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PENNSYLVANIA BULLETIN

Volume 43

Number 19

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Pages 2549—2694

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The Courts
Board of Coal Mine Safety
Board of Probation and Parole
Department of Banking and Securities
Department of Community and Economic
Development
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
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Public School Employees' Retirement Board
State Board of Nursing

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

No. 462, May 2013

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Pennsylvania Bulletin

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

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

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania 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 when the agency may omit the proposal step; it 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, it must repropose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

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* is available at www.pacode.com.

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*.

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us.

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. The *Pennsylvania Bulletin* is available at www.pabulletin.com.

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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

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THE GENERAL ASSEMBLY

Recent Actions during the 2013 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2013 Regular Session

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2013 General Acts of Regular Session Enacted—Act 002 through 003					
002	Apr 18	SB0066	PN0197	Immediately	Community and Economic Development Enhancement Act—omnibus amendments
003	Apr 25	HB0002	PN0537	Immediately	Public School Code of 1949—omnibus amendments

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

VINCENT C. DELIBERATO, Jr.,
Acting Director
Legislative Reference Bureau

[Pa.B. Doc. No. 13-846. Filed for public inspection May 10, 2013, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

[204 PA. CODE CH. 71]

Adoption of Rule 206 of the Pennsylvania Bar Admission Rules; No. 596 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 24th day of April, 2013, upon the recommendation of the Pennsylvania Board of Law Examiners; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 206 of the Pennsylvania Bar Admission Rules is adopted as set forth in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter B. ADMISSION TO THE BAR GENERALLY

IN GENERAL

Rule 206. Disqualification of an Applicant.

(a) *Automatic Disqualification.* An applicant who is found to have:

(1) obtained, used, or attempted to obtain or use answers or written or oral information or materials relating to the subjects tested on the bar examination from another applicant or any other person or source while taking the bar examination;

(2) brought in to the bar examination any personal notes relating to the subjects tested on the bar examination and used or attempted to use such notes while taking the bar examination;

(3) secreted any answers, information, materials, or personal notes relating to the subjects tested on the bar examination with the intent to review or use such information while taking the bar examination;

(4) received advance knowledge or information about the questions or the answers to the questions that are included on the bar examination being taken;

(5) written any notes or unauthorized information relating to the subjects tested on the bar examination on any examination materials prior to the beginning of the examination session; or

(6) given or attempted to give answers or information relating to the bar examination being taken to another applicant

shall be disqualified from the bar examination and will not receive a score for the bar examination, or if a score had already been determined such score will be invalidated. Such applicant shall not be eligible to file an application to sit for another bar examination for a period of three years from the date of the disqualification. If such applicant successfully completes a subsequent bar examination, the conduct underlying the disqualification will be considered by the Board in determining whether the applicant has the requisite character to be a member of the bar.

(b) *Discretionary Disqualification.* An applicant who is found to have violated or attempted to violate any other rule or restriction established by the Board related to taking the bar examination, including but not limited to bringing any item or material prohibited by the Board into the examination room, failure to follow instructions concerning the beginning or end of the examination, communicating with another applicant or external source during the examination, violating any oral or written instructions given in connection with the administration of the bar examination, compromising or disrupting the process for administration of the bar examination, failure to cooperate in the investigation of any conduct in connection with the administration of the bar examination, or otherwise failing to make a good faith effort to take the bar examination may be disqualified from the examination. An applicant who is disqualified under this section will not receive a score for the bar examination, or if a score had already been determined such score will be invalidated. If an applicant is not disqualified under this section for a violation of any rule or restriction, or if such applicant is disqualified and successfully completes a subsequent bar examination, the conduct underlying the violation of the rules and restrictions will be considered by the Board in determining whether the applicant has the requisite character to be a member of the bar.

(c) The initial determination as to the disqualification of an applicant shall be made by the Executive Director. An applicant receiving notice of the disqualification shall have the right to request in writing, within 10 days of the disqualification, a hearing before the Board, which hearing shall be governed by the general procedures set forth in Rule 213.

[Pa.B. Doc. No. 13-847. Filed for public inspection May 10, 2013, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1915]

Adoption of Rule 1915.11-1 of the Rules of Civil Procedure; No. 577 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 23rd day of April, 2013, upon the recommendation of the Domestic Relations Procedural

Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 40 Pa. Bull. 6512 (November 13, 2010):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1915.11-1 of the Pennsylvania Rules of Civil Procedure is adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in thirty days on May 23, 2013.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule 1915.11-1. Elimination of Parenting Coordination.

Only judges may make decisions in child custody cases. Masters and hearing officers may make recommendations to the court. Courts shall not appoint any other individual to make decisions or recommendations or alter a custody order in child custody cases. Any order appointing a parenting coordinator shall be deemed vacated on the date this rule becomes effective. Local rules and administrative orders authorizing the appointment of parenting coordinators also shall be deemed vacated on the date this rule becomes effective.

[Pa.B. Doc. No. 13-848. Filed for public inspection May 10, 2013, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 5 AND 10]

Order Amending Rules 542 and 1003 of the Rules of Criminal Procedure; No. 429 Criminal Proce- dural Rules Doc.

Order

Per Curiam

And Now, this 25th day of April, 2013, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Criminal Procedure 542 and 1003 are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective June 1, 2013.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART D. Proceedings in Court Cases Before Issuing Authorities

Rule 542. Preliminary Hearing; Continuances.

* * * * *

(E) Hearsay as provided by law shall be considered by the issuing authority in determining whether a *prima facie* case has been established. Hearsay evidence shall be sufficient to establish any element of an offense, **including, but not limited to, those** requiring proof of the ownership of, non-permitted use of, damage to, or value of property.

* * * * *

Comment

* * * * *

Paragraph (E) was [**added to the rule in 2011 to clarify**] **amended in 2013 to reiterate** that traditionally our courts have not applied the law of evidence in its full rigor in proceedings such as preliminary hearings, especially with regard to the use of hearsay to establish the elements of a *prima facie* case. *See* the Pennsylvania Rules of Evidence generally, but in particular, Article VIII. Accordingly, hearsay, whether written or oral, may establish the elements [**enumerated in paragraph (E)**] **of any offense. [That enumeration is not comprehensive, and hearsay is admissible to establish other matters as well.]** The presence of witnesses to establish these elements is not required at the preliminary hearing. ***But compare Commonwealth ex rel. Buchanan v. Verbonitz*, 525 Pa. 413, 581 A.2d 172 (Pa. 1990) (plurality) (disapproving reliance on hearsay testimony as the sole basis for establishing a prima facie case). See also Rule 1003 concerning preliminary hearings in Philadelphia Municipal Court.**

If the case is held for court, the normal rules of evidence will apply at trial.

For the procedures when a defendant fails to appear for the preliminary hearing, see Rule 543(D).

In cases in which summary offenses are joined with misdemeanor, felony, or murder charges, pursuant to paragraph (F), during the preliminary hearing, the issuing authority is prohibited from proceeding on the summary offenses, [**including the taking of evidence on the summary offenses,**] or adjudicating or disposing of the summary offenses except as provided in Rule 543(F).

For the contents of the transcript, see Rule 135.

See Chapter 5 Part E for the procedures governing indicting grand juries. Under these rules, a case may be presented to the grand jury instead of proceeding to a preliminary hearing. *See* Rule 556.2.

Official Note: Former Rule 141, previously Rule 120, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered Rule 141 and amended September 18, 1973, effective January 1, 1974; amended June 30, 1975, effective July 30, 1975; amended October 21, 1977, effective January 1, 1978; paragraph (D) amended April 26, 1979, effective July 1, 1979; amended February 13, 1998, effective July

1, 1998; rescinded October 8, 1999, effective January 1, 2000. Former Rule 142, previously Rule 124, adopted June 30, 1964, effective January 1, 1965, suspended effective May 1, 1970; present rule adopted January 31, 1970, effective May 1, 1970; renumbered Rule 142 September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; effective date extended to July 1, 1982; amended July 12, 1985, effective January 1, 1986, effective date extended to July 1, 1986; rescinded October 8, 1999, effective January 1, 2000. New Rule 141, combining former Rules 141 and 142, adopted October 8, 1999, effective January 1, 2000; renumbered Rule 542 and Comment revised March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended March 9, 2006, effective September 1, 2006; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended January 27, 2011, effective in 30 days; amended June 21, 2012, effective in 180 days; amended October 1, 2012, effective July 1, 2013; **amended April 25, 2013, effective June 1, 2013.**

Committee Explanatory Reports:

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Final Report explaining the May 1, 2007 amendments deleting the certified mail service requirement from paragraph (E)(2)(b) published with the Court's Order at 37 Pa.B. 2503 (June 2, 2007).

Court's Order of January 27, 2011 adding new paragraphs (D) and (E) concerning hearsay at the preliminary hearing published at 41 Pa.B. 834 (February 12, 2011).

Final Report explaining the June 21, 2012 revision of the Comment concerning indicting grand juries published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Final Report explaining the October 1, 2012 amendments to paragraph (G)(1) concerning computation of time and (G)(2) concerning notice of continuance published with the Court's Order at 42 Pa.B. 6629 (October 20, 2012).

Final Report explaining the April 25, 2013 amendments to paragraph (E) concerning hearsay at preliminary hearings published with the Court's Order at 43 Pa.B. 2562 (May 11, 2013).

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

PART A. Philadelphia Municipal Court Procedures

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

* * * * *

(E) PRELIMINARY HEARING IN CASES CHARGING A FELONY

(1) Except as provided in paragraphs (E)(2) and (E)(3), in cases charging a felony, the preliminary hearing in Municipal Court shall be conducted as provided in Rule 542 (Preliminary Hearing; Continuances) and Rule 543 (Disposition of Case at Preliminary Hearing).

(2) At the preliminary hearing, the issuing authority shall determine whether there is a *prima facie* case that an offense has been committed and that the defendant has committed it.

(a) Hearsay as provided by law shall be considered by the issuing authority in determining whether a *prima facie* case has been established.

(b) Hearsay evidence shall be sufficient to establish any element of an offense **including, but not limited to, those** requiring proof of the ownership of, non-permitted use of, damage to, or value of property.

(3) If a *prima facie* case is not established on any felony charges, but is established on any misdemeanor or summary charges, the judge shall remand the case to Municipal Court for trial.

(F) ACCEPTANCE OF BAIL PRIOR TO TRIAL

The Clerk of Courts shall accept bail at any time prior to the Municipal Court trial.

Comment

* * * * *

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

[Paragraph (E)(2)(a) permits the use of hearsay at the preliminary hearing to establish certain elements of specific crimes. *But compare Commonwealth ex rel. Buchanan v. Verbonitz*, 525 Pa. 413, 581 A.2d 172 (1990) (plurality) (disapproving reliance on hearsay testimony as the sole basis for establishing a *prima facie* case). Nothing in this rule is intended to prohibit the use of hearsay at the preliminary hearing as otherwise permitted by case law or other authority. *See, e.g., the Pennsylvania Rules of Evidence generally, but in particular, Article VIII.*

Paragraph (E)(2)(b) provides that hearsay, whether written or oral, may establish the elements enumerated in paragraph (E)(2). That enumeration is not comprehensive, and hearsay is admissible to establish other matters as well. The presence of witnesses to establish these elements is not required at the preliminary hearing.]

Paragraph (E) was amended in 2013 to reiterate that traditionally our courts have not applied the law of evidence in its full rigor in proceedings such as preliminary hearings, especially with regard to the use of hearsay to establish the elements of a *prima facie* case. *See the Pennsylvania Rules of Evidence generally, but in particular, Article VIII.* Accordingly, hearsay, whether written or oral, may establish the elements of any offense. The presence of witnesses to establish these elements is not required at the preliminary hearing. *But compare Commonwealth ex rel. Buchanan v. Verbonitz*, 525 Pa. 413, 581 A.2d 172 (1990) (plurality) (disapproving reliance on hearsay testimony as the sole basis for establishing a *prima facie* case). *See also Rule 542.*

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

Official Note: Original Rule 6003 adopted June 28, 1974, effective July 1, 1974; amended January 26, 1977, effective April 1, 1977; amended December 14, 1979, effective April 1, 1980; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective January 1, 1982; Comment revised December 11, 1981, effective July 1, 1982; amended January 28, 1983, effective

tive July 1, 1983; amended February 1, 1989, effective July 1, 1989; rescinded August 9, 1994, effective January 1, 1995. New Rule 6003 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; amended March 22, 1996, effective July 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; amended August 28, 1998, effective immediately; renumbered Rule 1003 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended August 24, 2004, effective August 1, 2005; amended August 15, 2005, effective February 1, 2006; amended April 5, 2010, effective April 7, 2010; amended January 27, 2011, effective in 30 days; amended June 21, 2012, effective in 180 days; Comment revised July 31, 2012, effective November 1, 2012; **amended April 25, 2013, effective June 1, 2013.**

Committee Explanatory Reports:

* * * * *

Court's Order [**adopting the**] of January 27, 2011, [**amendments to**] amending paragraph (E) concerning hearsay **and reducing felony charges at preliminary hearing** published at 41 Pa.B. 834 (February 12, 2011).

Final Report explaining the June 21, 2012 amendments to paragraph (D)(3)(d)(iii) concerning indicting grand juries published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

Final Report explaining the July 31, 2012 revision of the Comment changing the citation to Rule 540(B) to Rule 540(C) published with the Court's Order at 42 Pa.B. 5340 (August 18, 2012).

Final Report explaining the April 25, 2013 amendments to paragraph (E) concerning hearsay published with the Court's Order at 43 Pa.B. 2562 (May 11, 2013).

FINAL REPORT¹

Amendments to Pa.Rs.Crim.P. 542 and 1003

Hearsay at Preliminary Hearings

On April 25, 2013, effective June 1, 2013, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted the amendment of Rules 542 (Preliminary Hearing; Continuances) and 1003 (Procedure in Non-Summary Municipal Court Cases) to (1) clarify that the use of hearsay at preliminary hearings is not limited to proof of the elements of property offenses; and (2) to remove language from the Rule 542 Comment that suggests the issuing authority may never take evidence of summary offenses during a preliminary hearing.

On January 27, 2011, the Court amended Rules of Criminal Procedure 542 and 1003 to provide that "Hearsay as provided by law shall be considered by the issuing authority in determining whether a *prima facie* case has been established. Hearsay evidence shall be sufficient to establish any element of an offense requiring proof of the ownership of, non-permitted use of, damage to, or value of property." The Comments to both rules explain that the use of hearsay is not limited to these elements and offenses.

¹ The Committee's Final 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 Committee's explanatory Final Reports.

Since the adoption of these amendments, the Committee has received reports that the amendments to Rule 542 are being interpreted by some issuing authorities as limiting the use of hearsay in preliminary hearings to property offenses, despite the language in the Comment indicating that the rule was not intended to be thus limited. When the Comment language is raised to support the use of hearsay, these issuing authorities decline to be guided by the Comment noting that the clarifying language is not officially adopted as part of the rule.

This narrow interpretation is not consistent with the state of the law in Pennsylvania regarding the use of hearsay in preliminary hearings. *See, e.g., Commonwealth v. Nieves*, 876 A.2d 423 (Pa. Super. 2005) (an officer could testify both to his own knowledge of a drug sale and also to the hearsay statement of the buyer/informant about the delivery), *Commonwealth v. Kohlie*, 811 A.2d 1010 (Pa. Super. 2002) (use of a report of blood serum level at the preliminary hearing to show BAC level at the time of the accident was acceptable since it was to be supplemented by expert testimony at trial), *Commonwealth v. Branch*, 292 Pa. Super 425, 437 A.2d 748 (1981) (police officer's testimony regarding a witness' statement was admissible at the preliminary hearing when the witness would be available at trial and other non-hearsay evidence was presented at the hearing), and *Commonwealth v. Rick*, 366 A.2d 302 (Pa. Super. 1976) (along with evidence that the defendant drove his car into a tree, a hearsay lab report could be admitted to show the defendant's blood alcohol level). *See also* Pa.R.E. 101 Comment ("Traditionally, our courts have not applied the law of evidence in its full rigor in proceedings such as preliminary hearings, parole and probation hearings, extradition or rendition hearings and others . . .").

The Committee concluded that a clarification in the rules regarding the use of hearsay evidence at preliminary hearings would be beneficial. The intent of these amendments are not to modify the procedures resulting from the amendments that were adopted in January, 2011, but to clarify the language of the rules to address reported problems arising from the misinterpretation of these changes.

Therefore, the phrase "including, but not limited to" has been added to the statement in Rule 542(E) that provides that hearsay evidence may be used to "establish any element of an offense requiring proof of the ownership of, non-permitted use of, damage to, or value of property." A similar amendment has been added to Rule 1003(E)(1)(b) describing the use of hearsay evidence in felony preliminary hearings in the Philadelphia Municipal Court. Revisions also have been made to the Comments of both of these rules elaborating on these principles.

An additional revision is being made to the Comment to Rule 542 to remove the phrase "the taking of evidence on the summary offenses" from the penultimate paragraph of the Comment:

In cases in which summary offenses are joined with misdemeanor, felony, or murder charges, pursuant to paragraph (F), during the preliminary hearing, the issuing authority is prohibited from proceeding on the summary offenses, [**including the taking of evidence on the summary offenses,**] or adjudicating or disposing of the summary offenses except as provided in Rule 543(F).

This change is in response to a complaint that the prohibition described above would prevent the taking of evidence of summary offenses even when necessary to the proof of a joined misdemeanor or felony, for example, when a charge of homicide by vehicle requires the proof of any underlying traffic offense.

[Pa.B. Doc. No. 13-849. Filed for public inspection May 10, 2013, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLINTON COUNTY

Magisterial Judicial District Coverage; No. 1071-07 ADM Order; No. AD-1-2013

Order

Now, this 23rd day of April, 2013, pursuant to Pa.R.Crim.P. 117, it is hereby ordered that the following procedures shall be utilized to ensure coverage to provide those services required by the Rules of Criminal and Civil Procedure and the Protection From Abuse Act. This Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The District Court Court Administrator shall:

a. Distribute two (2) certified copies of the local rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

b. Distribute to the Legislative Reference Bureau a copy of the local rule on a computer diskette or on a CD-Rom that complies with the requirements of 1 Pa. Code § 13.11(b).

c. File one (1) certified copy of the local rule with the Administrative Office of Pennsylvania Courts.

d. Publish a copy of the local rule on the Unified Judicial System's website at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>

e. Make available a copy of the local rule at the Office of the Prothonotary and Office of Clerk of Courts for public inspection and copying.

1. Normal Business Hours:

a. Normal business hours shall be construed as Monday, Tuesday, Thursday, and Friday from 8:00 A.M. until 5:00 P.M. and Wednesday from 8:00 A.M. until 12:30 P.M. except when a Court holiday has been declared.

b. All Court proceedings normally conducted before a Magisterial District Judge during normal business hours shall be conducted at the established office of the appropriate Magisterial District Judge as determined by the Rules relating to venue. When, during regular business hours, the Magisterial District Judge who has venue over a particular matter is unavailable, any other Magisterial District Judge is hereby temporarily assigned to serve the Magisterial District or in accordance with special Orders issued from time to time by the Court.

2. On Call Magisterial District Judge:

a. The Court Administrator shall establish a rotating schedule assigning a Magisterial District Judge to be on call outside of normal business hours of the Court to

perform all duties of an issuing authority as required by the Rules of Criminal or Civil Procedure and the Protection From Abuse Act.

3. Bail, Search and Arrest Warrants, and Protection From Abuse Petitions:

a. The on-call Magisterial District Judge shall be available without unreasonable delay at all times at his or her established office for the purpose of accepting the posting of a defendant's bail. Monetary bail may also be posted outside of regularly scheduled hours at the Clinton County Correctional Facility. The Warden of the Correctional Facility, or his designee, is authorized to accept bail bonds and deposits as provided in Pa.R.Crim.P. 117 by having the defendant sign the bail bond, releasing the defendant, and delivering the bail deposit and/or bail bond and the surety information page to the issuing authority or the Clerk of Courts by the close of the next business day.

b. The on-call Magisterial District Judge shall be available without unreasonable delay at his or her established office for the issuance of search warrants pursuant to Rule 203, arrest warrants pursuant to Rule 513, and Emergency Protection From Abuse Orders. Advanced communication technology may be utilized to submit the warrant application and affidavits and to issue the warrant in accordance with the requirements of the Criminal Rules.

4. Arraignments Outside Normal Business Hours:

When an individual is placed under arrest and/or requires preliminary arraignment or processing:

a. The individual shall be taken to the Clinton County Correctional Facility.

b. The on-call Magisterial District Judge shall be contacted by the Correctional Facility staff at 8:00 A.M. and 8:00 P.M. and advised if any individual has been temporarily detained. Individuals so detained shall be promptly arraigned through the use of advanced communication technology.

5. Bench Warrants in Court Cases:

a. Any individual executing a court case bench warrant shall proceed in accordance with Rule 150 and shall notify the Court Administrator no later than 8:30 A.M. the next business day that the subject of the warrant is in custody.

b. When the subject of a warrant has been delivered to the Clinton County Correctional Facility or has voluntarily surrendered pursuant to the issuance of a warrant, the Warden of the Clinton County Correctional Facility shall immediately notify the Court Administrator that the subject of the warrant is in custody or, if the warrant has been executed after the close of the business day, no later than 8:30 A.M. on the next business day.

c. Upon receiving notice that a bench warrant has been executed or that the subject has surrendered, the Court Administrator shall immediately notify the issuing Judge, the issuing Magisterial District Judge, the District Attorney, and counsel of record, and the Public Defender that the subject is in custody. After consultation with the Judge, the Court Administrator shall schedule a hearing as soon as possible but not later than seventy-two (72) hours after the subject has been lodged in the Correctional Facility. The Court Administrator may give oral notice of this hearing, along with written notice, and shall maintain a record of that notice.

