ID 900102

These requests are on file with the Department of Health (Department). Persons may receive a copy of the request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,
Secretary

[Pa.B. Doc. No. 11-775. Filed for public inspection May 6, 2011, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Millionaire Raffle XII Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 874.4 (relating to notice of raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. *Name:* The name of the raffle game is Pennsylvania Millionaire Raffle XII.
2. *Price:* The price of a Pennsylvania Millionaire Raffle XII lottery game ticket is \$20.
3. *Ticket Sales And Drawing Date:* Pennsylvania Millionaire Raffle XII lottery game tickets sales will commence on or after May 13, 2011, and will continue until

all 500,000 tickets have been sold, or 5:00 p.m. on July 9, 2011, whichever occurs earlier.

4. *Ticket Characteristics:* Each Pennsylvania Millionaire Raffle XII lottery game ticket will contain one unique eight-digit number between 00000001 and 00500000, for a total of 500,000 tickets.

5. *Prizes:* The prizes that can be won in this game are \$100, \$1,000, \$100,000 and \$1,000,000. A player may only win one time on each ticket or chance.

6. *Maximum Number of Tickets Printed and Sold for the Game:* There will be no more than 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle XII lottery game. The chances will be sequentially issued on a statewide basis from the range of individual unique numbers representing the chances available for the game.

7. *Conduct of Drawing:* The results of the Pennsylvania Millionaire Raffle XII will be televised on July 9, 2011, at or about 7:00 p.m. A computer-generated randomizer will be used to conduct the drawing. Six-thousand (6,000) unique eight-digit numbers will be drawn from the range of numbers representing the chances sold. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which the unique eight-digit number matches exactly one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which the unique eight-digit number matches exactly one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which the unique eight-digit number matches exactly one of the third-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the unique eight-digit number matches exactly one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

9. *Number and Description of Prizes and Approximate Odds:* The Pennsylvania Millionaire Raffle XII prizes and determination of winners are as follows:

Ticket Matching Exactly the Unique Eight-digit Number Drawn:

	<i>Win Prize Of:</i>
First-Prize-Tier	\$1,000,000
Second-Prize-Tier	\$100,000
Third-Prize-Tier	\$1,000
Fourth-Prize-Tier	\$100

<i>Maximum Odds Of Winning Are 1 In:</i>	<i>Number Of Winners</i>
125,000	4
125,000	4
5,000	100
84.86	5,892

All Pennsylvania Millionaire Raffle XII lottery game prize payments, including first-prize-tier prizes, will be made as one-time lump-sum cash payments.

10. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of

Pennsylvania Millionaire Raffle XII lottery game tickets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote Millionaire Raffle XII or through normal communications methods.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle XII lottery game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

12. *Unclaimed Prize Money:* Unclaimed prize money on winning PA Millionaire Raffle XII lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the announced close of the Raffle XII lottery game. If no claim is made within 1 year of the announced close of the Raffle XII lottery game conducted by the State Lottery, the right of a ticket holder to claim the prize represented by that ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

13. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 11-776. Filed for public inspection May 6, 2011, 9:00 a.m.]

DEPARTMENT OF STATE

Election for the Office of Judge of the Municipal Court of Philadelphia

On April 21, 2011, the Secretary of the Commonwealth received written notice that Judge Jimmie Moore has

revoked his declaration of candidacy for retention as a Judge of the Municipal Court of Philadelphia. Under the Constitution and laws of the Commonwealth, an election for the judicial office held by Judge Moore will occur as part of the Municipal Election to be held November 8, 2011.

In the Municipal Election, the electors of this Commonwealth will elect two Judges of the Municipal Court of Philadelphia. Each elector will be entitled to vote for up to two candidates, with the two candidates receiving the largest number of valid votes being elected.

In the Municipal Primary on May 17, 2011, the electors of the Republican Party and the Democratic Party will each nominate one candidate for the office of Judge of the Municipal Court of Philadelphia. By law, each of the certified Statewide political parties of this Commonwealth—the Republican Party and the Democratic Party—will be permitted to nominate one additional candidate for the Municipal Court of Philadelphia by submitting to the Secretary of the Commonwealth, no later than September 19, 2011, a nomination certificate in the form prescribed by law and prepared in accordance with the applicable rules of the political party. See sections 978.3, 993 and 994 of the Pennsylvania Election Code (25 P.S. §§ 2938.3, 2953 and 2954). Political bodies will be permitted to nominate a candidate by filing with the Secretary of the Commonwealth, no later than September 19, 2011, nomination papers prepared and submitted in accordance with the requirements of sections 978.3, 993 and 994 of the Pennsylvania Election Code.

CAROL AICHELE,
Secretary

[Pa.B. Doc. No. 11-777. Filed for public inspection May 6, 2011, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 645.5b).

The Commission has issued comments on the following proposed regulations. The agencies must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-281	Pennsylvania Public Utility Commission Liquid Fuels Pipeline Regulations 41 Pa.B. 1020 (February 26, 2011)	3/28/11	4/27/11
1215-141	Pennsylvania Gaming Control Board Preliminary Provisions; Bureau of Investigations and Enforcement 41 Pa.B. 1018 (February 26, 2011)	3/28/11	4/27/11

**Pennsylvania Public Utility Commission
Regulation #57-281 (IRRC #2887)**

Liquid Fuels Pipeline Regulations

April 27, 2011

We submit for your consideration the following comments on the proposed rulemaking published in the February 26, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. Section 59.33. Safety.—Consistency with federal law; Reasonableness; Need; Clarity.

Subsection (b)

Proposed changes to Subsection (b) incorporate federal requirements for safety standards for “all natural gas and hazardous liquid public utilities in the Commonwealth.” We raise three issues.

First, what are “hazardous liquid public utilities”? The final-form regulation should define this term.

Second, proposed Subsection (b) references “49 CFR Parts 190—195, 198 and 199 . . .,” as well as “future federal amendments to 49 CFR Parts 190—195, 198 and 199 . . .” Why does the regulation reference future federal provisions? Section 1.6 (b) of the *PA Code & Bulletin Style Manual* provides: “If an agency wishes to incorporate subsequent amendments [of a code or regulation] the agency must explicitly do so by amendment of its existing rules. . . .” The final-form regulation should either delete the new language pertaining to future federal amendments or provide a justification for retaining it.

Finally, the existing subsection references 49 CFR Parts 191—193, and 199. The proposed regulation replaces these references with 49 CFR Parts 190—195, 198 and 199. However, it is unclear why these changes have been made. The final-form regulation should explain the need for this change in citations.

**Pennsylvania Gaming Control Board
Regulation #125-141 (IRRC #2888)**

**Preliminary Provisions; Bureau of
Investigations and Enforcement**

April 27, 2011

We submit for your consideration the following comments on the proposed rulemaking published in the February 26, 2011 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Section 401a.5. Adjudicatory function of the Board; ex parte communications.—Clarity; reasonableness; implementation procedures.

This section establishes the appropriate adjudicatory functions and conduct of the Board. We raise two issues.

First, in Subsection (a), why are adjudicatory actions limited to “contested on-the-record” proceedings? A commentator suggests that on-the-record proceedings are not the only means for an agency to act in an adjudicatory capacity. Therefore, the final-form regulation should distinguish between on-the-record and off-the-record proceedings.

Second, the Preamble provides that notification of an ex parte communication and an opportunity to respond will be given to “all parties.” However, Subsection (d) provides that notification of the communication will be given “to all parties to a hearing or other proceeding directly affected by the anticipated vote or action of the Board or presiding officer. . . .” Why does the proposed rulemaking limit notification of, and an opportunity to respond to, an ex parte communication to only those parties directly affected by the outcome? The final-form regulation should clarify this issue.

2. Section 405a.1. General duties and powers.—Clarity

There is a typographical error in Subsection (a). In the final-form regulation, “Chief Council” should be replaced with “Chief Counsel.”