6. Summary Offense Arrest Warrants and Bench Warrants:

a. An individual executing an arrest warrant or a bench warrant in a summary offense shall proceed in accordance with Rules 440 and 441 and shall follow the procedures as set forth above.

7. Previous Order:

a. The previous Order of this Court to No. 1071-07 ADM published at 37 Pa.B. 4617 Saturday, August 25, 2007 is vacated.

By the Court

CRAIG P. MILLER,
President Judge

[Pa.B. Doc. No. 13-850. Filed for public inspection May 10, 2013, 9:00 a.m.]

SUPREME COURT

Reestablishment of the Magisterial Districts within the 7th Judicial District; No. 352 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 24th day of April 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 7th Judicial District (Bucks County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of 07-1-01, 07-1-02, 07-1-03, 07-1-04, 07-1-06, 07-1-07, 07-1-08, 07-1-09, 07-1-10, 07-1-11, 07-1-12, 07-2-01, 07-2-02, 07-2-03, 07-2-05, 07-2-07, 07-2-08, 07-3-01, 07-3-02, and 07-3-03 within Bucks County, to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

Magisterial District 07-1-01 Magisterial District Judge Leonard J. Brown	Bensalem Township (Voting Districts Lower East 1—4, 6—8; Lower Middle 1—4; Lower West 1 & 2; Upper West)
Magisterial District 07-1-02 Magisterial District Judge Frank W. Peranteau, Sr.	Bristol Borough Bristol Township (Wards 1 & 4)
Magisterial District 07-1-03 Magisterial District Judge Joanne V. Kline	Bristol Township (Wards 2, 3, 5, 6, and 10)
Magisterial District 07-1-04 Magisterial District Judge Robert L. Wagner, Jr.	Tullytown Borough Bristol Township (Wards 7, 8, 9, and 11)
Magisterial District 07-1-06 Magisterial District Judge John I. Waltman	Lower Southampton Township
Magisterial District 07-1-07 Magisterial District Judge Daniel E. Baranoski	Hulmeville Borough Langhorne Borough Langhorne Manor Borough Pennel Borough Middletown Township (Voting Districts Lower 1, 2, and 13; Upper 2 & 4)

Magisterial District 07-1-08 Magisterial District Judge John J. Kelly, Jr.	Middletown Township (Voting Districts Lower 3-12; Upper 1, 3, 5, 6, 7, and 8)
Magisterial District 07-1-09 Magisterial District Judge Daniel J. Finello, Jr.	Ivyland Borough Warminster Township
Magisterial District 07-1-10 Magisterial District Judge Jan Vislosky	Falls Township
Magisterial District 07-1-11 Magisterial District Judge Michael J. Burns	Morrisville Borough Yardley Borough Lower Makefield Township
Magisterial District 07-1-12 Magisterial District Judge Joseph P. Falcone	Bensalem Township (Voting Districts Lower East 5; Lower Middle 5; Upper 1—12)
Magisterial District 07-2-01 Magisterial District Judge William J. Benz	Northampton Township Upper Southampton Township
Magisterial District 07-2-02 Magisterial District Judge Mark D. Douple	Doylestown Borough Doylestown Township
Magisterial District 07-2-03 Magisterial District Judge Charles W. Baum	Perkasie Borough Sellersville Borough Telford Borough East Rockhill Township West Rockhill Township
Magisterial District 07-2-05 Magisterial District Judge C. Robert Roth	Quakertown Borough Richlandtown Borough Trumbauersville Borough Milford Township Richland Township
Magisterial District 07-2-07 Magisterial District Judge Donald Nasshorn	Newtown Borough Newtown Township Upper Makefield Township Wrightstown Township
Magisterial District 07-2-08 Magisterial District Judge Robert E. Gaffney	Chalfont Borough New Britain Borough Silverdale Borough Hilltown Township New Britain Township
Magisterial District 07-3-01 Magisterial District Judge Maggie Snow	New Hope Borough Buckingham Township Solebury Township
Magisterial District 07-3-02 Magisterial District Judge Jean Seaman	Warrington Township Warwick Township
Magisterial District 07-3-03 Magisterial District Judge Thomas G. Gambardella	Riegelsville Borough Bedminster Township Bridgeton Township Dublin Township Durham Township Haycock Township Nockamixon Township Plumstead Township Springfield Township Tinicum Township

[Pa.B. Doc. No. 13-851. Filed for public inspection May 10, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 8th Judicial District; No. 350 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 23rd day of April 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 8th Judicial District (Northumberland County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of Magisterial Districts 08-2-01, 08-3-02, 08-3-03 and 08-3-04, within Northumberland County, to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

Magisterial District 08-2-01	Kulpmont Borough
Magisterial District Judge	Marion Heights Borough
Hugh A. Jones	Mt. Carmel Borough
	Riverside Borough
	East Cameron Township
	Mt. Carmel Township
	Ralpho Township
	Rush Township
	West Cameron Township
Magisterial District 08-3-02	McEwensville Borough
Magisterial District Judge	Milton Borough
Vacant	Watsonstown Borough
	Delaware Township
	East Chillisquaque Township
	Lewis Township
	Point Township
	Turbot Township
	Turbotville Township
	West Chillisquaque Township
Magisterial District 08-3-03	City of Shamokin
Magisterial District Judge	Snydertown Borough
John Gembic	Coal Township
	Shamokin Township
	Zerbe Township
Magisterial District 08-3-04	City of Sunbury
Magisterial District Judge	Herndon Borough
Benjamin J. Apfelbaum	Northumberland Borough
	Jackson Township
	Jordan Township
	Little Mahanoy Township
	Lower Augusta Township
	Lower Mahanoy Township
	Rockefeller Township
	Upper Augusta Township
	Upper Mahanoy Township
	Washington Township

[Pa.B. Doc. No. 13-852. Filed for public inspection May 10, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 13th Judicial District; No. 342 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 23rd day of April 2013, upon consideration of the Petition to Reestablish the Magisterial Dis-

tricts of the 13th Judicial District (Greene County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 13-3-01 and 13-3-02, within Greene County, to be effective August 1, 2013, is granted; and that the Petition, which also provides for the reestablishment of Magisterial Districts 13-3-03, within Greene County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 13-3-01	Waynesburg Borough
Magisterial District Judge	Aleppo Township
Louis M. Dayich	Center Township
	Freeport Township
	Gilmore Township
	Gray Township
	Jackson Township
	Morris Township
	Perry Township
	Richhill Township
	Springhill Township
	Washington Township
	Wayne Township
	Whiteley Township
Magisterial District 13-3-02	Clarksville Borough
Magisterial District Judge	Jefferson Borough
D. Glenn Bates	Franklin Township
	Jefferson Township
	Morgan Township
Magisterial District 13-3-03	Carmichaels Borough
Magisterial District Judge	Greensboro Borough
Leroy W. Watson	Rices Landing Borough
	Cumberland Township
	Dunkard Township
	Greene Township
	Monongahela Township

[Pa.B. Doc. No. 13-853. Filed for public inspection May 10, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 27th Judicial District; No. 351 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 23rd day of April 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 27th Judicial District (Washington County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 27-1-01 and 27-3-05, within Washington County, to be effective August 1, 2013, is granted; and that the Petition, which provides for the reestablishment of Magisterial Districts 27-1-02, 27-1-03, 27-2-01, 27-3-01, 27-3-02, 27-3-03, 27-3-06, 27-3-07, and 27-3-10, within Washington County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 27-1-01	City of Washington
Magisterial District Judge	North Franklin Township
Robert W. Redlinger	
Magisterial District 27-1-02	City of Monongahela
Magisterial District Judge	Donora Borough
Mark A. Wilson	New Eagle Borough
	Carroll Township

Magisterial District 27-1-03 Magisterial District Judge Larry W. Hopkins	Allenport Borough Charleroi Borough Dunlevy Borough Elco Borough North Charleroi Borough Roscoe Borough Speers Borough Stockdale Borough Twilight Borough Fallowfield Township
Magisterial District 27-2-01 Magisterial District Judge David W. Mark	Canonsburg Borough Houston Borough Canton Township Chartiers Township
Magisterial District 27-3-01 Magisterial District Judge James C. Ellis	Finleyville Borough Nottingham Township Peters Township Union Township
Magisterial District 27-3-02 Magisterial District Judge Curtis L. Thompson	Beallsville Borough Bentleyville Borough Cokeburg Borough Deemston Borough Ellsworth Borough Marianna Borough North Bethlehem Township Somerset Township West Bethlehem Township West Pike Run Township
Magisterial District 27-3-03 Magisterial District Judge Joshua P. Kanalis	California Borough Centerville Borough Coal Center Borough Long Branch Borough West Brownsville Borough East Bethlehem Township
Magisterial District 27-3-05 Magisterial District Judge Jay H. Weller	East Washington Borough North Strabane Township South Strabane Township
Magisterial District 27-3-06 Magisterial District Judge Valarie S. Costanzo	McDonald Borough Cecil Township Mt. Pleasant Township Robinson Township
Magisterial District 27-3-07 Magisterial District Judge Gary H. Havelka	Burgettstown Borough Midway Borough Cross Creek Township Hanover Township Jefferson Township Smith Township
Magisterial District 27-3-10 Magisterial District Judge Ethan T. Ward	Claysville Borough Green Hills Borough West Alexander Borough West Middletown Borough Amwell Township Blaine Township Buffalo Township Donegal Township East Finley Township Hopewell Township Independence Township Morris Township South Franklin Township West Finley Township

[Pa.B. Doc. No. 13-854. Filed for public inspection May 10, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 28th Judicial District; No. 340 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 23rd day of April 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 28th Judicial District (Venango County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the elimination of Magisterial District 28-3-04, within Venango County, to be effective January 1, 2018, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 28-3-01 and 28-3-02 within Venango County, to be effective January 1, 2018, is granted; and that the Petition, which also provides for the reestablishment of Magisterial District 28-3-03, within Venango County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 28-3-01 Magisterial District Judge Andrew F. Fish	City of Oil City Cooperstown Borough Pleasantville Borough Rouseville Borough Allegheny Township Cherrytree Township Cornplanter Township Jackson Township Oakland Township Oil Creek Township Plum Township
Magisterial District 28-3-02 Magisterial District Judge Douglas I. Dinberg	Barkeyville Borough Clintonville Borough Emlenton Borough Sugar Creek Borough Clinton Township Cranberry Township Irwin Township Pinegrove Township Richland Township President Township Rockland Township Scrubgrass Township
Magisterial District 28-3-03 Magisterial District Judge Michael D. Snyder	City of Franklin Polk Borough Utica Borough Canal Township Frenchcreek Township Mineral Township Sandy Creek Township Victory Township

[Pa.B. Doc. No. 13-855. Filed for public inspection May 10, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 35th Judicial District; No. 349 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 23rd day of April 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 35th Judicial District (Mercer County) of the

Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of Magisterial Districts 35-2-01, 35-2-02, 35-3-01, 35-3-02 and 35-3-03, within Mercer County, to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

Magisterial District 35-2-01	City of Sharon
Magisterial District Judge	Sharpsville Borough
Dennis M. Songer	
Magisterial District 35-2-02	City of Farrell
Magisterial District Judge	City of Hermitage
Ronald E. Antos	West Middlesex Borough
	Wheatland Borough
	Shenango Township
Magisterial District 35-3-01	Fredonia Borough
Magisterial District Judge	Mercer Borough
Lorinda L. Hinch	Sheakleyville Borough
	Coolspring Township
	Delaware Township
	East Lackawannock Township
	Fairview Township
	Findley Township
	Jefferson Township
	Lackawannock Township
	Otter Creek Township
	Perry Township
	Salem Township
	Sandy Creek Township
	Springfield Township
	Wilmington Township
Magisterial District 35-3-02	Grove City Borough
Magisterial District Judge	Jackson Center Borough
Daniel Neil McEwen	New Lebanon Borough
	Sandy Lake Borough
	Stoneboro Borough
	Deer Creek Township
	French Creek Township
	Jackson Township
	Lake Township
	Liberty Township
	Mill Creek Township
	New Vernon Township
	Pine Township
	Sandy Lake Township
	Wolf Creek Township
	Worth Township
Magisterial District 35-3-03	Clark Borough
Magisterial District Judge	Greenville Borough
Brian R. Arthur	Jamestown Borough
	Greene Township
	Hempfield Township
	Pymatuning Township
	South Pymatuning Township
	Sugar Grove Township
	West Salem Township

[Pa.B. Doc. No. 13-856. Filed for public inspection May 10, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 37th Judicial District; No. 341 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 23rd day of April 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 37th Judicial District (Forest and Warren Counties) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of Magisterial District 37-4-03, within Forest County, to be effective immediately, is granted; and that the Petition, which provides for the reestablishment of Magisterial District 37-3-01, within Warren County, to be effective immediately, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 37-2-01 and 37-4-01, within Warren County, to be effective August 1, 2013, is granted.

Said Magisterial Districts shall be reestablished as follows:

Magisterial District 37-2-01	City of Warren
Magisterial District Judge	Cherry Grove Township
Glenn S. Carlson	Sheffield Township
Magisterial District 37-3-01	Clarendon Borough
Magisterial District Judge	Sugar Grove Borough
Laura S. Bauer	Conewango Township
	Elk Township
	Farmington Township
	Glade Township
	Mead Township
	Pine Grove Township
	Sugar Grove Township
Magisterial District 37-4-01	Bear Lake Borough
Magisterial District Judge	Tidioute Borough
Cynthia K. Lindemuth	Youngsville Borough
	Brokenstraw Township
	Columbus Township
	Deerfield Township
	Eldred Township
	Freehold Township
	Limestone Township
	Pittsfield Township
	Pleasant Township
	Southwest Township
	Spring Creek Township
	Triumph Township
	Watson Township
Magisterial District 37-4-03	Tionesta Borough
Magisterial District Judge	Barnett Township
George F. Gregory	Green Township
	Harmony Township
	Hickory Township
	Howe Township
	Jenks Township
	Kingsley Township
	Tionesta Township

[Pa.B. Doc. No. 13-857. Filed for public inspection May 10, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 40th Judicial District; No. 346 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 23rd day of April, 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 40th Judicial District (Indiana County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of 40-2-01, 40-3-01, 40-3-02 and 40-3-03, within Indiana County to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

Magisterial District 40-2-01 Magisterial District Judge Guy B. Haberl	Indiana Borough White Township (Wards 4, 5, and 6)
Magisterial District 40-3-01 Magisterial District Judge George M. Thachik	Cherry Tree Borough Clymer Borough Creekside Borough Ernest Borough Glen Campbell Borough Marion Center Borough Plumville Borough Smicksburg Borough Banks Township Canoe Township Cherryhill Township East Mahoning Township Grant Township Green Township Montgomery Township North Mahoning Township Pine Township Rayne Township South Mahoning Township Washington Township West Mahoning Township White Township (Ward 1)
Magisterial District 40-3-02 Magisterial District Judge Susanne V. Steffee	Homer City Borough Shelocta Borough Armstrong Township Brush Valley Township Buffington Township Center Township White Township (Wards 2 & 3)
Magisterial District 40-3-03 Magisterial District Judge Jennifer J. Rega	Armagh Borough Blairsville Borough Saltsburg Borough Blacklick Township Burrell Township Conemaugh Township East Wheatfield Township West Wheatfield Township Young Township

[Pa.B. Doc. No. 13-858. Filed for public inspection May 10, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 41st Judicial District; No. 348 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 23rd day of April 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 41st Judicial District (Juniata and Perry Counties) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of Magisterial Districts 41-3-01 and 41-3-02, within Juniata County, to be effective immediately, is granted; and that the Petition, which provides for the reestablishment of Magisterial Districts 41-3-03, 41-3-04, and 41-3-05, within Perry County, to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

Magisterial District 41-3-01 Magisterial District Judge Barbara M. Lyter	Mifflintown Borough Thompsontown Borough Delaware Township Fayette Township Fermanagh Township Greenwood Township Monroe Township Susquehanna Township
Magisterial District 41-3-02 Magisterial District Judge Jacqueline T. Leister	Mifflin Borough Port Royal Borough Beale Township Lack Township Milford Township Spruce Hill Township Turbett Township Tuscarora Township Walker Township
Magisterial District 41-3-03 Magisterial District Judge Daniel R. L. McGuire	Duncannon Borough Marysville Borough New Buffalo Borough Miller Township Penn Township Rye Township Watts Township Wheatfield Township
Magisterial District 41-3-04 Magisterial District Judge Michael E. Schechterly	Bloomfield Borough Liverpool Borough Millerstown Borough Newport Borough Buffalo Township Centre Township Greenwood Township Howe Township Juniata Township Liverpool Township Oliver Township Tuscarora Township

Magisterial District 41-3-05 Blain Borough
 Magisterial District Judge Landisburg Borough
 Elizabeth R. Frownfelter Carroll Township
 Jackson Township
 Northeast Madison Township
 Saville Township
 Southwest Madison Township
 Spring Township
 Toboyne Township
 Tyrone Township

[Pa.B. Doc. No. 13-859. Filed for public inspection May 10, 2013, 9:00 a.m.]

Magisterial District 43-4-01 Delaware Water Gap
 Magisterial District Judge Borough
 Brian R. Germano Middle Smithfield Township
 Smithfield Township
 Magisterial District 43-4-02 Mt. Pocono Borough
 Magisterial District Judge Barrett Township
 John D. Whitesell Paradise Township
 Price Township
 Magisterial District 43-4-04 Tobyhanna Township
 Magisterial District Judge Tunkhannock Township
 Richard S. Claypool

[Pa.B. Doc. No. 13-860. Filed for public inspection May 10, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 43rd Judicial District; No. 345 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 23rd day of April 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 43rd Judicial District (Monroe County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the elimination of Magisterial District 43-4-03, within Monroe County, to be effective January 1, 2018, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 43-3-01 and 43-4-02, within Monroe County, to be effective August 1, 2013, is granted; and that the Petition, which provides for the realignment of Magisterial Districts 43-3-02, 43-3-03, and 43-3-04, within Monroe County, to be effective January 1, 2018, is granted; and that the Petition, which also provides for the reestablishment of Magisterial Districts 43-2-01, 43-2-02, 43-4-01, and 43-4-04, within Monroe County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 43-2-01	Stroudsburg Borough
Magisterial District Judge	Kristina Anzini
Magisterial District 43-2-02	East Stroudsburg Borough
Magisterial District Judge	Michael R. Muth
Magisterial District 43-3-01	Coolbaugh Township
Magisterial District Judge	Anthony D. Fluegel
Magisterial District 43-3-02	Hamilton Township
Magisterial District Judge	Stroud Township
	C. Daniel Higgins, Jr.
Magisterial District 43-3-03	Jackson Township
Magisterial District Judge	Pocono Township
	Thomas E. Olsen
Magisterial District 43-3-04	Chestnuthill Township
Magisterial District Judge	Eldred Township
	Colleen Mancuso
	Polk Township
	Ross Township

Reestablishment of the Magisterial Districts within the 45th Judicial District; No. 353 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 24th day of April 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 45th Judicial District (Lackawanna County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of Magisterial Districts 45-1-01, 45-1-02, 45-1-03, 45-1-05, 45-1-06, 45-1-08, 45-3-01, 45-3-02, 45-3-03, and 45-3-04, within Lackawanna County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 45-1-01	Moosic Borough
Magisterial District Judge	Old Forge Borough
	Theodore J. Giglio Taylor Borough
Magisterial District 45-1-02	City of Scranton (Wards 9,
Magisterial District Judge	10, 16, and 17)
	Alyce M. Farrell
Magisterial District 45-1-03	City of Scranton (Wards 11,
Magisterial District Judge	12, 19, 20, and 24)
	Joanne P. Corbett
Magisterial District 45-1-05	City of Scranton (Wards 4,
Magisterial District Judge	5, 6, 14, 15, 18, 21, and
	Terrence V. Gallagher 22)
Magisterial District 45-1-06	City of Scranton (Wards 1,
Magisterial District Judge	2, 3, 7, 13, and 23)
	Paul J. Ware Dunmore Borough
Magisterial District 45-1-08	Dickson City Borough
Magisterial District Judge	Olyphant Borough
	John P. Pesota Throop Borough
Magisterial District 45-3-01	Clarks Green Borough
Magisterial District Judge	Clarks Summit Borough
	James A. Gibbons Dalton Borough
	Abington Township
	Glenburn Township
	La Plume Township
	Newton Township
	North Abington Township
	Ransom Township
	South Abington Township
	West Abington Township

Magisterial District 45-3-02 Moscow Borough
 Magisterial District Judge Clifton Township
 John J. Mercuri Covington Township
 Elmhurst Township
 Jefferson Township
 Lehigh Township
 Madison Township
 Roaring Brook Township
 Spring Brook Township

Magisterial District 45-3-03 City of Carbondale
 Magisterial District Judge Vandling Borough
 Sean P. McGraw Benton Township
 Carbondale Township
 Fell Township
 Greenfield Township

Magisterial District 45-3-04 Archbald Borough
 Magisterial District Judge Blakely Borough
 Laura M. Turlip Murphy Jermyrn Borough
 Jessup Borough
 Mayfield Borough
 Scott Township

[Pa.B. Doc. No. 13-861. Filed for public inspection May 10, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 46th Judicial District; No. 339 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 23rd day of April 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 46th Judicial District (Clearfield County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 46-3-01, 46-3-03, and 46-3-04, within Clearfield County, to be effective January 1, 2018, is granted; and that the Petition, which also provides for the reestablishment of Magisterial District 46-3-02, within Clearfield County, to be effective immediately, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 46-3-01 City of Dubois
 Magisterial District Judge Falls Creek Borough
 Patrick N. Ford Troutville Borough
 Bloom Township
 Brady Township
 Huston Township
 Pine Township
 Sandy Township
 Union Township

Magisterial District 46-3-02 Clearfield Borough
 Magisterial District Judge Curwensville Borough
 Richard A. Ireland Lawrence Township
 Pike Township

Magisterial District 46-3-03 Chester Hill Borough
 Magisterial District Judge Osceola Mills Borough
 Jerome M. Nevling Bradford Township
 Cooper Township
 Covington Township
 Decatur Township
 Girard Township
 Goshen Township
 Graham Township
 Karthaus Township
 Morris Township

Magisterial District 46-3-04 Brisbin Borough
 Magisterial District Judge Burnside Borough
 James L. Hawkins Coalport Borough
 Glen Hope Borough
 Grampian Borough
 Houtzdale Borough
 Irvona Borough
 Lumber City Borough
 Mahaffey Borough
 New Washington Borough
 Newburg Borough
 Ramey Borough
 Wallacetown Borough
 Westover Borough
 Beccaria Township
 Bell Township
 Bigler Township
 Boggs Township
 Burnside Township
 Chest Township
 Ferguson Township
 Greenwood Township
 Gulich Township
 Jordan Township
 Knox Township
 Penn Township
 Woodward Township

[Pa.B. Doc. No. 13-862. Filed for public inspection May 10, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 48th Judicial District; No. 344 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 23rd day of April 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 48th Judicial District (McKean County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 48-1-01, 48-3-02, 48-3-03, and 48-3-04, within McKean County, to be effective August 1, 2013, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 48-1-01 City of Bradford (Voting
 Magisterial District Judge Districts 1, 2, 3, 4, 5,
 Dominic A. Cercone, Jr. and 6-2)

Magisterial District 48-3-02 Eldred Borough
 Magisterial District Judge Port Allegany Borough
 William K. Todd Smethport Borough
 Annin Township
 Ceres Township
 Eldred Township
 Keating Township
 Liberty Township
 Norwich Township
 Sergeant Township

Magisterial District 48-3-03 City of Bradford
 Magisterial District Judge (Voting District 6-1)
 Richard W. Luther, Jr. Lewis Run Borough
 Bradford Township
 Corydon Township
 Foster Township
 Otto Township

Magisterial District 48-3-04 Kane Borough
 Magisterial District Judge Mt. Jewett Borough
 David R. Engman Hamilton Township
 Hamlin Township
 Lafayette Township
 Wetmore Township

[Pa.B. Doc. No. 13-863. Filed for public inspection May 10, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 54th Judicial District; No. 343 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 23rd day of April 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 54th Judicial District (Jefferson County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the realignment of Magisterial Districts 54-3-01, 54-3-02, and 54-3-03, within Jefferson County, to be effective August 1, 2013, is granted.

Said Magisterial Districts shall be as follows:

Magisterial District 54-3-01 Punxsutawney Borough
 Magisterial District Judge Timblin Borough
 Douglas R. Chambers Worthville Borough
 Bell Township
 Gaskill Township
 McCalmont Township
 Oliver Township
 Perry Township
 Porter Township
 Ringgold Township
 Young Township

Magisterial District 54-3-02 Big Run Borough
 Magisterial District Judge Brockway Borough
 David B. Inzana Falls Creek Borough
 Reynoldsville Borough
 Sykesville Borough
 Henderson Township
 Polk Township
 Snyder Township
 Washington Township
 Winslow Township

Magisterial District 54-3-03 Brookville Borough
 Magisterial District Judge Corsica Borough
 Gregory M. Bazylak Summerville Borough
 Barnett Township
 Beaver Township
 Clover Township
 Eldred Township
 Heath Township
 Knox Township
 Pine Creek Township
 Rose Township
 Union Township
 Warsaw Township

[Pa.B. Doc. No. 13-864. Filed for public inspection May 10, 2013, 9:00 a.m.]

Reestablishment of the Magisterial Districts within the 58th Judicial District; No. 347 Magisterial Rules Doc.

Order

Per Curiam

And Now, this 23rd day of April 2013, upon consideration of the Petition to Reestablish the Magisterial Districts of the 58th Judicial District (Mifflin County) of the Commonwealth of Pennsylvania, it is hereby *Ordered and Decreed* that the Petition, which provides for the reestablishment of Magisterial Districts 58-3-01, 58-3-02 and 58-3-03, within Mifflin County, to be effective immediately, is granted.

Said Magisterial Districts shall be reestablished as follows:

Magisterial District 58-3-01 Juniata Terrace Borough
 Magisterial District Judge Kistler Borough
 Jack E. Miller Lewistown Borough
 (Wards 1—5)
 McVeytown Borough
 Newton Hamilton Borough
 Bratton Township
 Granville Township
 Oliver Township
 Wayne Township

Magisterial District 58-3-02 Burnham Borough
 Magisterial District Judge Lewistown Borough
 Aaron L. Gingrich (Wards 6 and 7)
 Decatur Township
 Derry Township

Magisterial District 58-3-03 Armagh Township
 Magisterial District Judge Brown Township
 Tammy L. Hunter Menno Township
 Union Township

[Pa.B. Doc. No. 13-865. Filed for public inspection May 10, 2013, 9:00 a.m.]

RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 5230]

Psychiatric Rehabilitation Services

The Department of Public Welfare (Department), under the authority of Articles IX and X of the Public Welfare Code (code) (62 P.S. §§ 901–922 and 1001–1088), adopts Chapter 5230 (relating to psychiatric rehabilitation services) to read as set forth in Annex A. Notice of proposed rulemaking was published at 40 Pa.B. 6101 (October 23, 2010).

Purpose of Final-Form Rulemaking

The purpose of this final-form rulemaking is to adopt the minimum requirements for the issuance of licenses for psychiatric rehabilitation service (PRS) facilities operated in this Commonwealth.

Background

PRS promotes recovery, full community integration and improved quality of life for individuals who have been diagnosed with mental illness. PRS is collaborative, person-directed and individualized and is an essential element in the mental health services continuum. The promulgation of PRS regulations is consistent with the following goals of the Department:

- Ensure the consistent application of service requirements Statewide through the creation of licensing standards that are applicable to every PRS facility within this Commonwealth.
- Monitor quality of PRS through development of requirements for data collection and other essential elements.
- Create reliable infrastructure that supports an individual's ability to develop skills and access resources needed to increase an individual's capacity to be successful and satisfied in the living, working, learning and socializing domains of the individual's choice.

PRS is an integrated therapeutic approach for individuals with mental illness. PRS assists individuals to develop the emotional, social and intellectual skills needed to live, learn and work in the community and may decrease the need for or shorten the length of stay in inpatient, partial hospitalization and day treatment settings. PRS helps individuals to achieve valued roles in the community in living, learning, working and socializing domains. This final-form rulemaking for the licensing of PRS facilities provides a unified set of requirements in accordance with Nationally-recognized principles and practices established by the United States Psychiatric Rehabilitation Association (USPRA) (www.uspra.org), International Center for Clubhouse Development (ICCD) (www.iccd.org) and the Coalition for Community Living (CCL) (www.theccl.org).

PRS emphasizes strength-based values, which support individual involvement, choice, personal responsibility and independence. PRS also encourages growth potential and shared decision making, as well as outcome accountability both individually and programmatically.

In 2001, the Department issued the PRS Medical Necessity Criteria and Standards—Revised (2001 Standards). In 2006, the Office of Mental Health and Sub-

stance Abuse Services issued correspondence and directives to county Mental Health/Intellectual Disability administrators endorsing the benefits of PRS and encouraging its development in each county mental health system across this Commonwealth. Through collaborative dialogue with consumers, providers and other major stakeholders, there was consensus to develop licensure regulations to ensure consistent programmatic oversight and service delivery.

To guide the development of licensure regulations for PRS facilities, the Department convened a broad-based stakeholder workgroup in 2009. This stakeholder workgroup consisted of individuals representing county and State government, behavioral health managed care organizations (BH-MCO), provider organizations, individuals receiving services and family members. The stakeholder workgroup met on several occasions between May 2009 and February 2010 to assist in drafting the PRS regulatory language and to lay the foundation to support a consistent programmatic framework. The proposed rulemaking was published at 40 Pa.B. 6101 with a 30-day public comment period.

Affected Individuals and Organizations

The final-form rulemaking affects agencies that provide PRS and the individuals receiving PRS.

Accomplishments and Benefits

The final-form rulemaking establishes the minimum requirements for licensure of facilities where PRS is provided. These requirements will contribute to the development of a professionally-qualified and credentialed psychiatric rehabilitation workforce and will protect individual health and safety for those who receive PRS.

Fiscal Impact

Implementation of the final-form rulemaking will be cost neutral for the Commonwealth and will result in a small net cost to the regulated community. There are two new requirements with a fiscal impact on the regulated community: the requirement to obtain Certified Psychiatric Rehabilitation Practitioner (CPRP) certification for an additional staff member and the requirement that 25% of the full-time equivalent (FTE) staff complement be CPRP-certified. Under the 2001 Standards, 25% of the staff complement of a PRS agency needs to be CPRP-certified, thereby requiring at least one certified staff member per agency. The final-form rulemaking, however, requires that a PRS agency employ a PRS director and psychiatric rehabilitation specialist, both of whom need to be CPRP-certified, thereby increasing the minimum requirement to two CPRP-certified staff members per agency. Moreover, the final-form rulemaking requires that 25% of the FTE staff complement be CPRP-certified and a PRS agency may need additional CPRP certifications to comply with this requirement. The cost to obtain CPRP certification is approximately \$395 (registration and examination fee) per person.

Paperwork Requirements

Paperwork requirements for PRS licensure include the following: an agency service description; agency policies, procedures and daily schedules; contracts and letters of agreement; quality improvement documents; individual assessments; individual rehabilitation plans (IRP); and daily entries and discharge summaries. The final-form rulemaking also establishes time frames for the comple-

tion of these paperwork requirements. The paperwork requirements in the final-form rulemaking are the same as those in the 2001 Standards, except for the requirements for the agency service description. Each PRS agency shall submit a new agency service description that complies with § 5230.15 (relating to agency service description). The Department will provide free technical assistance to agencies to facilitate this process.

Public Comment

Written comments, suggestions and objections regarding the proposed rulemaking were requested within a 30-day period following publication of the proposed rulemaking in the *Pennsylvania Bulletin*. In response to the proposed rulemaking, the Department received a total of 20 letters, e-mails and faxes representing 138 comments. These comments represented feedback from a broad spectrum of consumers, counties, providers and organizations such as the Pennsylvania Community Providers Association, Pennsylvania Association of Psychosocial Rehabilitation Services (PAPSRs) and the Philadelphia Collaborative. Additionally, the Department received comments from the Independent Regulatory Review Commission (IRRC).

Discussion of Major Comments and Changes

The following is a summary of the major comments received within the public comment period following publication of the proposed rulemaking and the Department's responses to these comments. A summary of additional changes to the final-form rulemaking is also included. In addition, the Department filed a separate comment and response document with IRRC, the legislative committees, the Legislative Reference Bureau and commentators to address all comments received. This document is available upon request.

General—Fiscal impact

IRRC and two commentators inquired regarding the potential implementation costs to the regulated community. Specifically, they inquired regarding the costs of staff training, certification and general staffing requirements. The commentators recommended the Department consider these factors in the rate-setting process. IRRC recommended the Department provide a more detailed cost-benefit and fiscal impact analysis of Chapter 5230 that addresses the potential implementation costs anticipated by commentators.

Response

The fiscal impact section explains the implementation costs to the regulated community as a result of certification and general staffing requirements. Specifically, there are two new requirements with a fiscal impact on the regulated community: the requirement to obtain CPRP certification for an additional staff member; and the requirement that 25% of the FTE staff complement be CPRP-certified. These requirements are necessary to ensure an adequately prepared professional staff and the health and safety of individuals receiving PRS. CPRP certification is universally accepted by practicing members of the psychiatric rehabilitation community as the best available measure of the skills and competencies needed to provide effective PRS. These qualifications were drafted after considerable discussion with stakeholders, including counties, BH-MCOs, providers and individuals receiving services.

There is not anticipated fiscal impact to the regulated community as a result of staff training requirements. USPRA requirements for CPRP certification are 45 train-

ing hours prior to taking the examination and 15 hours annually for recertification thereafter. The final-form rulemaking requires 18 hours of training annually for staff members. This requirement is also in the 2001 Standards and, therefore, is not a new requirement. Trainings that satisfy the training requirements under the final-form rulemaking also satisfy USPRA training requirements, thereby assuring that CPRP-certified staff members who meet training requirements under the final-form rulemaking also meet training requirements for recertification by USPRA. Moreover, a PRS agency has 2 years to obtain CPRP certification for a psychiatric rehabilitation specialist, who shall have 1 year of work experience in PRS upon hire as required under § 5230.51(b)(1) (relating to staff qualifications). Therefore, a PRS agency has a total of 3 years to obtain the 45 training hours required for a psychiatric rehabilitation specialist to qualify to take the CPRP examination. During these 3 years, a psychiatric rehabilitation specialist will amass 54 training hours (18 hours per year for 3 years), thereby fulfilling the USPRA requirement. Therefore, a PRS agency will not need to plan for trainings beyond the 18 annual training hours to obtain the number of CPRP certifications needed to comply with the final-form rulemaking.

§ 5230.3. Definitions—Licensed practitioner of the healing arts

IRRC and two commentators suggested that the Department specify practitioners that meet the definition of "licensed practitioner of the healing arts" (LPHA). IRRC also recommended the final-form rulemaking include a cross-reference to Federal regulations, if any apply.

Response

The Department agrees and revised the final-form rulemaking to specify the licensed practitioners that meet the definition of an LPHA. For the purposes of this chapter, the definition of "licensed practitioner of the healing arts" is limited to a physician, physician's assistant, certified registered nurse practitioner and psychologist.

§ 5230.3. Definitions—Natural support

IRRC recommended that the final-form rulemaking clarify how a person or organization will provide "validation" to an individual.

Response

The Department agrees that "validation" is vague. Therefore, "validation" is deleted from the definition of "natural support."

§ 5230.3. Definitions—PRS facility

IRRC and two commentators observed that the use of "facility" is confusing in several sections of the proposed rulemaking that apply to the building where services are delivered. "Facility" is defined differently throughout the *Pennsylvania Code* and, therefore, can refer to different types of entities. IRRC recommended the Department explain the statutory authority for this definition and explain why use of "facility" is appropriate.

Response

"Facility" is defined under section 1001 of the code (62 P. S. § 1001) to include a mental health establishment. A PRS facility is a mental health establishment.

The Department, however, realizes the definition of "facility" should be clarified. Therefore, the definition of "PRS facility" was revised to "the premises licensed by the Department for the delivery of PRS." For additional clarity, the Department added the definition "PRS

agency” as “an organization that operates a PRS facility licensed by the Department under this chapter.” These definitions are consistent with the definitions under Chapter 20 (relating to licensure or approval of facilities and agencies).

§ 5230.3. *Definitions—Psychiatric rehabilitation principles*

IRRC recommended the final-form rulemaking list professional associations that are applicable to the definition of “psychiatric rehabilitation principles.”

Response

The Department revised the definition of “psychiatric rehabilitation principles” to include a list of professional organizations, including the USPRA, the ICCD and the CCL.

§ 5230.4. *Psychiatric rehabilitation processes and practices*

IRRC and a commentator recommended the final-form rulemaking clarify how the Department will measure “fidelity” to a PRS “approach.” The commentator stated that PRS is an approach in and of itself.

Response

The Department deleted subsection (f) regarding fidelity and revised subsection (e) to require that a PRS agency follow evidence-based practices or best practices of the specific PRS approach identified in the agency service description. To comply with subsection (e), a PRS agency shall ensure that the assessment, the IRP and documentation of services delivered follow the rehabilitation methods of the specific PRS approach identified in the agency service description. Additionally, § 5230.15(a)(5) requires that a PRS facility identified as a clubhouse be accredited by the ICCD within 3 years of licensing. PRS agencies will also be evaluated for compliance with training requirements of the specific approach designated in the service description.

§ 5230.13(5)(vi). *Agency records—individual crisis management*

A commentator inquired whether the requirement for a procedure that addresses crisis response is intended to include a 24-hour response.

Response

The intent is not to require 24-hour crisis response. Each agency shall develop procedures for individual crisis management to be administered during normal business hours of operation.

§ 5230.14(2). *Physical site requirements*

IRRC and commentators commented on the language about the provision of PRS in a location that is “distinct from other services offered simultaneously.” IRRC recommended the final-form rulemaking be clarified to allow PRS agencies to offer integrated services or the Department should explain why clarification is unnecessary.

Response

PRS is a separate and distinct service and must be distinguishable for licensing and billing purposes from other mental health services that may be provided by the legal entity. The Department needs to ensure that distinct qualified staff, individual records and facility space are consistent with the licensing standards for each type of service. Although these are licensing regulations and not payment regulations, counties and BH-MCOs that will be providing funding for PRS need assurance that they are

paying for a discrete service that is not comingled with another service. The Department agrees that this section needs clarification regarding the delivery of two different services in the same physical location. Therefore, the Department revised § 5230.14(2) to clarify that PRS is a distinct service from other mental health services in terms of service content and in terms of physical space utilized.

§ 5230.14(6). *Physical site requirements—Occupational Safety and Health Administration (OSHA) requirements*

IRRC and a commentator requested further information on specific requirements for OSHA. IRRC also recommended that a cross reference to the appropriate OSHA standard be specified.

Response

The Department determined that the requirement is unnecessary and deleted it. The section was renumbered accordingly. The requirement to ensure infection control was added under § 5230.14(6)(iii).

§ 5230.21(3). *Content of individual record—LPHA recommendation*

Two commentators recommended that the Department’s enforcement of the requirement for a recommendation by an LPHA reflect reasonableness and expediency and suggested that a signed statement from a psychiatrist be sufficient to meet the requirement. The commentators also suggested that the requirement would create challenges and delays in admissions.

Response

Section 5230.21(3) requires a recommendation from an LPHA. Under § 5230.3 (relating to definitions), an LPHA includes a physician, physician’s assistant, certified registered nurse practitioner and psychologist. Since a psychiatrist is a physician, a recommendation from a psychiatrist meets this requirement. In addition, the Department will provide training and technical assistance related to the written recommendation requirement.

§ 5230.22(2). *Documentation standards and record security, retention and disposal—Individual identification on each page*

IRRC and a commentator inquired about the need to identify the individual on each page of the record. The commentator stated that the requirement is excessive.

Response

Identification of the individual on each page of the record is required under existing payment regulations under § 1101.51(e)(1)(ii) (relating to ongoing responsibilities of providers). This requirement ensures that individual information will be stored in the appropriate individual record for billing and confidentiality purposes.

§ 5230.22(3). *Documentation standards and record security, retention and disposal—Licensed provider*

IRRC and five commentators requested clarification of “licensed provider.”

Response

The Department agrees that this paragraph should be clarified. Therefore, the Department deleted “licensed provider” and replaced it with “staff.”

§ 5230.22(4). *Documentation standards and record security, retention and disposal—Daily entry*

§ 5230.63. *Daily entry*

The Department received 11 public comments objecting to the requirement for the daily entry and the require-

ment for the individual receiving PRS to sign daily entries in the PRS record of service. A commentator suggested the final-form rulemaking be revised to require a monthly progress note and not a daily note. IRRC suggested the Department explain the need for daily entries.

Response

The requirement to indicate progress at each visit is an existing requirement under § 1101.51(e)(1)(vi). This requirement is also consistent with the Medicaid payment regulations under Chapters 1101 and 1150 (relating to general provisions; and MA Program payment policies). Since the record is required to indicate the individual's progress at each visit, a daily entry is required. The daily entry also ensures accountability and verification that the service is being provided. Further, the agency shall obtain the individual's signature on the daily entry or document the reason if the individual does not sign. This ensures that the individual is actively involved in documentation of daily services.

In addition, the Department will supply a sample format for the daily entry that meets the requirements of this section. The sample is an outline in check-off format with space for a brief narrative comment, if necessary.

§ 5230.31. *Admission requirements—Exception process*

Commentators and IRRC noted that the proposed rulemaking does not contain an exception process for individuals who do not meet eligibility requirements regarding diagnoses. The commentators also suggested that the allowed diagnostic categories be broader.

Response

The Department agrees with the commentators' suggestion to allow an exception process for diagnostic eligibility. The definition of "adults with serious mental illness," as published by the Center for Mental Health Services at 58 FR 29422 (May 20, 1993), includes a person 18 years of age and over who currently or at any time during the past year has had a diagnosable mental, behavioral or emotional disorder of sufficient duration to meet diagnostic criteria specified within the *Diagnostic and Statistical Manual of Mental Disorders*, Third Edition, Revised, that has resulted in functional impairment which substantially interferes with or limits one or more major life activities. Therefore, subsection (c) has been added to include a diagnostic exception.

§ 5230.51. *Staff qualifications—PRS director and psychiatric rehabilitation specialist*

Commentators inquired whether the Department will be "grandfathering" existing PRS directors who do not meet the educational degree requirements in this section. These comments, however, supported the requirement for the bachelor's degree for PRS directors who are newly hired. In addition, some commentators argue that these requirements are too stringent and may result in recruiting issues. The comments expressed that the loss of existing PRS directors due to new qualification requirements is not fair to those performing in a competent way and is not in the best interest of the field of PRS.

Conversely, a commentator recommended raising the qualifications for both the PRS director and the psychiatric rehabilitation specialist to require a Master's degree and a current clinical license issued by the Commonwealth.

In addition, IRRC requested an explanation of how the qualifications were established for both the PRS director and the psychiatric rehabilitation specialist.

Response

During the workgroup process, the Department reviewed stakeholders' input and researched PRS practices in several other states to develop PRS staff qualifications. Consideration was given to balancing education, experience and certification to ensure adequately trained staff members are providing PRS. The Department agrees, however, that one-time "grandfathering" is appropriate for a PRS director who has a CPRP certification, a minimum of an associate of arts degree and was employed as a PRS director in a Department-licensed PRS facility at least 6 months immediately prior to May 11, 2013, the publication date of this final-form rulemaking. Therefore, the Department revised subsection (a) to allow one-time "grand-fathering" of a PRS director who meets these requirements.