3. Section 405a.4. Conduct.—Clarity.

In Subsection (b), what does it mean to “exert influence?” The final-form regulation should define this term.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 11-778. Filed for public inspection May 6, 2011, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
57-267	Pennsylvania Public Utility Commission Streamlining the Rate Increase Procedures for Small Motor Carriers	4/20/11	6/16/11

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 11-779. Filed for public inspection May 6, 2011, 9:00 a.m.]

INSURANCE DEPARTMENT

Insurance Coverages or Risks Eligible for Export by Insurance Commissioner

Under section 1604(2)(ii) of The Insurance Company Law of 1921 (40 P.S. § 991.1604(2)(ii)), the Insurance Commissioner declares the following insurance coverages to be generally unavailable in the authorized market at the present, and thus exportable, and hereby adopts the following export list. Accordingly, for those insurance coverages which are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

Export List

Amusements

- Amusement Parks and their Devices
- Animal Rides
- Recreational and Sporting Events
- Special Short Term Events
- Theatrical Presentations

Aviation

- Fixed Base Operations
- Bridge and Tunnel Contractors (liability only)
- Chemical Spray and/or Drift
- Crane and Rigging Contractors (liability and physical damage only)
- Crop Dusters (aircraft liability and aircraft hull coverage only)
- Day Care Centers Liability, including Sexual Abuse Coverage
- Demolition Contractors Liability
- Firework Sales/Manufacturing
- Flood Insurance not provided under Federal Flood Insurance
- Fuel and Explosive Haulers (excess auto liability and auto physical damage only)
- Guides and Outfitters (liability only)
- Hazardous Waste Haulers (excess auto liability and auto physical damage only)
- Hazardous Waste Storage and Disposal (liability only)
- Hunting Clubs
- Kidnapping, Ransom and Extortion Insurance
- Liquor Liability (monoline)
- Medical Malpractice Liability with or without related General Liability Coverages
- Nursing Home Liability with or without other Affiliated Elder Care Services
- Pest Control (Exterminators) Liability
- Products Liability (monoline) for the Manufacturing of:
 - Aircraft and Component Parts
 - Automotive and Component Parts
 - Farm and Industrial Equipment
 - Firearms
 - Medical Equipment
 - Petrochemicals
 - Pharmaceuticals
- Products Recall (monoline) for the Manufacturing of:
 - Aircraft and Component Parts
 - Automotive and Component Parts
 - Farm and Industrial Equipment
 - Firearms
 - Medical Equipment
 - Petrochemicals
 - Pharmaceuticals
- Railroad, including Consultants, Contractors and Suppliers
- Real-Estate Environmental Impairment Coverage

- Security/Detective/Patrol Agencies
- Tattoo Parlors Liability
- Taxicab Liability
- Vacant Properties

This list becomes effective on the date of its publication in the *Pennsylvania Bulletin* and supersedes the list published at 40 Pa.B. 2203 (April 24, 2010), and shall remain in effect until superseded by a subsequent list as published in the *Pennsylvania Bulletin*.

Questions regarding the Export List may be directed to Cressinda E. Bybee, Office of Corporate and Financial Regulation, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2144, fax (717) 787-8557, cbybee@state.pa.us.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-780. Filed for public inspection May 6, 2011, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P.S. § 1171.8) in connection with their companies' termination of the insureds' homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Fairmount Hearing Room, 801 Market Street, Philadelphia, PA 19107.

Appeal of Sandra and Owen Nugent; file no. 11-215-100722; Geico General Insurance Company; Doc. No. PH11-04-010; May 19, 2011, 3:30 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-781. Filed for public inspection May 6, 2011, 9:00 a.m.]

Senior Health Insurance Company of Pennsylvania; Rate Increase Filing for LTC Forms

The Senior Health Insurance Company of Pennsylvania is requesting approval to increase the premium 14% on 2,100 policyholders with the following individual policy forms: ATL-LTC-1, ATL-HHCR-LTC-1, ATL-BIR-LTC-1, ATL-BIR-LTC-1-93, ATL-ALFR-89, ATL-BRR-93, ATL-HC-93, ATL-AMB-93, ATL-PDR-93 and ATL-PNR-93.