§ 5230.51(a) and (b)(2). *Staff qualifications—CPRP certification*

Three commentators stated that in some situations more than 2 years is needed for existing PRS staff employed as PRS directors or psychiatric rehabilitation specialists to obtain the CPRP credential. The commentators recommended that waivers or exceptions be used in these circumstances. In addition, a commentator stated that the requirement for CPRP certification will make recruitment and retention difficult, particularly in rural areas. IRRC and the commentator inquired whether existing staff who do not meet this requirement could be "grandfathered."

IRRC also asked whether the Department has considered the options of waiver or exception processes for this requirement.

Response

The Department gave consideration to balancing education, experience and certification to ensure that PRS staff members are adequately qualified. Staff qualifications that require the CPRP certification are consistent with the 2001 Standards. The Department adopted the workgroup recommendation that 2 years is a sufficient amount of time for a candidate to achieve CPRP certification. Since this standard has been in place for 10 years, the Department disagrees that this requirement creates a new barrier to staff recruitment and retention.

While the Department is sensitive to the unique needs of rural areas, it disagrees with the comment that retention and recruitment are difficult in these areas. The Department has supported the initiative sponsored by the PAPSRS to provide the CPRP preparation course State-wide and contracted with an academic vendor to provide training in PRS that is approved by USPPA. As a result, current data shows that this Commonwealth has the largest CPRP-certified workforce in the Nation with 503 CPRP-certified professionals. Additionally, as of 2012, 38 (75%) of the 51 rural counties in this Commonwealth operate at least 1 licensed PRS facility with at least 1 CPRP-certified professional on agency staff. Therefore, this requirement does not appear to be a barrier.

Further, there is currently limited availability of educational degree programs specific to psychiatric rehabilitation. The CPRP certification is universally accepted by practicing members of the psychiatric rehabilitation community as the best available measure of the skills and competencies needed to provide effective PRS. Although the Department considered the possibility of "grand-fathering" experienced psychiatric rehabilitation staff that

lack CPRP certification, the Department decided against this measure to avoid the risk of adversely affecting the quality of the service.

§ 5230.51(c)(3). Staff qualifications—Certified Peer Specialist (CPS) certificate

The Department received five recommendations that a staff member with a CPS certificate be allowed to work alone in the community without additional supervision or work experience.

Response

The Department disagrees with the recommendation of the commentators to allow a staff member with a CPS certificate but no additional work experience to provide PRS independently. Current language for staff qualifications ensures a level of understanding of PRS principles and practices to maintain the integrity of the profession. A staff member with a CPS certificate and no additional work experience is qualified to work as a psychiatric rehabilitation assistant. The psychiatric rehabilitation assistant position is specifically designed as an opportunity for someone inexperienced in PRS to gain entry into the field. Under § 5230.52(d) (relating to general staffing requirements), a psychiatric rehabilitation assistant shall be accompanied by a psychiatric rehabilitation specialist or psychiatric rehabilitation worker when service is delivered. When a staff member with a CPS certificate is employed as a psychiatric rehabilitation assistant and gains the necessary training and experience required under subsection (c), that staff member is eligible to be a psychiatric rehabilitation worker. As specified under § 5230.52(d), a psychiatric rehabilitation worker may work alone in the community.

§ 5230.52(c). General staffing requirements—Staff complement

IRRC and commentators recommended that a staff complement based on attendance during each shift is more feasible than average daily attendance.

Response

The Department agrees with the comment and deleted “based upon average daily attendance” from § 5230.52(c). The PRS agency shall maintain a corresponding staff schedule that demonstrates compliance with the required 1:10 ratio. Further, there is not a requirement that group service provided in the facility be comprised of at least ten individuals; rather, the requirement is that there is at least one staff present for every ten individuals in the facility.

PRS agencies need to record utilization data and maintain work schedules to distinguish facility-based staff members from those staff who provide services in the community. If a PRS agency elects to provide services in the community, it is necessary to assure that there is a sufficient number of staff present in the facility to meet the needs of the individuals being served in the facility.

§ 5230.52(d). General staffing requirements—Psychiatric rehabilitation worker

The Department received two suggestions that a psychiatric rehabilitation worker should be able to work alone in the community without a psychiatric rehabilitation specialist or CPRP-certified staff member.

Response

Under subsection (d), a psychiatric rehabilitation worker may work alone. This subsection states “when a service is delivered, a PRS agency shall schedule a

psychiatric rehabilitation specialist or psychiatric rehabilitation worker to be present.”

§ 5230.52(e). General staffing requirements—Deployment of staff

The Department received one comment suggesting that “deployment of staff for community services” is awkward and may be interpreted as something other than what was intended.

Response

The Department agrees that “deployment of staff for community services” needs to be clarified. Therefore, the Department revised the language to “deployment of staff for PRS delivered in the community.”

§ 5230.52(h). General staffing requirements—Psychiatric rehabilitation specialist qualifications

IRRC and a commentator requested clarification of the definition of “specialist criteria.”

Response

The phrase “specialist criteria” refers to the qualifications that a staff member is required to meet to be considered a psychiatric rehabilitation specialist. The Department revised subsection (h) to clarify the requirement.

§ 5230.52(h) and (i). General staffing requirements—CPRP certification

IRRC and two commentators inquired about the requirement that a minimum 25% of the FTE staff complement hold CPRP certification within 2 years of initial licensing. The commentators suggested that this requirement would be costly and might create undue noncompliance issues for agencies due to staff turnover.

IRRC and the commentators also inquired about the need for a minimum 25% of the FTE staff complement to be a psychiatric rehabilitation specialist within 1 year of initial licensing.

Response

Under the 2001 Standards, PRS agencies need to have 25% of the staff complement certified as a CPRP within 2 years of initial licensing. The final-form rulemaking requires that 25% of the FTE staff complement be CPRP-certified within 2 years of initial licensing. An explanation of the cost implications of this new requirement is included in the fiscal impact section.

Requiring that 25% of the FTE staff complement be CPRP-certified will ensure quality supervision and adherence to Nationally-recognized PRS principles and practices as established by USPPRA. A new PRS agency has 2 years to engage in staff development, including obtaining the required qualifications and certification. When a PRS agency has been in operation for 2 years from initial licensing, the agency will need to plan for turnover to ensure that 25% of FTE staff members are CPRP-certified.

Under the 2001 Standards, 25% of the staff complement shall meet the qualifications for a psychiatric rehabilitation specialist within 1 year of initial licensing. The final-form rulemaking requires that 25% of the FTE staff complement meet the qualifications for a psychiatric rehabilitation specialist within 1 year of initial licensing. Similar to the 25% CPRP requirement, this requirement will ensure quality supervision and adherence to USPPRA principles.

§ 5230.52(i). General staffing requirements—25% CPRP requirement

A commentator identified that agencies may fall in and out of compliance with the requirement to have 25% of the FTE staff complement CPRP-certified and asked how the Department plans to evaluate or assess this factor in licensing and audits.

Response

The Department will review the staff complement of a PRS agency during the annual licensure review. The Department will address an instance of noncompliance under the licensing procedures specified under Chapter 20.

§ 5230.54(a)(2). Group services—Group size in the community

IRRC and five commentators noted that there is lack of clarity regarding the limit on group size for services delivered in the community.

Response

The Department agrees and revised paragraph (a)(2). As revised, this paragraph provides as follows: “When a group service is delivered in the community, one staff shall serve a group of no more than five individuals. Group size in the community may not exceed five individuals.”

§ 5230.55(c) and (d). Supervision—Frequency and style

Commentators expressed concern regarding § 5230.55(c), regarding frequency and style of supervision, suggesting that it is too prescriptive. IRRC suggested the Department explain the need for this face-to-face supervision requirement.

A commentator also suggested that “additional” be deleted from subsection (d) because it is confusing.

Response

The 2001 Standards require weekly supervision; however, they do not specify the style of supervision required, that is, whether it should be conducted individually or in groups or if it should be conducted face-to-face. On the other hand, the final-form rulemaking requires individual face-to-face supervision at least two times per calendar month in addition to group supervision. Group supervisory methods are listed under subsection (d).

The Department recognizes the value of both individual face-to-face and group supervisory methods. Supervisory activities involve monitoring service delivery and addressing personnel matters, which makes individual face-to-face supervision necessary. The final-form rulemaking offsets the new more stringent requirement for individual face-to-face supervision at least two times per calendar month by not prescribing a minimum frequency for group supervision and by not mandating that it be face-to-face. The final-form rulemaking grants the PRS agency flexibility to conduct group supervision in a frequency and style that best meets agency need.

The Department agrees with the commentator that “additional” is confusing and deleted it from subsection (d). To further clarify, the Department revised this subsection to specify the required group supervision methods.

§ 5230.55(c) and (d). Supervision—Psychiatric rehabilitation specialist supervision

One comment was received suggesting that a psychiatric rehabilitation specialist be able to provide group supervision under subsection (d) to maintain consistency with subsection (c).

Response

The Department agrees and revised subsection (d) to allow the psychiatric rehabilitation specialist to provide group supervision.

§ 5230.55(e). Supervision—Annual evaluation

The Department received one comment regarding the requirement for the PRS director to annually evaluate staff. The commentator inquired whether it is permissible to delegate the supervisory function to the psychiatric rehabilitation specialist to whom other supervisory functions are already delegated.

Response

The requirement for the PRS director to annually evaluate staff may be delegated to a psychiatric rehabilitation specialist designated as a supervisor. The PRS director, however, has the ultimate responsibility for the service and is required to review and sign staff evaluations. The Department revised subsection (d) to reflect this.

§ 5230.56. Staff training requirements

The Department received comments regarding concerns about the cost and availability of approved training and scheduling issues regarding staff attendance at training.

Response

In response to the commentators, the Department revised paragraph (3)(i) to reduce the requirement from 8 hours to 6 hours of training in the specific PRS model or approach prior to new staff working independently. This revision allows agency staff to complete the requirement in 1 business day. Further, the 6 hours of training in the model or approach is required in the first year only.

Six hours of face-to-face mentoring is required in the first year only and is a separate supervisory function. Mentoring can be provided by the PRS director or a psychiatric rehabilitation specialist designated as a supervisor.

Only the 12-hour psychiatric rehabilitation orientation course is required to be obtained from a Department-approved trainer, as specified under paragraph (1). The 12-hour orientation course counts toward the 18-hour annual training requirement. Additional training may be obtained through a combination of both in-service and out-service sources, including conferences, webinars and Department-sponsored training. Twelve of the 18 hours of required annual training must focus on psychiatric rehabilitation or recovery practices, or both.

As previously provided, CPRP certification is required for the PRS director and the psychiatric rehabilitation specialist within 2 years of hire under § 5230.51. Employee certification and training costs are the responsibility of the agency or staff member. The cost of CPRP registration and examination is approximately \$395 per person.

§ 5230.56. Staff training requirements—training resources

The Department received comments about the need to identify training resources and a question about whether the PRS agency can provide the training internally.

Response

Training resources can include a variety of National, Statewide and internal sources, such as conferences, seminars, webinars, in-service training, college courses and web-based training. In addition, the Department

contracted with an academic vendor to offer approved courses at no charge to the agency. Training can be offered internally provided that there is a content outline for the training that has learning objectives, as specified under paragraph (4).

§ 5230.61(b). Assessment—Updates

IRRC and commentators requested clarification of the requirement for updates of the assessment. In addition, several commentators stated that the requirement under subsection (b)(7)(ii) is excessive.

Response

The Department agrees and deleted “objective” from subsection (b)(7)(ii) in the final-form rulemaking. In addition, the requirement is for an update, not an entirely new assessment document. The assessment is intended to be an ongoing process and the assessment form is intended to be a working document that can be updated when changes occur. The Department did not prescribe particular forms, but will provide sample forms.

§ 5230.62. Individual rehabilitation plan

IRRC and commentators requested clarification of the requirement for review and revision of the IRP. Several commentators also stated that the requirement for a revision to the IRP when a goal is completed is excessive. A commentator also suggested that revising the IRP interrupts the flow of the psychiatric rehabilitation process. IRRC also inquired whether to “revise” means to rewrite the IRP completely or simply to provide relevant updates to the existing plan.

Response

The requirement to review and revise the IRP is to update the IRP and is not intended to entail an entirely new IRP document. To clarify this, the Department revised subsection (c) to provide that “a PRS agency and an individual shall update the IRP. . . .” Psychiatric rehabilitation planning is intended to be an ongoing process based upon a current assessment. The IRP is intended to be a working document that can be updated when changes occur. The Department agrees that the requirement to revise the IRP when an objective is completed should be deleted from § 5230.62(c). Therefore, the Department deleted paragraph (c)(2) and renumbered this subsection accordingly.

§ 5230.63. Daily entry—Limited English proficiency

The Department received a comment about daily entry requirements, expressing concern about individuals who are not literate or whose first language is not English.

Response

The Department appreciates this concern. The requirement for a daily entry is the responsibility of the agency. PRS requires substantial individual participation and collaboration with agency staff. As specified under § 5230.52(j), PRS is required to be delivered in a way that can be accessed by the individual. As specified under § 5230.23 (relating to access to individual record), the individual shall be given the opportunity to provide input into services through review of the record and provision of written comment in the record. If an individual does not speak or is not literate in English, the PRS agency shall make accommodations for the individual’s language needs. For service records kept in a language other than English, the agency will need to provide interpretation at the time of inspection or record review.

§ 5230.71. Discharge

The Department received two comments regarding the difficulty in planning next steps for individuals who

terminate participation without notice. IRRC also suggested the Department explain how the requirement will be met.

Response

If an individual disengages from PRS, the daily entry should indicate the disengagement and efforts to contact and reengage the individual as required under subsection (f)(1). The discharge summary should also address the circumstances and rationale for discharge. If aftercare planning was not completed, this should be documented as required under subsection (f)(2).

§ 5230.72. Discharge summary

The Department received one comment indicating “it is difficult to offer a summary to an individual who chooses not to participate or be available.” IRRC also inquired how this requirement will be met under this circumstance.

Response

The intent of this section is to offer the individual an opportunity to comment. If the individual chooses to disengage prior to being given that opportunity and re-engagement efforts are not successful, it should be documented in the discharge summary.

Additional Changes

The Department revised § 5230.31(2) (relating to admission requirements) to delete “psychiatrist” and replace it with “licensed practitioner of the healing arts,” thereby allowing a physician, physician’s assistant, certified registered nurse practitioner or psychologist to provide a diagnosis for the purpose of determining eligibility for PRS. The Department recognizes the improved flexibility and streamlining of operations that this affords a PRS agency and the simplified access to PRS that it affords an individual.

In addition to the changes previously discussed, the Department corrected typographical errors, reformatted for enhanced readability and revised language for improved clarity.

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 14, 2012, the Department submitted this final-form rulemaking to IRRC and the Chairpersons of the House Human Services Committee and the Senate Public Health and Welfare Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 3, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 4, 2013, and approved the final-form rulemaking.

Findings

The Department finds that:

(a) Public notice of intention to adopt regulations has been given under sections 201 and 202 of the act of July

31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(b) The adoption of this final-form rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the code.

Order

The Department, under Articles IX and X of the code, orders that:

(a) The regulations of the Department, 55 Pa. Code, are amended by adding §§ 5230.1—5230.5, 5230.11—5230.17, 5230.21—5230.23, 5230.31—5230.33, 5230.41—5230.43, 5230.51—5230.57, 5230.61—5230.63, 5230.71, 5230.72, 5230.81 and 5230.91 to read as set forth in Annex A.

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

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

(d) This order shall take effect on August 9, 2013.

GARY D. ALEXANDER,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 2242 (April 20, 2013).)

Fiscal Note: Fiscal Note 14-521 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 55. PUBLIC WELFARE

PART VII. MENTAL HEALTH MANUAL

**Subpart D. NONRESIDENTIAL
AGENCIES/FACILITIES/SERVICES**

**CHAPTER 5230. PSYCHIATRIC REHABILITATION
SERVICES**

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GENERAL PROVISIONS

§ 5230.1. Purpose.

The purpose of this chapter is to establish requirements for the licensing of facilities providing PRSs.

§ 5230.2. Scope.

This chapter applies to PRS agencies as defined in this chapter and contains the minimum requirements that shall be met to obtain a license to operate a PRS facility.

§ 5230.3. Definitions.

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

Axis I—

(i) One of five dimensions relating to different aspects of the diagnosis of a psychiatric disorder or disability as organized in the DSM-IV-TR or subsequent revisions.

(ii) Axis I specifies clinical disorders, including major mental disorders.

*BH-MCO—Behavioral health managed care organization—*An entity that manages the purchase and provision of mental health and substance abuse services.

*Best practice—*Service delivery practice based directly on principles and standards that are generally recognized by a profession and are documented in the professional literature.

*CPRP—Certified Psychiatric Rehabilitation Practitioner—*A person who has completed the required education, experience and testing, and who is currently certified as a Certified Psychiatric Rehabilitation Practitioner by the USpra.

*CPS certificate—Certified Peer Specialist certificate—*A certificate awarded to a person who has successfully completed the Department-approved training in peer support services.

*Clubhouse—*A PRS facility that is accredited by the ICCD.

*Coordination of care—*Direct contact by a PRS agency with other mental health, physical health or human service formal and natural supports, to ensure continuity in service planning between service agencies.

*County MH/ID administrator—*The Mental Health/Intellectual Disability administrator who has authority in the geographic area.

Culturally competent—The ability to provide service in a manner that shows awareness of and is responsive to the beliefs, interpersonal styles, attitudes, language and behavior of an individual and family who are referred for or receiving service.

DSM-IV-TR—*Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition, Text Revision.

Department—The Department of Public Welfare of the Commonwealth.

Discharge—Discontinuation of service to an individual.

EBP—*Evidence based practice*—Service delivery practice identified, recognized and verified by research and empirical data to be effective in producing a positive outcome and supporting recovery.

FTE—*Full-time equivalent*—37.5 hours per calendar week of staff time.

Face-to-face—Contact between two or more people that occurs at the same location, in person.

Formal support—An agency, organization or person who provides assistance or resources to others within the context of an official role.

Functional impairment—The loss or abnormality of the ability to perform necessary tasks.

GED—General Equivalency Diploma.

Goal—The purpose of the rehabilitation service as identified by the individual.

Human services—Programs or facilities designed to meet basic health, welfare and other needs of a society or group.

ICCD—International Center for Clubhouse Development.

ICD-9—*International Classification of Diseases*, Ninth Edition.

IRP—*Individual rehabilitation plan*—A document that describes the current service needs based on the assessment of the individual and identifies the individual's goals, interventions to be provided, the location, frequency and duration of services, and staff who will provide the service.

Individual—A person, 18 years of age or older who has a functional impairment resulting from mental illness, who uses PRS.

LPHA—*Licensed practitioner of the healing arts*—

(i) An individual licensed by the Commonwealth to practice the healing arts.

(ii) The term is limited to a physician, physician's assistant, certified registered nurse practitioner and psychologist.

Legal entity—A person, society, corporation, governing authority or partnership legally responsible for the administration and operation of a PRS facility or a PRS agency.

MA—Medical Assistance.

Mental health direct service—Working directly with an individual to provide a mental health service.

Natural support—A person or organization selected by an individual to provide assistance or resources in the context of a personal or nonofficial role.

Outcome—An observable and measurable result of PRS.

PRS—*Psychiatric rehabilitation service*—A recovery-oriented service offered individually or in groups which is predicated upon the principles, values and practice standards of the ICCD, USPRA or other Nationally-recognized professional PRS association.

PRS agency—An organization that operates a PRS facility licensed by the Department under this chapter.

PRS facility—The premises licensed by the Department for the delivery of PRS.

Psychiatric rehabilitation principles—A list of core values inherent in psychiatric rehabilitation as defined by Nationally-recognized professional associations, including the USPRA, the ICCD and the Coalition for Community Living.

QI plan—*Quality improvement plan*—A document outlining the ongoing formal process to ensure optimal care and maximize service benefit as part of the licensing process.

USPRA—The United States Psychiatric Rehabilitation Association.

§ 5230.4. Psychiatric rehabilitation processes and practices.

(a) A PRS agency shall assist an individual to develop, enhance and retain skills and competencies in living, learning, working and socializing so that an individual can live in the environment of choice and participate in the community.

(b) A PRS agency shall use the PRS process in delivering PRS. The PRS process consists of three phases:

(1) *Assessing phase.*

(i) Developing a relationship and trust.

(ii) Determining individual readiness for rehabilitation.

(iii) Completing mutual assessment of needs.

(iv) Goal setting.

(2) *Planning phase.*

(i) Prioritizing needed and preferred skills and supports.

(ii) Planning for resource development.

(3) *Intervening phase.*

(i) Developing new skills.

(ii) Supporting existing skills.

(iii) Overcoming barriers to using skills.

(iv) Identifying or modifying an individual's resources to pursue a goal.

(c) A PRS agency shall ensure that the following practices are included in programming and staff training and in agency and individual record maintenance:

(1) Creating a culturally competent, recovery-oriented environment consistent with psychiatric rehabilitation principles.

(2) Engaging an individual in PRS.

(3) Assessing individual strengths, interests and preferences for PRS with an individual.

(4) Developing strategies to assist an individual in identifying, achieving and maintaining valued roles.

(5) Developing an IRP with an individual.

(6) Helping an individual increase awareness of community resources and identify preferred options for the rehabilitation process.

(7) Educating an individual about mental illness, wellness and living in recovery.

(8) Providing direct or indirect skills development.

(9) Assisting an individual in identifying, developing and utilizing natural supports.

(10) Reaching out and re-engaging an individual who discontinues service participation.

(d) PRS shall be provided to an individual regardless of involvement in other mental health services.

(1) PRS shall begin as soon as possible following diagnosis.

(2) A PRS agency shall collaborate and coordinate with other service agencies with the consent of the individual.

(e) A PRS agency shall follow EBP or best practices of the specific PRS approach identified in the agency service description.

(f) A PRS agency may offer PRS in a PRS facility or in the community, or both, as is consistent with an approved agency service description.

§ 5230.5. Access to facility and records.