Unless formal administrative action is taken prior to July 21, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To access the filing, under "How to Find..." click on "View Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 11-782. Filed for public inspection May 6, 2011, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Telecommunications

A-2011-2237859. Verizon Pennsylvania, Inc. and Advanced Telephone Systems, Inc., d/b/a HTC Communications. Joint petition of Verizon Pennsylvania, Inc. and Advanced Telephone Systems, Inc., d/b/a HTC Communications for approval of amendment No. 2 to the interconnection agreement under section 252 of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Advanced Telephone Systems, Inc., d/b/a HTC Communications, by its counsel, filed on April 27, 2011, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 2 to the 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 Verizon Pennsylvania, Inc. and Advanced Telephone Systems, Inc., d/b/a HTC Communications 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. 11-783. Filed for public inspection May 6, 2011, 9:00 a.m.]

Transfer of Control

A-2011-2237872; A-2011-2237873; A-2011-2237874; A-2011-2237875; A-2011-2237893; A-2011-2237894; A-2011-2237895. Level 3 Communications, Inc., Apollo Amalgamation Sub Ltd, Level 3 Communications, LLC, Broadwing Communications, LLC, WilTel Communications, LLC, TelCove Operations, LLC, TelCove of Pennsylvania, LLC, Global Crossing North America, Inc., Global Crossing Telecommunications, Inc. and Global Crossing Local Services, Inc. Joint application of Level 3 Communications, Inc., Apollo Amalgamation Sub Ltd, Level 3 Communications, LLC, Broadwing Communications, LLC, WilTel Communications, LLC, TelCove Operations, LLC, TelCove of Pennsylvania, LLC, Global Crossing North America, Inc., Global Crossing Telecommunications, Inc. and Global Crossing Local Services, Inc., for approval of a transfer of control and related transactions.

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 23, 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, and at the applicant's business address.

Joint Applicants: Level 3 Communications, LLC, Broadwing Communications, LLC, WilTel Communications, LLC, TelCove Operations, LLC, TelCove of Pennsylvania, LLC, Global Crossing Telecommunications, Inc. Global Crossing Local Services, Inc.

Through and by Counsel: Daniel P. Delaney, Esquire, K&L Gates, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-784. Filed for public inspection May 6, 2011, 9:00 a.m.]

Transfer of Ownership and Control

A-2011-2237681. BellSouth Long Distance, Inc., BellSouth Corporation, BellSouth Mobile Data, Inc. and AT&T, Inc. Application of BellSouth Long Distance, Inc., BellSouth Corporation, BellSouth Mobile Data, Inc. and AT&T, Inc. for approval to transfer the ownership and control of: 1) BellSouth Long Distance, Inc. from BellSouth Corporation to BellSouth Mobile Data, Inc.; and 2) BellSouth Mobile Data, Inc. from BellSouth Corporation to AT&T, Inc.

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 23, 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, and at the applicant's business address.

Applicant: BellSouth Long Distance, Inc.

Through and by Counsel: Michelle Painter, Esquire, Painter Law Firm, PLLC, 13017 Dunhill Drive, Fairfax, VA 22030

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 11-785. Filed for public inspection May 6, 2011, 9:00 a.m.]

STATE CHARTER SCHOOL APPEAL BOARD

Schedule of Meetings

The State Charter School Appeal Board (Board) will meet as follows:

June 7, 2011	1 p.m.	Honors Suite
July 26, 2011	1 p.m.	Honors Suite
October 25, 2011	1 p.m.	Honors Suite
December 13, 2011	1 p.m.	Honors Suite
February 21, 2012	1 p.m.	Honors Suite
March 27, 2012	1 p.m.	Honors Suite
April 24, 2012	1 p.m.	Honors Suite
June 5, 2012	1 p.m.	Honors Suite

Unless due and timely notice to the contrary is given, these meetings will be held in the Honors Suite on the First Floor or Heritage Room A, Lobby Level, Education Building, 333 Market Street, Harrisburg, PA.

Persons with disabilities needing special accommodations to attend the meetings may contact Ernest Helling, Counsel to the Board, at the 9th Floor, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-5500 or Pennsylvania AT&T Relay Service (800) 654-5984 at least 24 hours in advance so that arrangements can be made.

ERNEST N. HELLING,
Board Counsel

[Pa.B. Doc. No. 11-786. Filed for public inspection May 6, 2011, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

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

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
John K. Stoltzfus, Jr. 126 South Groffdale Road Leola, PA 17540	Lancaster County/Upper Leacock Township	54.56	Layers, Horse	New	Approved
Ken Martin—Blue Lake Farm 3370 Forest Hill Road Mifflinburg, PA 17844	Union County/West Buffalo Township	84.9	Layers	New	Approved
Norman Esh 6801 Sulphur Springs Road Montgomery, PA 17752	Lycoming County/Washington Township	24.5	Layers	New	Approved

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Jim Showers 767 Gray Hill Road New Columbia, PA 17856	Union County/White Deer Township	372.0	Swine	New	Approved

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 11-787. Filed for public inspection May 6, 2011, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

June 2, 2011	Mark A. Ciavarella, Jr. Commonwealth Debt Claim	10 a.m.
June 2, 2011	Mark A. Ciavarella, Jr. Pension Forfeiture	1 p.m.
June 16, 2011	Martin J. Barrett Disability Retirement Benefits	1 p.m.
July 13, 2011	Aaron Wilk Election of Multiple Service Credit	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

LEONARD KNEPP,
Secretary

[Pa.B. Doc. No. 11-788. Filed for public inspection May 6, 2011, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Notice of Commission Determination

Summary: Pursuant to authority set forth in the Susquehanna River Basin Compact, Pub. L. 91-575, 84 Stat. 1509 et seq., Article 3, Section 3.10(3); and at 18 CFR §§ 806.4(a)(8) and 806.5, the Executive Director has issued a determination regarding the requirement for review and approval of natural gas well development

projects targeting the Antes, Burket, Geneseo, Mandata, Middlesex, Needmore, or Rhinestreet shale formations.

Date: April 21, 2011.

Addresses: Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102-2391.

For Further Information Contact: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436; e-mail: rcairo@srbc.net; or Thomas W. Beauduy, Deputy Executive Director, telephone: (717) 238-0423, ext. 305; fax: (717) 238-2436; e-mail: tbeauduy@srbc.net. Regular mail inquiries may be sent to the above address.

Supplementary Information: On April 21, 2011, Executive Director Paul O. Swartz issued the following determination: Pursuant to my authority under 18 CFR §§ 806.4(a)(8) and 806.5, I hereby determine that natural gas well development projects involving a withdrawal, diversion or consumptive use of water and targeting the Antes, Burket, Geneseo, Mandata, Middlesex, Needmore, or Rhinestreet shale formations shall be subject to the review and approval of the Susquehanna River Basin Commission (the "Commission"). These projects shall be in addition to and shall not affect any other gas well development projects targeting the Marcellus or Utica shale formations that the Commission has already determined to be subject to review and approval by prior determination or rulemaking action.

Any project sponsor proposing to initiate a gas well development project(s) targeting any of the shale formations subject to this determination that involves a withdrawal, diversion or consumptive use of water, regardless of quantity, is directed to submit an application requesting review and approval in accordance with 18 CFR Part 806. All existing "Approvals by Rule" (ABRs) issued by the Commission under 18 CFR § 806.22(f), are hereby modified to subject any natural gas well development activity targeting such shale formations to the terms and conditions thereof.

This determination may be appealed to the Commission within thirty (30) days of receipt of this notice in the manner described by 18 CFR § 808.2.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 11-789. Filed for public inspection May 6, 2011, 9:00 a.m.]