(a) A PRS agency shall provide access to the PRS facility and records during inspection and, upon request, by the Department.

(b) A PRS agency shall grant access to private interviews with individuals upon request by the Department and with individual consent.

GENERAL REQUIREMENTS

§ 5230.11. Organizational structure.

A PRS agency shall:

(1) Establish guidance from an advisory board that:

(i) Includes participation by individuals and families who utilize mental health services.

(ii) Is developed by the PRS agency or is the advisory board of the legal entity.

(2) Document that the members of the advisory board have been provided with an overview of PRS processes and practices.

(3) Name a PRS director and psychiatric rehabilitation specialist.

§ 5230.12. Inspections and licenses.

(a) A PRS agency shall meet the requirements under Chapter 20 (relating to licensure or approval of facilities and agencies).

(b) A PRS agency may file an appeal relating to licensure or approval in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

§ 5230.13. Agency records.

A PRS agency shall maintain records that contain copies of the following:

(1) Inspection reports, certifications or licenses issued by state and local agencies.

(2) The PRS statement of rights under § 5230.41 (relating to PRS statement of rights).

(3) Documentation of civil rights compliance.

(4) A detailed agency service description under § 5230.15 (relating to agency service description).

(5) PRS agency policies and procedures that address the following:

(i) The implementation of the PRS based upon the agency service description.

(ii) Nondiscrimination statement.

(iii) Compliance with other applicable State and Federal regulations, including the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101—12213) and the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191, 110 Stat. 1936).

(iv) Engagement and outreach to an individual to maintain participation in the IRP.

(v) Complaint policies and procedures.

(vi) Individual crisis management.

(vii) Disaster preparedness.

(6) Human resources policies and procedures that address the following:

(i) Job descriptions for staff positions.

(ii) Criminal history background check requirements and protocol.

(iii) Transportation of individuals.

(iv) Evidence of staff credentials or qualifications.

(v) Records of orientation and training, including an annual training plan for staff.

(vi) Staff work schedules and time sheets.

(7) PRS daily schedules.

(8) A copy of contracts or letters of agreement with external funding sources including BH-MCOs or county MH/ID administrators.

(9) Letters of agreement with mental health services and community agencies.

(10) Quality improvement documents, including the following:

(i) QI plan.

(ii) Data gathering tools.

(iii) Annual review reports.

§ 5230.14. Physical site requirements.

A PRS agency shall provide:

(1) A physical location within the PRS facility for recordkeeping and other administrative functions of the PRS regardless of where service is provided.

(2) PRS as a service that is distinct from other mental health services that may be offered by the legal entity:

(i) In terms of service content.

(ii) In terms of physical space utilized.

(3) A site that is accessible to individuals.

(4) Space, equipment and supplies that are well-maintained and sufficient to deliver the services listed in the agency service description.

(5) Private interview space.

(6) Protocols that meet applicable Federal, State and local requirements for fire, safety and health, including protocols for the following:

- (i) Sanitation.
- (ii) Fire drills.
- (iii) Infection control.

§ 5230.15. Agency service description.

(a) Prior to the initial licensing visit, and when changes occur to the agency service description, a PRS agency shall submit to the Department for prior approval an agency service description that includes the following:

- (1) The governing body, advisory board and an agency table of organization.
- (2) The philosophy of the PRS agency, incorporating psychiatric rehabilitation principles.
- (3) The population to be served, including the following:
 - (i) Anticipated daily attendance.
 - (ii) Age range.
 - (iii) Diagnostic groups.
 - (iv) Plans to identify and accommodate special populations.
 - (v) Plans to identify and accommodate culturally diverse populations.
- (4) The approach of PRS offered including EBPs and best practices utilized.
- (5) A PRS facility identified as a clubhouse must be accredited by the ICCD within 3 years of licensing.
- (6) The location of service, whether in a PRS facility or in the community, or a combination of both.
- (7) Expected service outcomes for individuals.
- (8) Staffing, including the following:
 - (i) Staffing patterns.
 - (ii) Staff to individual ratios.
 - (iii) Staff qualifications.
 - (iv) Staff supervision plans.
 - (v) Staff training protocols.
- (9) Service delivery patterns, including frequency, duration and method (group or individual) of service delivery.
- (10) The days and hours of PRS operation.
- (11) The geographic limits of PRS operation.
- (12) A description of the physical site, including copies of applicable licenses and certificates.
- (13) A process for development of an IRP with an individual.
- (14) Admission and discharge policies and procedures.
- (15) The methods by which PRS staff and an individual will collaborate to identify and use the individual's preferred community resources.
- (16) A process for developing and implementing a QI plan.
- (17) A procedure for filing and resolving complaints.
- (b) The Department may deny agency service descriptions and approaches that do not meet EBP or best practices standards.

§ 5230.16. Coordination of care.

(a) A PRS agency shall have written agreements to coordinate care with other service providers, including the following:

- (1) Psychiatric inpatient facilities.
- (2) Partial hospitalization programs.
- (3) Psychiatric outpatient clinics.
- (4) Crisis intervention programs.
- (5) Case management programs.

(b) A PRS agency may have written agreements to coordinate care with other service providers as needed, including the following:

- (1) Housing and residential programs.
- (2) Drug and alcohol programs.
- (3) Vocational, educational and social programs.

§ 5230.17. Confidentiality.

A PRS agency shall protect information about an individual in compliance with the Mental Health Procedures Act (50 P. S. §§ 7101—7503), §§ 5100.31—5100.39 (relating to confidentiality of mental health records), the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191, 110 Stat. 1936) and 4 Pa. Code § 255.5 (relating to projects and coordinating bodies: disclosure of client-oriented information).

INDIVIDUAL RECORD

§ 5230.21. Content of individual record.

A PRS agency shall develop and maintain a record for an individual served containing the following:

- (1) Information that identifies the individual.
- (2) Eligibility for PRS, including diagnosis.
- (3) Referral source, reason for referral and recommendation by an LPHA.
- (4) A signed set of documents providing the following:
 - (i) Individual consent to receive services.
 - (ii) Individual consent to release information to other providers.
 - (iii) Verification that the individual received and had an opportunity to discuss the oral and written versions of the PRS statement of rights under § 5230.41 (relating to PRS statement of rights).
- (5) An assessment and updates.
- (6) The IRP.
- (7) Staff documentation of IRP outcomes.
- (8) Staff documentation of coordination with other services and supports.
- (9) Discharge summary.

§ 5230.22. Documentation standards and record security, retention and disposal.

A PRS agency shall ensure that an individual record meets the following standards:

- (1) The record must be legible throughout.
- (2) The record must identify the individual on each page.
- (3) Entries shall be signed and dated by the responsible staff.
- (4) The record must indicate progress at each day of service, changes in service and response to services.
- (5) Updates of the record shall be signed and dated.
- (6) The record is kept in a permanent, secure location.

(7) The record shall be maintained for a minimum of 4 years.

(8) Records shall be disposed of in a manner that protects confidentiality.

§ 5230.23. Access to individual record.

An individual may review, provide written comments and sign daily entries in the individual record.

ADMISSION, CONTINUED STAY AND DISCHARGE REQUIREMENTS

§ 5230.31. Admission requirements.

(a) *General rule.* To be eligible for PRS, an individual shall meet the following:

(1) Have a written recommendation for PRS by an LPHA acting within the scope of professional practice.

(2) Have the presence or history of a serious mental illness, based upon medical records, which includes one of the following diagnoses by an LPHA:

- (i) Schizophrenia.
- (ii) Major mood disorder.
- (iii) Psychotic disorder (not otherwise specified).
- (iv) Schizoaffective disorder.
- (v) Borderline personality disorder.

(3) As a result of the mental illness, have a moderate to severe functional impairment that interferes with or limits performance in at least one of the following domains:

- (i) Living.
 - (ii) Learning.
 - (iii) Working.
 - (iv) Socializing.
- (4) Choose to receive PRS.

(b) *Assessment.* A PRS agency shall identify and document the functional impairment of the individual in an assessment as required under § 5230.61(b)(1) (relating to assessment).

(c) *Exception.* Individuals who do not meet the serious mental illness diagnosis requirement under subsection (a) may receive services when the following conditions are met:

(1) The written recommendation by the LPHA includes a diagnosis of mental illness that is listed on Axis I in the DSM-IV-TR or ICD-9 or subsequent revisions.

(2) The written recommendation by the LPHA includes a description of the functional impairment resulting from the mental illness as required under subsection (a)(3).

§ 5230.32. Continued stay requirements.

(a) A PRS agency shall determine an individual's eligibility for continued stay during an IRP update required under § 5230.62(c) (relating to individual rehabilitation plan).

(b) An individual's eligibility for continued stay shall be determined by documentation of the following:

(1) An individual chooses continued participation in the PRS.

(2) A continued need for service based upon one or both of the following:

(i) As a result of a mental illness, there is a functional impairment or skill deficit that is addressed in the IRP.

(ii) The withdrawal of service could result in loss of rehabilitation gain or goal attained by an individual.

§ 5230.33. Discharge requirements.

When a PRS agency documents one of the following criteria, discharge may occur. An individual:

(1) Has achieved goals and sustained progress as designated in the IRP.

(2) Has gained maximum rehabilitative benefit.

(3) Will not lose rehabilitation gain or an attained goal as a result of withdrawal of service.

(4) Has voluntarily terminated.

RIGHTS

§ 5230.41. PRS statement of rights.

(a) An individual has the right to be treated with dignity and respect and to be free from physical and mental harm.

(b) An individual has the right to receive PRS in a culturally respectful and nondiscriminatory environment.

(c) An individual has the right to receive PRS in the least restrictive setting that fosters recovery and promotes growth.

(d) An individual has the right to access competent, timely and quality service to assist with fulfillment of a goal.

(e) An individual has the right to express a goal which is individualized and reflects informed choice concerning selection, direction or termination of service and service plan.

(f) An individual has the right to choose a service based on individual need, choice and acceptance and not dependent on compliance or participation with another treatment or rehabilitation service.

(g) An individual has the right to keep and use personal possessions in a manner that is reasonable to the service and location. Any necessary limitations shall be clearly communicated and defined, universally applied and documented.

(h) An individual has the right to offer an opinion and belief.

(i) An individual has the right to file a complaint related to PRS and to have the complaint addressed.

(j) An individual has the right to have the assistance of a personally chosen representative or advocate in expressing a complaint.

(k) An individual has the right to be able to contribute to, have access to, and control release of the individual record.

(l) An individual has the right to have information and records concerning service treated in a confidential manner, as required under the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191, 110 Stat. 1936).

(m) A PRS agency shall:

(1) Assure compliance with the PRS statement of rights.

(2) Develop and implement a written procedure for assuring compliance with the PRS statement of rights.

(3) Post the PRS statement of rights within the PRS facility.

(4) Notify an individual verbally and in writing and include a signed acknowledgement of rights in the individual record.

(5) Develop the IRP in compliance with individual rights.

§ 5230.42. Nondiscrimination.

A PRS agency may not discriminate against an individual or staff on the basis of age, race, sex, religion, ethnic origin, economic status, sexual orientation or gender identity or expression, or disability.

§ 5230.43. Complaints.

(a) The PRS agency shall have written policies and procedures for filing and resolving complaints.

(b) A PRS agency shall give verbal and written notice to an individual upon admission to the service, explaining complaint policies and procedures.

(c) A PRS agency shall offer assistance to an individual as needed to file a complaint.

STAFFING

§ 5230.51. Staff qualifications.

(a) A PRS director shall have one of the following:

(1) A bachelor's degree and CPRP certification.

(2) A bachelor's degree and at least 3 years work experience in mental health direct service, 2 years of which must be work experience in PRS. CPRP certification shall be attained within 2 years of hire as a PRS director.

(3) An associate of arts degree and CPRP certification if employed as the PRS director of a licensed PRS facility for at least 6 months immediately prior to May 11, 2013.

(b) A psychiatric rehabilitation specialist shall have one of the following:

(1) A bachelor's degree and 2 years work experience in mental health direct service, 1 year of which must be work experience in PRS. CPRP certification shall be attained within 2 years from the date of hire as a psychiatric rehabilitation specialist.

(2) CPRP certification.

(c) A psychiatric rehabilitation worker shall have one of the following:

(1) A bachelor's degree.

(2) An associate's degree and 1 year work experience in mental health direct service.

(3) A CPS certificate and 1 additional year paid or volunteer work experience in mental health direct service.

(4) A high school diploma or GED and 2 years work experience in human services which must include 1 year of mental health direct service.

(d) A psychiatric rehabilitation assistant shall have a high school diploma or GED and 6 months experience in human services.

§ 5230.52. General staffing requirements.

(a) A PRS agency shall staff the service according to the following:

(1) The location of services is consistent with the agency service description.

(2) The service may range from individual service to group service.

(3) The service and the choice of service locations shall be determined by the IRP of the individual.

(b) A PRS agency shall employ a PRS director and a psychiatric rehabilitation specialist.

(c) When a service is delivered in a PRS facility, a PRS facility shall have an overall complement of one staff for every ten individuals, a (1:10) ratio.

(d) When a service is delivered, a PRS agency shall schedule a psychiatric rehabilitation specialist or psychiatric rehabilitation worker to be present.

(e) A PRS agency shall develop a schedule that includes a plan to maintain staffing requirements during:

(1) Staff absence.

(2) Deployment of staff for PRS delivered in the community.

(f) A PRS agency shall document staffing by maintaining work schedules, time records and utilization data.

(g) When a PRS agency operates more than one PRS facility, the PRS director shall be present at each licensed PRS facility an average of 7.5 hours per week in a calendar month.

(h) A minimum of 25% of the FTE staff complement shall meet the qualifications of a psychiatric rehabilitation specialist provided under § 5230.51(b) (relating to staff qualifications) within 1 year of initial licensing.

(i) A minimum of 25% of the FTE staff complement shall have CPRP certification within 2 years of initial licensing.

(j) Trained staff shall be available, or other accommodations made, to address the language needs of an individual, including American Sign Language and Braille.

§ 5230.53. Individual services.

A PRS agency shall provide individual services in a PRS facility or in the community on a one staff to one individual (1:1) ratio.

§ 5230.54. Group services.

(a) A PRS agency shall provide group services in a PRS facility or in the community.

(1) When a group service is provided in a PRS facility, group size may vary as long as the requirement under § 5230.52(c) (relating to general staffing requirements) is met.

(2) When a group service is delivered in the community, one staff shall serve a group of no more than five individuals. Group size in the community may not exceed five individuals.

(b) Group services delivered in the community shall be limited to individuals who have IRP goals that specify the need for services in the community.

(c) A PRS agency shall consider personal preferences of an individual and shall inform an individual of the following:

(1) The location where the group is to meet.

(2) The purpose of providing service in a community setting.

(3) The roles of individuals and PRS staff.

(d) A PRS agency shall obtain individual consent to participate in group services in the community.

(e) A PRS agency may not require an individual to participate in group services in the community. Individual preference for one to one (1:1) ratio service in the community shall be honored.

(f) A PRS agency shall design group services delivered in the community to protect confidentiality in a public location.

(g) A PRS agency shall arrange for group discussion of the experience before and after service is conducted in the community. The group discussion shall occur in a setting which assures confidentiality.

§ 5230.55. Supervision.

(a) A PRS director shall supervise staff.

(b) A psychiatric rehabilitation specialist may perform supervisory functions as delegated by the PRS director, consistent with approved job descriptions for the two positions.

(c) A PRS director or psychiatric rehabilitation specialist designated as a supervisor shall meet with staff individually, face-to-face, no less than two times per calendar month.

(d) A PRS director or psychiatric rehabilitation specialist designated as a supervisor shall provide group supervision utilizing the following methods:

- (1) Monitoring active PRS delivery.
- (2) Discussing approaches to assist individuals in goal attainment.
- (3) Conducting staff meetings.

(e) A PRS director or psychiatric rehabilitation specialist designated as a supervisor shall annually evaluate staff and the PRS director shall review and approve annual staff evaluations.

§ 5230.56. Staff training requirements.

A PRS agency shall implement a staff training plan that ensures initial and ongoing training in PRS practices as specified under § 5230.4 (relating to psychiatric rehabilitation processes and practices).

(1) Staff providing services in a PRS agency shall complete a Department-approved 12-hour psychiatric rehabilitation orientation course no later than 1 year after hire. This course shall be credited to the annual training requirement listed under paragraph (2) for the calendar year in which it is completed.

(2) Staff providing services in a PRS agency shall complete 18 hours of training per calendar year with 12 hours specifically focused on psychiatric rehabilitation or recovery practices, or both.

(3) A PRS agency shall assure competency of new staff by providing an additional PRS service-specific orientation that includes the following:

(i) Six hours of training in the specific PRS model or approach outlined in the agency service description prior to new staff working independently. This training is required within the first year of employment.

(ii) Six hours of face-to-face mentoring for new staff prior to new staff delivering services independently. Mentoring shall be provided by a PRS director or psychiatric rehabilitation specialist designated as a supervisor and is required within the first year of employment.

(4) A PRS agency shall assure that training has learning objectives.

(5) A PRS agency shall maintain documentation of training hours in the PRS agency records under § 5230.13(6)(v) (relating to agency records).

§ 5230.57. Criminal history background check.

(a) A PRS agency shall complete a criminal history background check for staff that will have direct contact with an individual.

(b) A PRS agency shall develop and consistently implement written policies and procedures regarding personnel decisions based on the criminal history background check.

SERVICE PLANNING AND DELIVERY

§ 5230.61. Assessment.

(a) A PRS agency shall complete an assessment of an individual prior to developing the IRP.

(b) The assessment shall be completed in collaboration with the individual and must:

(1) Identify the functioning of the individual in the living, learning, working and socializing domains.

(2) Identify the strengths and needs of the individual.

(3) Identify existing and needed natural and formal supports, including other health care facilities and social service agencies.

(4) Identify the specific skills, supports and resources the individual needs and prefers to accomplish stated goals.

(5) Identify cultural needs and preferences of the individual.

(6) Be signed by the individual and staff.

(7) Be updated annually and when one of the following occurs:

(i) The individual requests an update.

(ii) The individual completes a goal.

(iii) The individual is not progressing on stated goals.

§ 5230.62. Individual rehabilitation plan.

(a) A PRS staff and an individual shall jointly develop an IRP that is consistent with the assessment and includes the following:

(1) A goal designed to achieve an outcome.

(2) The method of service provision, including skill development and resource acquisition.

(3) The responsibilities of the individual and the staff.

(4) Action steps and time frame.

(5) The expected frequency and duration of participation in the PRS.

(6) The intended service location.

(7) Dated signatures of the individual, the staff working with the individual and the PRS director.

(b) A PRS agency shall complete an IRP by day 20 of attendance, but no more than 60 calendar days after initial contact.

(c) A PRS agency and an individual shall update the IRP at least every 90 calendar days and when:

(1) A goal is completed.

(2) No significant progress is made.

(3) An individual requests a change.

(d) An IRP update must include a comprehensive summary of the individual's progress that includes the following:

- (1) A description of the service in the context of the goal identified in the IRP.
- (2) Documentation of individual participation and response to service.
- (3) A summary of progress or lack of progress toward the goal in the IRP.
- (4) A summary of changes made to the IRP.
- (5) The dated signature of the individual.
- (6) Documentation of the reason if the individual does not sign.
- (7) The dated signature of the PRS staff working with the individual and the dated signature of the PRS director.

§ 5230.63. Daily entry.

A PRS agency shall include an entry for the day service was provided in the record of an individual as follows:

- (1) Indicates the date, time, duration, location and type of interaction.
- (2) Documents service provided in the context of the goal.
- (3) Documents the individual response to service.
- (4) Includes the signature of the individual, or if the individual does not sign, documents the reason.
- (5) Is signed and dated by staff providing the service.

DISCHARGE

§ 5230.71. Discharge.

- (a) A PRS agency shall discuss discharge with an individual.
- (b) A decision to discharge should be a joint decision between the individual and the PRS agency.
- (c) When a decision to discharge is not a joint decision, the PRS agency shall document the reason for discharge.
- (d) When a decision to discharge is reached, a PRS agency shall offer the individual the opportunity to participate in future service.
- (e) When an individual voluntarily terminates from the PRS, a PRS agency shall plan and document next steps with the individual, including recommended service and referral.
- (f) When it is necessary to discharge an individual from PRS due to the individual's disengagement, prior to discharge the PRS agency shall document:
 - (1) Attempts to reengage the individual.
 - (2) The circumstances and rationale for discharge.
- (g) When an individual has a recurring or new need for PRS and meets admission criteria, the PRS agency shall consider the individual for readmission without regard to previous participation.

§ 5230.72. Discharge summary.

- (a) Upon discharge, a PRS agency shall complete a dated and signed discharge summary that must include a description of the following:

- (1) Service provided.
- (2) Outcomes and progress on goals.
- (3) Reason for discharge.
- (4) Referral or recommendation for future service.
- (b) A PRS agency shall ensure that the discharge summary is:
 - (1) Completed no more than 30 days after the date of discharge.
 - (2) Reviewed and signed by the PRS director.
 - (3) Offered to the individual for review, signature and the opportunity to comment.

QUALITY IMPROVEMENT

§ 5230.81. Quality improvement requirements.

- (a) A PRS agency shall establish and implement a written QI plan that meets the following requirements:
 - (1) Provides for an annual review of the quality, timeliness and appropriateness of services, including the following:
 - (i) Outcomes for PRS.
 - (ii) Individual record reviews.
 - (iii) Individual satisfaction.
 - (iv) Use of exceptions to admission and continued stay requirements.
 - (v) Evaluation of compliance with the agency service description.
 - (2) Identifies reviewers, frequency and types of reviews and methodology for establishing sample size.
- (b) A PRS agency shall document that individuals served participate in QI plan development and follow up.
- (c) A PRS agency shall prepare a report that:
 - (1) Documents analysis of the findings of the annual review required under subsection (a).
 - (2) Identifies actions to address annual review findings.
- (d) A PRS agency shall make the report available to the public.

WAIVER OF STANDARDS

§ 5230.91. Request for waiver.

- (a) A PRS agency may submit a written request to the Department for a waiver of a specific requirement in this chapter.
- (b) The Department reserves the right to grant or deny waiver of a specific requirement in this chapter.
- (c) A waiver request will be considered only in exceptional circumstances.
- (d) A waiver will be granted only when the health and safety of an individual and the quality of service are not adversely affected.
- (e) The Department reserves the right to revoke a waiver if the conditions required by the waiver are not met.

[Pa.B. Doc. No. 13-866. Filed for public inspection May 10, 2013, 9:00 a.m.]

PROPOSED RULEMAKINGS

BOARD OF COAL MINE SAFETY

[25 PA. CODE CH. 208]

Maintenance of Incombustible Content of Rock Dust

The Board of Coal Mine Safety (Board) is proposing to add § 208.71 (relating to maintenance of incombustible content of rock dust) to read as set forth in Annex A. The proposed rulemaking conforms Pennsylvania regulations to Federal regulations, thereby establishing that the incombustible content of coal dust, rock dust and other dust will not be less than 80% in bituminous coal mines.

Sections 106 and 106.1 of the Bituminous Coal Mine Safety Act (BCMSA) (52 P. S. §§ 690-106 and 690-106.1) authorize the adoption of regulations implementing the BCMSA, including additional safety standards. The Board is authorized to promulgate regulations that are necessary or appropriate to implement the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines.

This proposed rulemaking is given under Board order at its meeting of March 26, 2013.

A. Effective Date

This proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact Joe Sbaffoni, Director, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469, jsbaffoni@pa.gov; or Susana Cortina de Cáenas, Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, Rachel Carson State Office Building, 9th Floor, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060, scortina@pa.gov.

C. Statutory Authority

The proposed rulemaking is authorized under sections 106 and 106.1 of the BCMSA, which grant the Board the authority to adopt regulations implementing the BCMSA, including additional safety standards. The Board is authorized to promulgate regulations that are necessary or appropriate to implement the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines.

D. Background and Purpose

This proposed rulemaking would require that where rock dust is to be applied in bituminous coal mines, the incombustible content of the combined coal dust, rock dust and other dust that is present in a mine's intake and return airways may be not be less than 80%. On September 23, 2010, the Mine Safety and Health Administration (MSHA) issued an emergency temporary standard (ETS) under section 101(b) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C.A. § 811(b)) in response to the grave danger that miners in underground bituminous coal mines face when accumulations of coal dust are not made inert. See 75 FR 57849 (September 23, 2010). MSHA concluded, from investigations of mine explosions and other reports, that immediate action was necessary to protect miners.

The ETS served as an emergency temporary final rule with immediate effect and provided an opportunity for notice and comment, after which time a final rule would be issued. The National Institute for Occupational Safety and Health (NIOSH) conducted a series of large-scale dust explosion tests at the NIOSH Lake Lynn Experimental Mine using the dust survey results to determine the incombustible content necessary to prevent explosion propagation. Based on the results of this testing, NIOSH recommended an 80% total incombustible content in both intake and return airways of bituminous coal mines in the ETS. In addition, the incombustible content of the dust shall be increased to 0.4% for each 0.1% of methane present.

Based on NIOSH's data and recommendations and MSHA data and experience, the United States Secretary of Labor determined that miners were exposed to grave danger in areas of underground bituminous coal mines that were not properly and sufficiently rock dusted in accordance with the ETS and that the ETS was necessary to protect miners from this danger.

The final MSHA rule retained the verbatim requirements of the ETS to ensure continuous protection for underground bituminous coal miners from grave danger due to hazards of coal dust explosions. See 76 FR 35968 (June 21, 2011).

In developing the final rule, MSHA considered the following: its accident investigation reports of mine explosions in intake air courses that involved coal dust; the NIOSH Report of Investigations entitled "Recommendations for a New Rock Dusting Standard to Prevent Coal Dust Explosions in Intake Airways"; MSHA's experience and data; public comments on the ETS; and testimony provided at the public hearings. MSHA believes that the requirements of the final rule are necessary to continue to protect underground bituminous coal miners from grave danger. These regulations are codified at 30 CFR 75.403 and 75.403-1 (relating to maintenance of incombustible content of rock dust; and incombustible content).

The BCMSA is the first significant update of the Commonwealth's underground bituminous coal mine safety laws since 1961. See section 103(a) of the BCMSA (52 P. S. § 690-103(a)). One of the significant changes made by the BCMSA is the authority to promulgate regulations for mine safety. The General Assembly established the Board to promulgate the regulations. This seven-member board consists of the Department of Environmental Protection's (Department) Secretary as Chairperson, three members representing the viewpoint of mine workers and three members representing the viewpoint of underground bituminous coal mine operators, respectively. See section 106 of the BCMSA.

A significant problem with the pre-existing law was that its safety standards were becoming outdated. There was not an effective mechanism to modify existing standards or to adopt new safety standards to address changes in technology or other hazards. To rectify this problem, the BCMSA contains broad rulemaking authority to adopt regulations to either modernize safety standards in the BCMSA or adopt new safety standards not in the BCMSA. The Board was directed to start considering whether to adopt Federal mine safety standards not in the BCMSA. See section 106.1 of the BCMSA.

After learning of the more stringent MSHA requirements under 30 CFR 75.403 and 75.403-1 for the maintenance

nance of incombustible content of rock dust, the Board determined that the Commonwealth should incorporate the Federal standards into State regulation and provide the Department the necessary independent authority to enforce those standards.

The percentage of incombustible content of rock dust plays an important role in the probability and severity of explosions in bituminous coal mines. Rock dust has been used for 100 years as a precautionary measure to prevent explosions. The workings of these mines lead to the production of explosive coal dust and adding rock dust with an incombustible content of a certain percentage reduces the potential, as well as the severity, of explosions. This has been amply documented by the previously-referenced studies. Inert rock dust acts as a heat sink, that is, a source that absorbs and dissipates heat, so that a certain amount of inert rock dust with coal dust is likely to prevent or reduce the potential for coal dust explosions. For that reason, Federal regulations mandate that the incombustible content of the combined coal, rock and other types of dust used in bituminous coal mines may not be less than 80%. The proposed rulemaking conforms to the Federal regulation in this regard.

By proposing to adopt this Federal regulation, the Board believes it will enhance the Department's ability to ensure the safety of miners by reducing the potential or severity of explosions in bituminous coal mines and by allowing the Department to have independent authority to enforce the Federal requirement. This proposed rulemaking seeks to conform Pennsylvania regulations to Federal regulations that are already in place.

E. Summary of Proposed Rulemaking

The Board proposes to add § 208.71 to require the use of additional rock dust to reduce the possibility and severity of explosions that may cause bodily harm or loss of life while working underground, as well as prevent property loss. Most of the miners who work underground may be several miles away from a mine opening. Because of the dangerous conditions that miners encounter and the increased probability of explosions with the use of rock dust with incombustible content that is less than 80%, safety is a priority. Using additional rock dust to attain the percentage previously mentioned is another tool that miners will have available to save a life, as well as protect property.

Subsection (a) provides that, among other things, the incombustible content of the combined coal dust, rock dust and other dust may not be less than 80%.

Subsection (b) provides that where methane is present, the percent of incombustible content of combined dust shall be increased 0.4% for each 0.1% of methane.

Subsection (c) provides that moisture in the combined coal dust, rock dust and other dusts shall be considered a part of the incombustible content of the mixture.

F. Benefits and Costs

Benefits

The proposed rulemaking will reduce the possibility and severity of explosions that may cause bodily harm, loss of life or property. The proposed rulemaking incorporates Federal regulations into the Commonwealth's regulations, thus enhancing the Commonwealth's mine safety program and its reputation for excellence.

Compliance Costs

The proposed rulemaking will not add compliance costs to those already existing, as a Federal regulation is

already in place in this regard. This proposed rulemaking imposes standards already imposed by MSHA.

Compliance Assistance Plan

The Department plans to educate and assist the public and regulated community in understanding the proposed rulemaking and how to comply with it. This will be accomplished through the Department's ongoing compliance assistance program.

Paperwork Requirements

The proposed rulemaking will not increase the paperwork that is already generated because of the existing Federal regulation that is already in place.

G. Sunset Review

This regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether it effectively fulfills the goals for which it was intended.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May, 1, 2013, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

I. Public Comments

Written comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Board of Coal Mine Safety, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board on or before June 10, 2013. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board on or before June 10, 2013. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form rulemaking will be considered.

Electronic comments—Comments may be submitted electronically to the Board at RegComments@pa.gov and must also be received by the Board on or before June 10, 2013. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

E. CHRISTOPHER ABRUZZO,
Acting Chairperson

Fiscal Note: 7-481. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE IV. OCCUPATIONAL HEALTH AND SAFETY

CHAPTER 208. UNDERGROUND COAL MINE SAFETY

COMBUSTIBLE MATERIALS AND ROCK DUSTING

§ 208.71. Maintenance of incombustible content of rock dust.

(a) Where rock dust is required to be applied, it shall be distributed upon the top, floor and sides of the underground areas of a coal mine and maintained in quantities so that the incombustible content of the combined coal dust, rock dust and other dust is not less than 80%.

(b) Where methane is present in a ventilating current, the percent of incombustible content of the combined dust as required under subsection (a) shall be increased 0.4% for each 0.1% of methane.

(c) Moisture in the combined coal dust, rock dust and other dusts shall be considered as a part of the incombustible content of the mixture.

[Pa.B. Doc. No. 13-867. Filed for public inspection May 10, 2013, 9:00 a.m.]

BOARD OF PROBATION AND PAROLE

[37 PA. CODE CH. 79]

County Probation and Parole Officers' Firearm Education and Training Commission

The County Probation and Parole Officers' Firearm Education and Training Commission (FETC) proposes to amend §§ 79.2, 79.61 and 79.63 (relating to definitions; approval of instructors; and requirements for in-service training courses) and add §§ 79.25 and 79.26 (relating to duty weapon change; and break-in-service) to read as set forth in Annex A.

Statutory Authority

This rulemaking is proposed under the authority of 61 Pa.C.S. § 6305(13) (relating to powers and duties of commission).

Purpose of Proposed Rulemaking

This proposed rulemaking will serve to accelerate the firearm qualification process for officers and the approval process for in-service training courses. This proposed rulemaking will also maintain public safety by ensuring that officers are properly qualified on their duty weapons and instructors are properly certified to conduct training courses. Proposed amendments to § 79.2 define new terms. Proposed § 79.25 explains the qualification requirements that county probation and parole officers shall

adhere to in the event of a duty weapon change. Proposed § 79.26 explains the requisite qualification requirements that county probation and parole officers shall adhere to depending on the duration of the officer's break-in-service. Proposed amendments to § 79.61 amend the recertification and renewal requirements for Certified Firearms Instructors (CFI) who attain Master Instructor (MI) status. Proposed amendments to § 79.63 grant the FETC the discretion to waive certain requirements in the approval process for in-service training courses.

Explanation of Proposed Rulemaking

In § 79.2(a), definitions of "break-in-service" and "duty weapon" are proposed to be added.

Proposed § 79.25 provides new requirements when a county probation or parole officer has a change involving his duty weapon. A different manufacturer, a different model from the same manufacturer or a change in firearm caliber constitutes a duty weapon change. A change in duty weapon requires a county probation or parole officer to satisfactorily complete an FETC qualification course of fire before carrying the new weapon on duty. This proposed section also requires that the weapon change information and the qualification results are recorded in the Firearm Commission Training Management System (FCTMS).

The FETC does not currently require an officer to pass a qualification course of fire on a new duty weapon. Instead, an officer is required to pass a qualification course of fire only when the officer's qualification certification expires.

Proposed § 79.26 provides that when an officer has a break-in-service of less than 12 months, that officer does not have to undergo additional training as a result of the break-in-service. However, an officer who has a break-in-service lasting between 12 and 24 months shall satisfactorily complete a current written test, requalify on the Commission's qualification course and resubmit fingerprints. An officer who has a break-in-service lasting 24 months or more shall meet the requirements of a new hire.

Proposed amendments to § 79.61(b) provide that when a CFI attains MI status, the MI recertification date will default to the instructor's CFI recertification date. Currently, this subsection determines the MI recertification date by calculating a 36-month period from the date MI status is attained. Instead of relying on calculations, this proposed amendment would simply apply the existing CFI recertification date as the MI recertification date.

This proposed rulemaking also amends the requirements for CFI certification renewal. Section 79.61(c)(1) currently requires documentation demonstrating that the instructor provided at least 12 hours of relevant academic and range instruction to county probation personnel in the last 36 months. This proposed amendment would only require that the instructor provided at least 12 hours of firearm instruction to county probation personnel in the last 36 months.

Proposed amendments to § 79.63(b) would grant the FETC discretion to waive the 90-day requirement in this subsection if the course has been approved by an entity such as the Federal Bureau of Investigation, the Pennsylvania State Police or the National Rifle Association. This

section requires counties, seeking approval for in-service training courses, to submit an application to the Executive Director at least 90 calendar days before the first proposed day of training.

Affected Parties

This proposed rulemaking would add only a slight burden on county probation and parole officers depending on whether there has been a change in duty weapon or a break-in-service. An officer would have to adhere to these new requirements even if the officer would not otherwise be up for requalification.

Additionally, an FETC-approved school or vendor that provides in-service training courses may experience a slight increase in the number of officers it tests depending on whether the officer has had a duty weapon change or a break-in-service. Additionally, firearm instructors may derive a benefit from the proposed recertification regulation since it simplifies the recertification dates for instructors reaching MI status.

Fiscal Impact

Commonwealth

The Commission determined that the proposed rulemaking will have a minimal financial impact on the Commonwealth since the funds budgeted for the FETC are derived from the County Probation and Parole Officers' Firearm Education and Training Fund (Fund), which, under the law, is a restricted receipts account within the General Fund. Moneys for the Fund are derived from costs imposed on individuals who accept Accelerated Rehabilitative Disposition, plead guilty or nolo contendere, or are convicted of a felony or misdemeanor. The Fund is used exclusively for the training activities and expenses of the FETC.

Political subdivisions

The projected fiscal impact of this proposed rulemaking is negligible. The costs associated with firearm qualification courses will only apply when the officer has a change in duty weapon or a break-in-service.

Overview of costs

The time an officer spends requalifying usually takes 1 hour. The subject county would have to pay that percentage of the officer's salary, plus the hourly percentage of the instructor's salary, plus the 60-180 rounds (50¢ per round) expended, plus 2 to 6 targets used (\$1 per target). When a written test is required, the county shall pay the officer and the testing instructor a percentage of his salary based on the 50-minute test. Finally, when an officer must meet the requirements of a new hire because of break-in-service lasting 24 or more months, the county shall pay for 18 hours of classroom time, 31 hours of range time, 1,000 rounds of ammunition, the cost for hotel rooms (maximum \$79 per night) and a per diem and mileage.

Private sector

The proposed rulemaking will not have adverse fiscal impact on the private sector.

General public

The proposed rulemaking will not impose costs and will not have adverse fiscal impact on the general public.

Costs and Paperwork Requirements

The proposed rulemaking directly relates to implementation of a program which is already in effect and for which funding is already in place. Therefore, there will not be new fiscal impact. The proposed rulemaking may result in marginal increases in paperwork since weapon

change information and qualification results must be recorded in the FCTMS. There may be a slight reduction in paperwork for certified firearm instructors since they would only have to document and demonstrate 12 hours of firearms training, rather than 12 hours of academic and range instruction when renewing CFI certification.

Impact on Small Business

This proposed rulemaking will not have impact on small businesses as the regulations only affect county probation and parole officers and county probation departments.

Effective Date

This proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

Sunset Date

A sunset date has not been assigned. The FETC will review the efficacy of these regulations on an ongoing basis.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Todd Burns, Executive Director, Firearm Education and Training Commission, 1101 South Front Street, Suite 5600, Harrisburg, PA 17104-2522 within 30 calendar days after the date of publication in the *Pennsylvania Bulletin*. When submitting comments, reference Regulation No. 37 Pa. Code, Chapter 79. Persons with a disability who require an auxiliary aid or service may submit comments by calling Todd Burns, (717) 783-4692.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 30, 2013, the FETC submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Judiciary Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the FETC, the General Assembly and the Governor of comments, recommendations or objections raised.

KEITH GRAYBILL,
Chairperson

Fiscal Note: 41-21. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

PART II. BOARD OF PROBATION AND PAROLE CHAPTER 79. COUNTY PROBATION AND PAROLE OFFICERS' FIREARM EDUCATION AND TRAINING COMMISSION GENERAL PROVISIONS

§ 79.2. Definitions.

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

* * * * *

Basic training—The initial training provided by the Commission.

Break-in-service—The time period between the date an officer qualified to carry a duty weapon terminates employment for any reason and the date that the officer is rehired by the same or another armed county probation and parole office.

CFI—Certified Firearms Instructor—A firearms instructor who is approved by the Commission under § 79.61(a)(1) (relating to approval of instructors.)

* * * * *

County conducted training—Any Commission-approved training not presented by the Commission but presented by a county.

Duty weapon—The firearm an officer qualifies with and carries while on duty.

Executive Director—The administrative officer reporting directly to the Commission who is responsible for program management.

* * * * *

MAINTENANCE OF CERTIFICATION

(*Editor's Note:* Sections 79.25 and 79.26 are new and printed in regular type to enhance readability.)

§ 79.25. Duty weapon change.

A change in an officer's duty weapon involving a different manufacturer, a different model from the same manufacturer or a change in firearm caliber requires that:

- (1) The officer satisfactorily completes a Commission qualification course of fire on the new duty weapon.
- (2) Qualification occurs prior to the officer carrying the new weapon on duty.
- (3) Weapon change information and qualification results are recorded in the FCTMS.

§ 79.26. Break-in-service.

- (a) An officer who has a break-in-service of less than 12 months is not required to have additional training as a result of the officer's break-in-service.
- (b) An officer who has a break-in-service lasting between 12 and 24 months shall satisfactorily complete a current written test and successfully requalify on the Commission's qualification course as a result of the officer's break-in-service.
- (c) An officer who has a break-in-service of 24 months or more shall meet the requirements of a new hire as a result of the officer's break-in-service.

APPROVAL OF INSTRUCTORS, SCHOOLS AND VENDORS

§ 79.61. Approval of instructors.

* * * * *

(b) Certifications for both CFI and MI shall be for [a period of] 36 months following approval by the Commission unless sooner revoked by the Commission. When a CFI attains MI status, [the 36-month period shall be calculated based upon the date that MI status is attained] the MI recertification date will default to the instructor's CFI recertification date.

(c) To renew certification an instructor shall be required to submit an application for renewal of certification.

The application must at least include documentation demonstrating that the instructor has provided the following:

(1) For CFI certification renewal, a minimum of 12 hours of relevant [**academic and range**] firearms instruction to county probation personnel in the preceding 36 months, including at least one basic training. The requirement to conduct one basic training during the preceding 36-month period for CFI renewal may be waived by the Commission.

* * * * *

§ 79.63. Requirements for in-service training courses.

* * * * *

(b) Counties seeking approval of an in-service training course developed by an entity other than the Commission or a Commission-approved school or vendor shall submit an application to the Executive Director at least 90 calendar days prior to the first proposed day of training. The proposal [**must**] shall be submitted in writing to the Executive Director. **The Commission may waive the 90-day requirement in this subsection on a case-by-case basis if the course has been approved by an entity such as the Federal Bureau of Investigation, the Pennsylvania State Police or the National Rifle Association.**

* * * * *

[Pa.B. Doc. No. 13-868. Filed for public inspection May 10, 2013, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]
Practice and Procedure

The Environmental Hearing Board (Board) proposes to amend Chapter 1021 (relating to practice and procedure) by adding procedural rules to read as set forth in Annex A. The proposed procedural rules have the following objectives: 1) to provide the regulated community, the Department of Environmental Protection (Department) and other potential litigants with more specific guidance on how to represent their interests before the Board; 2) to improve the rules of practice and procedure before the Board; and 3) to institute additional and modified rules of practice and procedure before the Board to require electronic filing and service in nearly all matters before the Board.

This proposed rulemaking was adopted by the Board at its meeting on November 8, 2012.

A. Effective Date

This proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact Maryanne Wesdock, Senior Counsel, Environmental Hearing Board, Suite 310, 301 Fifth Avenue, Pittsburgh, PA 15222, (412) 565-5245, mwesdock@pa.gov.

C. Statutory Authority

The Board has the authority under section 5 of the Environmental Hearing Board Act (act) (35 P. S. § 7515) to adopt regulations pertaining to practice and procedure before the Board.

D. Background and Purpose

The proposed rulemaking improves practice and procedure before the Board. The proposed rulemaking is based on the recommendations of the Environmental Hearing Board Rules Committee (Rules Committee), a nine-member advisory committee created by section 5 of the act to make recommendations to the Board on its rules of practice and procedure. The Board may promulgate proposed regulations based in whole or in part on the recommendations of the Rules Committee.

The Board established an electronic filing system allowing parties appearing before the Board to file nearly any document in a proceeding on an electronic docket. This system, after being utilized on a case-by-case basis, is now being proposed as the primary docketing system for the Board. In addition to some omnibus rule amendments, the proposed amendments will allow the Board to require nearly all parties to file nearly all documents in matters before the Board electronically in a manner that will allow the Board's proceedings to be more efficient, open to the public and accessible to parties appearing before the Board.

E. Summary of Proposed Rulemaking

This summary provides a description of the existing rules of practice and procedure when relevant to proposed revisions, the proposed amendments and how the proposed amendments differ from the Rules Committee's recommendations.

The Board concurred with the Rules Committee's recommendations.

When the recommendations of the Rules Committee were not in proper legislative style and format, they have been modified to conform to those requirements. Similarly, when recommendations did not contain proper cross references to 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), references to those rules have been added.

The proposed rulemaking can be divided into three categories: 1) adoption of new rules; 2) substantive amendments to existing rules; and 3) correction of typographical errors.

§ 1021.2. Definitions

The definition of "Costs Act" is proposed to be deleted because the statute is no longer in effect and the references to it are proposed to be deleted. The other proposed amendments to this section are necessary to support the adoption of a comprehensive set of rules to adopt mandatory participation in the Board's electronic filing system in most appeals.

§ 1021.31. Signing

Proposed amendments to this section clarify that every document filed by a party is covered by the Board's rule on signing and delete any possible distinction that paper documents are to be treated differently.

§ 1021.32. Filing

Proposed amendments to this section are the result of the Board's adoption of a comprehensive electronic filing system. The obligations of parties practicing before the Board are proposed to be amended to move Board prac-

tice to near-universal electronic filing participation. Therefore, the proposed amendments provide for electronic filing by parties regardless of whether they are licensed attorneys, describe when a party may be able to file by conventional means (in paper) or by facsimile and revise procedures for filing conducted through the Board's electronic filing web site.

§ 1021.32a. Privacy issues

This proposed section creates an obligation for filing parties to redact or refrain from including certain personal or private information in filings before the Board under most circumstances.

§ 1021.33. Service by the Board

Proposed amendments to this section change the Board's internal procedure to reflect the comprehensive electronic filing system and decrease duplicated efforts.

§ 1021.34. Service by a party

Proposed amendments to this section change the obligations of parties serving documents in a matter before the Board to reflect the comprehensive electronic filing system.

§ 1021.35. Date of service

Proposed amendments to this section change the calculation of effective dates of service for conventionally and electronically filed documents.

§ 1021.36. Certificate of service

Proposed amendments to this section change the requirement to file a certificate of service to coordinate with the Board's comprehensive electronic filing system.

§ 1021.36a. E-mail addresses

This proposed section requires users of the Board's electronic filing system to keep and maintain an up-to-date e-mail address with the Board's electronic filing provider.

§ 1021.37. Number of copies

Proposed amendments to this section delete the obligation of parties to submit duplicate copies of documents filed with the Board under most circumstances.

§ 1021.39. Docket

Proposed amendments to this section more clearly explain the Board's electronic filing system and the docket that is maintained on it by the Board's electronic filing provider.

§ 1021.51. Commencement, form and content

Proposed amendments to this section change the Board's rules for beginning a matter before the Board by providing for electronic filing of notices of appeal through the Board's electronic filing system and other amendments.

§ 1021.94. Dispositive motions other than summary judgment motions

Proposed amendments to this section place the same obligation on parties against whom a dispositive motion is filed as is currently stated in § 1021.94a (relating to summary judgment motions).

Proposed amendments also change the rules for parties seeking to express support of another party's dispositive motion. Two options were proposed for the second amendment. One option, which is in Annex A, would prohibit responses in support of a dispositive motion from containing legal and factual bases not in the original motion. The

alternative option would be to allow responses in support of a dispositive motion to include legal and factual bases not in the original motion, but would provide a different time period for the filing of responses to allow the opposing party ample time to address both the dispositive motion and the response in support of the dispositive motion.

§ 1021.94a. *Summary judgment motions*

Proposed amendments to this section change the Board's summary judgment rule as it applies to parties seeking to express support of another party's motion for summary judgment.

§ 1021.103. *Subpoenas*

Proposed amendments to this section incorporate additional Pennsylvania Rules of Civil Procedure into the Board's rules for subpoenas.

§ 1021.122. *Burden of proceeding and burden of proof*

Proposed amendments to this section make a minor change to clarify the burden of proof in third-party appeals.

§§ 1021.171—1021.174

These sections are proposed to be rescinded to reflect the fact that a party is not eligible to recover its costs through the Costs Act because the statute was repealed.

§ 1021.181. *Scope*

Proposed amendments to this section delete references to the Costs Act.

§ 1021.201. *Composition of the certified record on appeal to Commonwealth Court*

Proposed amendments to this section clarify that the Board will include a printed copy of electronically filed documents in records certified for the Commonwealth Court.

F. *Benefits, Costs, Compliance and Paperwork*

Benefits

Mandatory electronic filing for most parties before the Board will provide a measurable benefit to the Commonwealth, the public and parties appearing before the Board. By moving nearly all aspects of Board practice to the electronic filing program, the Board will experience a reduction in the administrative burden posed by service by mail, paper recordkeeping and consumption of paper and other supplies. Parties appearing before the Board will have greater access to docket materials and a reduction in the administrative burden posed by service by mail. Members of the public will benefit from more extensive public access to the Board's open dockets allowing anyone with Internet access to view nearly all documents filed during the course of the Board's appeal process.

Costs

The proposed electronic filing amendments will have a favorable economic impact on the Commonwealth and private parties in that it will greatly reduce the amount of paper used by the Board, other Commonwealth agencies appearing before the Board and the private bar filing documents with the Board. The remaining proposed amendments will either not have measurable fiscal impact on the Commonwealth, political subdivision or the private sector or may have a favorable economic impact in that they may eliminate potential litigation over existing uncertainties in Board procedures, authority and requirements. Further, the expansion of the Board's electronic

filing system may relieve some burdens on the Commonwealth under the Right-to-Know Law (65 P. S. §§ 67.101—67.3104) when information in the Board's dockets is directly accessible to the public.

Compliance

The proposed rulemaking will have a minimal impact on compliance costs for parties participating in matters before the Board. Under most circumstances, the ability to conduct nearly all aspects of appeal procedure electronically through the Board's electronic filing system will result in a reduction of the administrative burden for parties who will no longer have to provide the Board with paper records or conduct service by mail. Parties who face an undue burden by the proposed rulemaking will be able to seek relief from the Board from the electronic filing requirements.

Paperwork

The proposed rulemaking may require only minor changes to the Board's standard orders.

H. *Sunset Review*

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

I. *Public Meeting on Proposed Rulemaking*

In accordance with 65 Pa.C.S. § 704 (relating to open meetings), a quorum of the members of the Board voted to adopt the proposed rulemaking at a public meeting held on November 8, 2012, at the Board's Harrisburg office in Hearing Room 2, Second Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 26, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

K. *Public Comment*

The Board invites interested persons to submit written comments, suggestions or objections regarding the proposed rulemaking to Maryanne Wesdock, Senior Counsel, Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, mwesdock@pa.gov within 30 days of the date of publication in the *Pennsylvania Bulletin*.

THOMAS W. RENWAND,
Chairperson

Fiscal Note: 106-10. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART IX. ENVIRONMENTAL HEARING BOARD

CHAPTER 1021. PRACTICE AND [PROCEDURES]
PROCEDURE

PRELIMINARY PROVISIONS

GENERAL

§ 1021.2. Definitions.

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

* * * * *

Board—The Environmental Hearing Board, consisting of its chairperson and four members, all of whom are administrative law judges appointed by the Governor to hear appeals from actions of the Department.

Business day—A day that is not a Saturday, Sunday or a legal holiday.

[**Costs Act**—The act of December 13, 1982 (P. L. 1127, No. 257) (71 P. S. §§ 2031—2035), known as the Commonwealth Agency Adjudicatory Expenses Award.]

Conventional filing—Presenting documents to the Board by hand, mail or other personal delivery services, for purposes of filing.

Department—The Department of Environmental Protection or other boards, commissions or agencies whose decisions are appealable to the Board.

* * * * *

Electronic filing—[The electronic transmission of legal documents by means of a computer or device, other than by facsimile transmission. Legal documents may be electronically transmitted in the format of Word Perfect for Windows or Microsoft Word for Windows or other format as the Board may permit.] The electronic transmission of documents to the Board through the electronic filing provider for purposes of filing.

Electronic filing provider—The entity providing electronic filing and electronic service of documents by means of the Internet in Board proceedings.

Electronic service—The electronic transmission of documents through the electronic filing provider to a party, attorney or representative under this chapter.

Facsimile filing—The transmission of documents to the Board, for purposes of filing, using a machine that can send and receive a facsimile transmission either as a stand-alone device or as part of a computer system.

Facsimile transmission—The transmission of a source document between locations by encoding the document into electronic signals, transmitting the signals over the telephone system and reconstructing the electronic signals to print a duplicate of document at the receiving destination.

[**Filing attorney**—A registered attorney who files a legal document by means of electronic filing on

behalf of a client whom the attorney represents in a proceeding before the Board.]

Hearing examiner—A person other than a Board member designated by the Board to preside at hearings or conferences.

Intervenor—A person who has been permitted to intervene by the Board, as provided by § 1021.81 (relating to intervention).

[**Legal document**—A motion, answer or other paper filed in a proceeding before the Board other than a notice of appeal or a complaint that is original process naming a defendant or defendants. A subpoena or a bond or check issued to secure payment of a penalty is not a legal document; the original of the documents excluded from this definition must be filed or served.]

Legal holiday—A day designated as a holiday by the President or Congress of the United States or the Commonwealth.

Pa.R.A.P.—Pennsylvania Rules of Appellate Procedure, 42 Pa.C.S.; 210 Pa. Code.

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Pleading—A complaint filed under § 1021.71, § 1021.72 or § 1021.73 (relating to complaints filed by the Department; complaints filed by other persons; and transferred matters) or answer filed under § 1021.74 (relating to answers to complaints). Documents filed in appeals, including the notice of appeal, are not pleadings.

[**Registered attorney**—An attorney admitted to practice in this Commonwealth, or other counsel permitted by Board order to represent a party for purposes of a particular proceeding, who has filed an electronic filing registration statement with the Board and to whom the Board has issued a password authorizing filing and service through the Board's website.]

Registration statement—[A statement made on professional or organizational letterhead requesting the use of the Board's website for electronic filing.] A completed application to use the electronic filing provider for electronic filing and electronic service in Board proceedings.

Registered user—An individual who has submitted a registration statement to the Board and to whom the Board has issued a password authorizing electronic filing and electronic service.

Supersedeas—A suspension of the effect of an action of the Department pending proceedings before the Board.

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DOCUMENTARY FILINGS

FILING AND SERVICE OF DOCUMENTS

§ 1021.31. Signing.

(a) Every [notice of appeal, motion, legal document or other paper] document directed to the Board and every discovery request or response of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, or if a party is not represented by an attorney, shall be signed by the party. Each [paper shall] document must state the signer's mailing address, e-mail address and telephone number.

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§ 1021.32. Filing.

[(a) Documents filed with the Board shall be filed at its headquarters—2nd Floor, Rachel Carson State Office Building, 400 Market Street, Post Office Box 8457, Harrisburg, Pennsylvania 17105-8457.

(b) The date of filing shall be the date the document is received by the Board.

(c) Documents may be filed by personal delivery, by mail or by facsimile. Legal documents, as defined in § 1021.2 (related to definitions), may be filed electronically in accordance with this chapter. When a document is filed by facsimile, the original shall be deposited in the mail on the same day. If a document exceeds ten pages, the facsimile shall consist of the first five pages and last five pages of the document and the certificate of service.

(d) Legal documents may be filed with the Board electronically through the Board's website by a filing attorney unless provided otherwise by Board order. A legal document filed electronically shall be deemed the equivalent of the original document subject to the following conditions:

(1) The electronic filing of a legal document constitutes a certification by the filing attorney that the original hard copy was properly signed and, where applicable, verified.

(2) An executed hard copy of the legal document, with any required verifications, shall be maintained by the filing attorney and produced at the request of the Board or any other party within 14 days of the request.

(e) In filing legal documents electronically, a filing attorney shall be responsible for the following:

(1) An objective description of the legal document consistent with the title placed on the legal document as required by the Board's website.

(2) Any delay, disruption, interruption of the electronic signals and readability of the legal document.

(3) Any risk that a legal document may not be properly or timely filed with the Board.

(f) Hard copy of any electronically filed legal document which exceeds 50 pages in length shall also be filed with the Board in accordance with subsections (a) and (c) and § 1021.37 (relating to the number of copies). Exhibits to legal documents may be filed and served either electronically or by hard copy in accordance with the sections in this chapter relating to filing and service. If these requirements are met by hard copy of exhibits, they must be sent to the Board by mail or express delivery and, in the case of requests for expedited disposition, service shall mean actual receipt by the opposing party as required by § 1021.34(c) (relating to service by a party).

(g) Documents filed by United States mail, hand or other delivery services after the close of the business day at 4:30 p.m. Eastern Time shall be deemed to be filed on the following business day. Documents filed electronically, including by facsimile, shall be deemed filed on the day received by the Board.

(h) Documents filed with the Board, other than exhibits, must be typewritten on letter size paper (approximately 8 to 8 1/2 inches by 10 1/2 to 11 inches) and pages after the first must be numbered. Legal documents, as defined in § 1021.2, must be double spaced, except that footnotes must be single spaced and quotations in excess of a few lines must be single spaced and indented. Photocopied documents will be accepted as typewritten, provided that all copies are legible. Failure to comply with this subsection will not result in dismissal of a filing, but the Board may request the party to resubmit the document in proper form.]

(a) *Conventional filing.* The following documents shall be conventionally filed or facsimile filed:

(1) A complaint that is original process naming a defendant or defendants.

(2) A motion to be excused from the Board's mandatory electronic filing requirement.

(b) *Filing of notice of appeal.* An original notice of appeal may be filed electronically, conventionally, or by facsimile.

(c) *Electronic filing.*

(1) Documents except those listed in subsections (a) and (b) shall be electronically filed unless the Board orders otherwise in a particular proceeding. Persons shall file a motion under § 1021.92 (relating to procedural motions) to be excused from the mandatory electronic filing requirement. The Board will excuse persons from the mandatory electronic filing requirement, with respect to all filings or with respect to specific filings, if the Board determines that the requirement would impose an unreasonable burden on the potential filer.

(2) Documents filed electronically may not also be filed by other means unless the Board orders otherwise or the document to be filed includes an original bond or check. When electronically filing documents including an original bond or check, a copy of the document, including a copy of the original bond or check, shall be electronically filed. The original, including the original bond or check, shall be deposited in the mail, addressed to the Board's headquarters at the address provided in subsection (e)(1).

(3) Electronic filing can be performed only by registered users. Individuals who are not registered users can become registered users by submitting a registration statement to the Board and receiving a password authorizing electronic filing and service. The registration statement must be on a form prepared by the Board and include the user's name and mailing address, e-mail address, attorney identification number (if the registered user is an attorney), a request for authorization to participate in electronic filing and electronic service, and consent to accept electronic service of documents permitted to be electronically filed.

(4) When registration is complete, a registered user may not withdraw from the electronic filing and electronic service system except with leave from the Board.

(5) A filer is responsible for providing an objective description of documents electronically filed. The description must include:

(i) The party filing or serving the document.

(ii) The title of the document (for example, Appellant ABC Corporation's Motion for Summary Judgment, Appellant Smith's Motion to Compel Permittee XYZ, Inc. to Produce Documents).

(6) When a document has been filed electronically, the official record is the electronic document filed with the Board and the filer is bound by the document as filed.

(7) The registered user's log-in and password required to file documents using the electronic filing provider serve as the registered user's signature on electronic documents filed with the Board. The log-in and password serve as a signature for purposes of § 1021.31 (relating to signing) and other purposes for which a signature is required in connection with proceedings before the Board.

(8) If an electronically filed document does not bear the actual signature of the registered user, the name of the registered user under whose log-in and password the document is submitted must be preceded by "s/" and typed in the space in the document's signature block where the signature would otherwise appear (for example, "s/ Jane Doe").

(9) A registered user or other person may not knowingly permit or cause a registered user's password to be used by an individual other than an authorized agent of the registered user.

(10) A document that is electronically filed and requires an original signature other than that of the registered user shall be maintained by counsel or, if the party is not represented by the party itself, for 1 year after periods for appeals expire. Documents shall be maintained by the filer and produced at the request of the Board or other party within 14 days of the request.

(11) Each document filed electronically must indicate in the caption that it has been electronically filed.

(12) Documents may be electronically filed in WordPerfect format, Microsoft Word format, PDF format or other formats permitted by the Board. The electronic filing provider automatically converts uploaded documents not already in PDF format to PDF format. A document may exceed page limitation rules if the additional pages result solely from the electronic conversion by the electronic filing provider.

(13) To the extent practicable, electronically filed documents must be formatted in accordance with subsection (e)(4).

(14) An electronic filing complete before midnight Eastern Time will be considered to be filed on that date so long as it is accepted by the Board. Upon completion of the filing, the electronic filing provider will issue a transaction receipt that includes the date and time the document was received. The transaction receipt serves as proof of filing. If the Board rejects the submitted documents following review, the documents will not become part of the official Board record and the filer will receive notification of the rejection. Filers may be required to refile the documents to meet the necessary filing requirements.

(15) Except in the case of notices of appeal, if electronic filing or service does not occur or is made untimely because of a technical issue, the party affected may seek appropriate relief from the Board.

(16) A registered user shall submit as exhibits or attachments only excerpts of the referenced documents that are directly germane to the matter under consideration by the Board. Excerpted information must be clearly and prominently identified as such. A registered user who files excerpts of documents as exhibits or attachments under this paragraph does so without prejudice to his right to timely file additional excerpts or the complete document and shall, upon request, provide responding parties with the complete document. A responding party may timely file the complete document or additional excerpts that it believes are directly germane.

(d) Facsimile filing.

(1) Documents permitted under subsections (a), (b) and (c)(1) and (2) to be filed by facsimile shall be transmitted to the Board's facsimile line at (717) 783-4738.

(2) The date of facsimile filing is the date the document is received by the Board.

(3) For documents more than ten pages long, the facsimile filed must consist of the certificate of service and the first five pages and last five pages of each document except exhibits. Exhibits shall be omitted from the filing transmitted to the Board's facsimile line.

(4) On the same day a document is transmitted to the Board's facsimile line, the original (including exhibits) shall be deposited in the mail, addressed to the Board's headquarters at the address provided in subsection (e)(1). When facsimile filing a document including an original bond or check, a copy of the bond or check must be included with the document transmitted by facsimile. The original bond or check must be included with the original of the document deposited in the mail.

(5) Documents must be formatted in accordance with subsection (e)(4).

(e) Conventional filing.

(1) Documents permitted to be conventionally filed with the Board under subsections (a), (b) and (c)(1) and (2) shall be filed at the Board's headquarters—2nd Floor, Rachel Carson State Office Building, 400 Market Street, Post Office Box 8457, Harrisburg, Pennsylvania 17105-8457.

(2) The date of conventional filing is the date the document is received by the Board.

(3) Only hard copies may be conventionally filed unless the filer has secured prior approval from the Board to conventionally file documents in other formats, such as CDs, DVDs or other digital storage media.

(4) With the exception of exhibits, documents filed with the Board must be typewritten on letter-size paper (approximately 8 to 8 1/2 inches by 10 1/2 to 11 inches) and pages after the first must be numbered. With the exception of exhibits, notices of appeal, and complaints, documents filed must be double spaced, except that footnotes must be single

spaced and quotations in excess of a few lines must be single spaced and indented. Photocopied documents will be accepted as typewritten, provided that all copies are legible.

(f) *Format of filing.* Failure to comply with subsection (c)(5) or (11), (d)(5) or (e)(4) will not result in dismissal of a filing, but the Board may request that the party resubmit the document in proper form.

(*Editor's Note:* The following section is new and printed in regular type to enhance readability.)

§ 1021.32a. Privacy issues.

A person filing documents shall refrain from including, or shall redact when inclusion is necessary, the following personal identifiers from documents filed with the Board, including exhibits, unless filed under seal or otherwise ordered by the Board:

- (1) Social Security numbers.
- (2) Financial account numbers.
- (3) Dates of birth.
- (4) Names of minor children.

§ 1021.33. Service by the Board.

(a) Orders, notices and other documents [**originating with**] entered or issued by the Board [**shall**] will be served upon the person designated in the notice of appearance, or if no notice of appearance has been entered, upon the person upon whom the notice of appeal or complaint was served [**by mail or in person**].

(b) The Board will serve documents it enters or issues upon registered users participating in the proceeding through the electronic filing provider, subject to the provisions in this chapter. The Board will serve persons other than registered users by mail or in person.

(c) An order filed electronically without the original signature of an administrative law judge has the same force and effect as if the administrative law judge had affixed a signature to a paper copy of the order.

[Subsection (a) supersedes] (d) Subsections (a)—(c) supersede 1 Pa. Code § 33.31 (relating to service by the agency).

§ 1021.34. Service by a party.

[(a) Copies of each document filed with the Board shall be served upon every party to the proceeding on or before the day that the document is filed with the Board. Service upon a party represented by an attorney in the matter before the Board shall be made by serving the attorney.

(b) When a document is filed with the Board by overnight delivery, facsimile or personal service, it shall be delivered to the opposing parties on the same day or by overnight delivery.

(c) In matters involving requests for expedited disposition, service shall be made within the ensuing 24 hours of the time of filing with the Board. For purposes of this subsection, service means actual receipt by the opposing party.

(d) Service of legal documents may be made electronically on a registered attorney by any other registered attorney. The filing of a registration

statement constitutes a certification that the registered attorney will accept electronic service of any legal document from any other registered attorney. A registration statement includes the attorney's name and address, e-mail address, attorney identification number, and a request to register to file and accept service electronically. A registered attorney may withdraw his registration statement for purposes of a specific case if he chooses not to receive electronic service in that case by filing an amendment to the filing party's registration statement.

(e) Subsections (a)—(d) supersede 1 Pa. Code § 33.32 (relating to service by a participant).]

(a) Notices of appeal shall be served as provided in § 1021.51(h) (relating to commencement, form and content). Complaints filed by the Department will be served as provided in § 1021.71(b) (relating to complaints filed by the Department).

(b) Copies of each document filed with the Board shall be served upon every party to the proceeding on or before the day that the document is filed with the Board. Service upon a party represented by an attorney in the matter before the Board shall be made by serving the attorney.

(c) Electronic service of documents to other registered users through the electronic filing provider shall be considered valid and effective service and have the same legal effect as serving an original paper document. Registered users who receive documents by electronic service shall access the documents using the electronic filing provider.

(d) Documents filed electronically shall be served by hand, mail, other personal delivery, or facsimile upon parties not represented by registered users or, for parties representing themselves, upon parties who are not registered users.

(e) Subpoenas and documents that must be conventionally filed with the Board under § 1021.32(b) (relating to filing) shall be served by hand, mail or other personal delivery. Documents that are conventionally or facsimile filed with the Board under § 1021.32(a) shall be served by hand, mail, other personal delivery or facsimile.

(f) If a party does not receive electronic service in a matter involving a request for expedited disposition, service shall be made upon that party within 24 hours of filing the document with the Board. For purposes of this subsection, service means actual receipt by the party served.

(g) If a person filing electronically becomes aware that the notice of electronic filing was not successfully transmitted to a registered user, or that the notice transmitted to the registered user is defective, the filer shall serve the electronically filed document upon the registered user by hand, mail, other personal delivery or facsimile immediately upon notification of the deficiency.

(h) The filing of a registration statement constitutes a certification that the registered user will accept electronic service of documents permitted to be electronically filed.

(i) Subsections (a)—(h) supersede 1 Pa. Code § 33.32 (relating to service by a participant).

§ 1021.35. Date of service.

[(a) The date of service shall be the date the document served is mailed, delivered in person or transmitted electronically. When service of the document, or hard copy of exhibits to a legal document filed electronically, is by mail, 3 days shall be added to the time required by this chapter for responding to the document.

(b) Subsection (a) supersedes 1 Pa. Code § 33.34 (relating to date of service).]

(a) For electronic service, the date of service of a document is the date that the electronic filing provider transmits the notice of electronic filing. For other types of service, the date of service is the date the document served is mailed, delivered in person or transmitted to the party's facsimile line.

(b) For the sole purpose of computing the deadlines under this chapter for responding to documents:

(1) Documents served by electronic service shall be deemed served, for purposes of responding, when notice of the electronic filing is transmitted to registered users in the proceeding, provided the transmission is complete before 4:30 p.m. Eastern Time on a business day. Otherwise, documents served by electronic service shall be deemed served the next business day.

(2) Documents served by facsimile shall be deemed served, for purposes of responding, when transmission of the facsimile is complete, provided the transmission is complete before 4:30 p.m. Eastern Time on a business day. Otherwise, documents served by facsimile shall be deemed served the next business day.

(3) Documents served by mail shall be deemed served 3 days after the date of actual service.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 33.34 (relating to date of service).

§ 1021.36. Certificate of service.

(a) Each document [**which is required to be**] filed with the Board [**shall**] **must** include a certificate of service which [**shall certify**] **certifies** the date and manner of service and the name and **mailing** address of the person served, **except as provided in subsection (b).**

(b) **For electronic service, it shall be sufficient for the certificate to state that the document was filed using the electronic filing provider and to identify the registered users in the proceedings.**

[**Subsection (a) supersedes**] (c) Subsections (a) and (b) supersede 1 Pa. Code § 33.35 (relating to proof of service).

(*Editor's Note:* The following section is new and printed in regular type to enhance readability.)

§ 1021.36a. E-mail addresses.

A registered user shall maintain an active e-mail address to receive electronic notice and electronic service from the electronic filing provider. A registered user has a duty to promptly update his e-mail account information with the electronic filing provider when there is a change in e-mail address.

§ 1021.37. Number of copies.

(a) [**Except in the case of electronically filed documents, including exhibits, and unless otherwise ordered by the Board, the following number of copies shall be filed with the Board:**] When a document is electronically filed, the filer shall electronically file one copy of the document.

[(1) One original and two copies of each of the following:

(i) Notices of appeal.

(ii) Complaints.

(iii) Answers.

(iv) Posthearing briefs.

(v) Dispositive motions and related memoranda, responses and replies.

(2) One original and one copy of each of the following:

(i) Petitions for supersedeas and any related responses.

(ii) Prehearing memoranda.

(iii) Nondispositive motions and petitions (other than motions for stays, extensions and continuances of procedural deadlines), and related memoranda, responses and replies.

(3) One original of other documents.]

(b) **For conventional filings and hard copies mailed to the Board in association with a facsimile filing, one original shall be filed unless the Board orders otherwise.**

(c) One copy of all documents submitted to the Board shall be served on the other parties to the proceeding.

§ 1021.39. Docket.

(a) The Board will maintain a docket of proceedings and a proceeding as initiated [**shall**] **will** be assigned an appropriate designation. The Board will maintain the docket on its [**website**] **web site** available to all members of the public and will accept [**filings of legal documents by electronic transmission from registered attorneys**] **electronic filing of documents from registered users subject to the provisions in this chapter.**

(b) The docket will register the date of all filings as well as the time of the filing if the filing is made electronically. When a document is filed electronically, the [**Board will transmit electronically a status message to all registered attorneys in the proceeding when the document is filed**] **electronic filing provider will transmit a notice of the electronic filing to all registered users in the proceeding.**

(c) The Board will maintain a complete official file on all proceedings consisting of [**both**] **electronic and hard copy filings.** The official copy of an electronically filed document or Board order shall be that appearing on the Board's [**website**] **web site.**

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FORMAL PROCEEDINGS

APPEALS

§ 1021.51. Commencement, form and content.

(a) An appeal from an action of the Department shall commence with the filing of a [**written**] notice of appeal with the Board.

(b) The caption of [**an**] a notice of appeal must be in the following form:

ENVIRONMENTAL HEARING BOARD
2nd Floor, Rachel Carson State Office Building
400 Market Street, Post Office Box 8457
Harrisburg, Pennsylvania 17105-8457

JOHN DOE, Appellant
234 Main Street, Smithtown,
Jones County, Pennsylvania 15555
(Telephone (123) 456-7890)

[_____ v. Docket No. _____]

Commonwealth of Pennsylvania
Department of _____, Appellee]

(c) The **notice of appeal** must set forth the name, **mailing address**, **e-mail address** and telephone number of the appellant. **If the appellant is represented by an attorney, the notice of appeal shall be signed by at least one attorney of record in the attorney's individual name.**

(d) If the appellant has received written notification of an action of the Department, a copy of the action [**shall**] **must** be attached to the **notice of appeal**.

(e) The **notice of appeal** must set forth in separate numbered paragraphs the specific objections to the action of the Department. The objections may be factual or legal.

(f) **An original notice of appeal shall be filed electronically, conventionally or by facsimile.**

(1) **Electronic filing.**

(i) If a bond or check is required to secure payment of a penalty, a copy of the bond or check must be included with the electronic filing. The notice of appeal and attachments, including the original bond or check, shall be deposited in the mail, addressed to the Board's headquarters at the address provided in paragraph (2)(i).

(ii) An electronic filing complete before midnight Eastern Time will be considered to be filed on that date, so long as it is accepted by the Board.

(iii) To the extent practical, the notice of appeal must be formatted in accordance with paragraph (2)(v). Failure to comply with this requirement will not result in dismissal of the notice of the filing. The Board may request that the appellant resubmit the notice of appeal in proper form.

(iv) The appellant shall, concurrent with or prior to the filing of a notice of appeal, serve by facsimile or overnight mail a copy on each of the following:

(A) The office of the Department issuing the notice of Departmental action.

(B) The Office of Chief Counsel of the Department or agency taking the action appealed.

(C) In a third-party appeal, the recipient of the action. The service shall be made at the address in the document evidencing the action by the Depart-

ment or at the chief place of business in this Commonwealth of the recipient.

(2) **Conventional filing.**

(i) An original notice of appeal that is conventionally filed shall be filed at the Board's headquarters—2nd Floor, Rachel Carson State Office Building, 400 Market Street, Post Office Box 8457, Harrisburg, Pennsylvania 17105-8457.

(ii) The date of conventional filing is the date the original notice of appeal is received by the Board.

(iii) One copy of the notice of appeal and attachments shall be conventionally filed unless the Board orders otherwise.

(iv) Hard copies of original notices of appeal shall be conventionally filed unless the filer has secured prior approval from the Board to conventionally file the original notice of appeal in another format, such as CDs, DVDs or other digital storage media.

(v) The notice of appeal must be typewritten on letter-size paper (approximately 8 to 8 1/2 inches by 10 1/2 to 11 inches) and pages after the first must be numbered. Photocopies will be accepted as typewritten, provided that the copies are legible. Failure to comply with these requirements will not result in dismissal of a filing. The Board may request that the appellant resubmit the notice of appeal in proper form.

(vi) The appellant shall, concurrent with or prior to the filing of a notice of appeal, serve a copy on the individuals and entities listed in paragraph (1)(iv)(A)—(C) in the same manner in which the notice of appeal is filed with the Board.

(3) **Facsimile filing.**

(i) Original notices of appeal filed by facsimile shall be transmitted to the Board's facsimile line at (717) 783-4738. If a bond or check is required to secure payment of a penalty, a copy of the bond or check must be included with the facsimile filing. The notice of appeal and attachments, including the original bond or check, shall be deposited in the mail, addressed to the Board's headquarters at the address provided in paragraph (2)(i).

(ii) The date of facsimile filing is the date the original notice of appeal is received by the Board.

(iii) For original notices of appeal more than ten pages long, the facsimile filed must consist of the certificate of service and the first five pages and last five pages of each document except exhibits. Except for copies of checks and bonds required to secure payment of a penalty, exhibits shall be omitted from the filing transmitted to the Board's facsimile line.

(iv) On the same day an original notice of appeal is transmitted to the Board's facsimile line, the original, including exhibits, shall be deposited in the mail, addressed to the Board's headquarters at the address provided in paragraph (2)(i).

(v) The notice of appeal must be formatted in accordance with paragraph (2)(v). Failure to comply with this requirement will not result in dismissal of the notice of the filing. The Board may request that the appellant resubmit the notice of appeal in proper form.

(g) When the appeal is from an assessment of a civil penalty for which the statute requires an appellant to prepay the penalty or post a bond, the appellant shall follow the procedures in § 1021.54a (relating to prepayment of penalties) **in addition to the procedures in this section.**

[(g)] (h) Concurrent with or prior to the filing of a notice of appeal, the appellant shall serve a copy thereof on each of the following:

* * * *

[(h)] (i) For purposes of this section, the term “recipient of the action” includes the following:

* * * *

[(i)] (j) The service upon the recipient of a permit, license, approval, certification or order, as required under subsection (h)(1), shall subject the recipient to the jurisdiction of the Board, and the recipient shall be added as a party to the third-party appeal without the necessity of filing a petition for leave to intervene under § 1021.81 (relating to intervention). The recipient of a permit, license, approval [or], certification **or order** who is added to an appeal under this section shall still comply with §§ 1021.21 and 1021.22 (relating to representation; and notice of appearance.)

[(j)] (k) Other recipients of an action under subsection (h)(2), (3) or (4) [,] may intervene as of course in the appeal by filing an entry of appearance within 30 days of service of the notice of appeal in accordance with §§ 1021.21 and 1021.22, without the necessity of filing a petition for leave to intervene under § 1021.81.

[(k)] The appellant shall provide satisfactory proof that service has been made as required by this section.]

(l) The original notice of appeal must include a certificate of service which certifies the date and manner of service and the name and mailing address of the person served.

[(l)] (m) Subsections (a)—(k) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints; and formal complaints).

SPECIAL ACTIONS

(Editor’s Note: The following section is new and printed in regular type to enhance readability.)

§ 1021.74a. Verification of pleadings.

Pleadings authorized under §§ 1021.71—1021.74 shall be verified in accordance with Pa.R.C.P. 1024 (relating to verification).

MOTIONS

§ 1021.94. Dispositive motions other than summary judgment motions.

* * * *

(b) A response **in opposition** to a dispositive motion [**may**] shall be filed within 30 days of service of the motion and shall be accompanied by a supporting memorandum of law or brief.

(c) **A notification to the Board that a party joins in a dispositive motion shall be filed within 15 days of service of the motion. Non-moving parties shall not raise any additional legal or factual bases in**

support of the dispositive motion except as permitted by order of the Board.

(d) A reply to a response to a dispositive motion may be filed within 15 days of the date of service of the response, and may be accompanied by a supporting memorandum of law or brief. Reply briefs or memoranda of law shall be as concise as possible and may not exceed 25 pages. Longer briefs or memoranda of law may be permitted at the discretion of the [**presiding administrative law judge**] Board.

[(d)] (e) An affidavit or other document relied upon in support of a dispositive motion or response, that is not already a part of the record, shall be filed at the same time as the motion or response or it will not be considered by the Board in ruling thereon.

(f) **When a dispositive motion is made and supported as provided in this rule, an adverse party may not rest upon mere allegations or denials of the adverse party’s pleading or its notice of appeal, but the adverse party’s response must set forth specific issues of fact or law showing there is a genuine issue for hearing. If the adverse party fails to adequately respond, the dispositive motion may be granted against the adverse party.**

[(e)] (g) Subsection (a) supersedes 1 Pa. Code § 35.177 (relating to [**the**] scope and content of motions). Subsection (b) supersedes 1 Pa. Code § 35.179 (relating to [**objecting**] objections to motions).

Comment

The responses to a dispositive motion should be limited to the legal and factual bases contained in the motion; a party wishing to raise other grounds for granting a dispositive motion should file a separate motion before the dispositive motion deadline or seek leave from the Board to file a dispositive motion after the dispositive motion deadline.

§ 1021.94a. Summary judgment motions.

* * * *

(f) **Other parties supporting a motion for summary judgment.** A notification to the Board that a party joins in a motion for summary judgment may be filed within 15 days of service of the motion. Non-moving parties may not raise any additional legal or factual bases in support of the motion for summary judgment except as permitted by order of the Board.

(g) *Opposition to motion for summary judgment.* Within 30 days of [**the date of**] service of the motion, a party opposing the motion shall file the following:

* * * *

[(g)] (h) *Length of brief in support of and in opposition to summary judgment.* Unless leave of the Board is granted, the brief in support of or in opposition to the motion may not exceed 30 pages.

[(h)] (i) *Evidentiary materials.* Affidavits, deposition transcripts or other documents relied upon in support of a motion for summary judgment or response must accompany the motion or response and be separately bound and labeled as exhibits. Affidavits must conform to Pa.R.C.P. 76 and 1035.4 (relating to definitions; and affidavits).

[(i)] (j) *Proposed order.* The motion shall be accompanied by a proposed order.

[(j)] (k) *Reply brief.* A reply brief may be filed by the movant within 15 days of the date of service of the response. It may not exceed 15 pages unless leave of the Board is granted. Additional briefing may be permitted at the discretion of the [**presiding administrative law judge**] Board.

[(k)] (l) *Summary judgment.* When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of the adverse party's pleading or its notice of appeal, but the adverse party's response, by affidavits or as otherwise provided by this rule, must set forth specific facts showing there is a genuine issue for hearing. If the adverse party does not so respond, summary judgment may be entered against the adverse party. Summary judgment may be entered against a party who fails to respond to a summary judgment motion.

[(l)] (m) *Judgment rendered.* The judgment sought shall be rendered forthwith if the motion record shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

Comment

The statement of material facts should be limited to those facts which are material to disposition of the summary judgment motion and should not include lengthy recitations of undisputed background facts or legal context. **The responses to a motion for summary judgment should ordinarily be limited to the legal and factual bases contained in the motion; a party wishing to raise other grounds for summary judgment should file a separate motion before the dispositive motion deadline or seek leave from the Board to file a motion for summary judgment after the dispositive motion deadline.**

PREHEARING PROCEDURES AND PREHEARING CONFERENCES

§ 1021.103. Subpoenas.

(a) Except as otherwise provided in this chapter or by order of the Board, requests for subpoenas and subpoenas shall be governed by Pa.R.C.P. 234.1—234.4 [**and**], 234.6—234.9 **and 4009.21—4009.27**. When the term “court” is used in Pa.R.C.P. “Board” is to be understood; when the terms “Prothonotary” or “clerk of court” are used in Pa.R.C.P. “Secretary to the Board” is to be understood.

EVIDENCE

§ 1021.122. Burden of proceeding and burden of proof.

* * * * *

(c) A party appealing an action of the Department shall have the burden of proof in the following cases:

* * * * *

(4) When a party appeals or objects to a settlement of a matter between the Department and [**a**] **another** private party.

[**ATTORNEY FEES AND COSTS AUTHORIZED BY THE COSTS ACT**]

§ 1021.171. [**Scope**] (Reserved).

[**This section and §§ 1021.172—1021.174 (relating to application for fees and expenses; response to**

application; and disposition of application) apply to applications for an award of fees and expenses under the Costs Act.]

§ 1021.172. [**Application for fees and expenses**] (Reserved).

[(a) An application for fees and expenses shall be verified and shall set forth sufficient grounds to justify the award. It shall also include the following:

(1) Identification of the final order under which the applicant claims to be a prevailing party.

(2) A statement of the basis upon which the applicant claims to be a prevailing party under the Costs Act.

(3) Specific information which is sufficient to demonstrate that the applicant meets the definition of “party” under the Costs Act.

(4) An itemized list of recoverable fees and expenses including hours worked, the rate charged, a reasonable description of the work performed during those hours, and the nature and reasonableness of the expenses.

(5) The basis for the allegation that the position of the Department was not substantially justified.

(b) An applicant shall file an application with the Board within 30 days of the date of the final order under which the applicant claims to have prevailed, and shall be docketed at the same number as that order. An applicant shall simultaneously serve upon counsel of record for the Department a copy of the application in the same manner that it is filed with the Board. Service by telefax shall satisfy the requirements of this rule, if an additional copy is mailed on the same day.

(c) An application may be denied sua sponte if it fails to provide all the information required by this section in sufficient detail to enable the Board to grant the relief requested.

Comment: In preparing the petition to submit to the Board, an applicant should consider the material contained in 4 Pa. Code Chapter 2, Subchapter A (relating to submission and consideration of applications for awards of fees and expenses) and the Board's prior decisions.]

§ 1021.173. [**Response to application**] (Reserved).

[(a) The Department or other interested party shall file its response within 15 days of the filing of an application. The response shall include the following:

(1) Raise any challenge to the sufficiency of the application.

(2) Demonstrate, if applicable, that the Department's action was substantially justified.

(3) Identify special circumstances which would make the award unjust.

(b) If the response asserts that the action of the Department was substantially justified, it shall include the following:

(1) A statement of the Department's basis for its action.

(2) A summary of the testimony and exhibits either in evidence or offered into evidence in support of that basis.

(3) The legal justification for the action taken.

(c) When an applicant prevails and no record has been made before the Board, the Department may justify its action with affidavits.]

§ 1021.174. [Disposition of application] (Reserved).

[(a) Each party shall file a brief simultaneously with the filing of its application or response.

(b) The Board will award fees and expenses based upon the application and response if it finds the following:

(1) The applicant is a prevailing party as defined in the Costs Act.

(2) The application presents sufficient justification for the award of fees and expenses.

(3) The action of the Department was not substantially justified, in that it had no reasonable basis in law or in fact.

(4) There are no special circumstances which would make the award unjust or unreasonable.

(c) The Board will not find the Department's action to be substantially justified, if the response fails to present a prima facie case in support of the Department's legal position.

(d) The Board may reduce the amount of an award of fees and expenses, or deny the award, to the extent that the applicant engaged in conduct during the course of the proceedings which unduly and unreasonably protracted the final resolution of the matter in controversy.]

ATTORNEY FEES AND COSTS AUTHORIZED BY STATUTE [OTHER THAN THE COSTS ACT]

§ 1021.181. Scope.

This subchapter applies to requests for costs and attorney fees when authorized by statute [**other than the Costs Act**]. When a statute provides procedures inconsistent with these procedures, the statutory procedures will be followed.

APPELLATE MATTERS

§ 1021.201. Composition of the certified record on appeal to Commonwealth Court.

* * * * *

(d) [In the event that a legal document was electronically filed] For electronic filings, a paper copy of the electronic filing will be submitted to the Commonwealth Court as part of the certified record in accordance with this rule, notwithstanding the provisions of § 1021.39(c) (relating to docket) that the official copy of an electronically filed document shall be that appearing on the Board's [**website**] **web site**.

[Pa.B. Doc. No. 13-869. Filed for public inspection May 10, 2013, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 1, 3, 5, 23, 29, 32,
53, 54, 57, 59 AND 62]

[L-2012-2324073]

Paper Copy and Electronic Copy Filing Requirements

The Pennsylvania Public Utility Commission (Commission), on February 28, 2013, adopted a proposed rulemaking order amending existing Commission paper and electronic filing requirements by eliminating additional paper copies of certain documents, increasing the size limit of eFiled documents and dispensing with the requirement for a paper copy of eFiled documents less than 250 pages.

Executive Summary

In order to facilitate a review of its procedural regulations, the Pennsylvania Public Utility Commission (Commission) formed the Efficient Work Group consisting of internal staff from the Commission's Office of Administrative Law Judge, Secretary's Bureau, Law Bureau, Bureau of Investigation and Enforcement (formally Office of Trial Staff), Bureau of Consumer Services, Bureau of Technical Utility Services, Office of Special Assistants and Management Information Services. After a period of study and discussion, the Efficient Work Group determined that due to the recently completed reorganization of the Commission, advances in technology and the ability of many practitioners to make electronic filings at the Commission, the Commission should change some of its procedural regulations to reduce paper copy filings.

Specifically, the Commission proposes to implement changes to its procedural regulations to (1) eliminate the requirement to file additional paper copies, beyond a signed original, of certain documents, (2) increase the size limit of qualified documents that may be electronically filed (eFiled) with the Commission and (3) dispense with the requirement for a paper copy of eFiled documents, that are less than 250 pages in length, to be filed with the Commission. All of these suggested changes are included in this Proposed Rulemaking. These proposed changes to our procedural regulations will result in savings of time and resources for both parties appearing before the Commission and Commission staff by reducing paper copy filings.

Public Meeting held
February 28, 2013

Commissioners Present: Robert F. Powelson, Chairperson;
John F. Coleman, Jr., Vice Chairperson; Wayne E.
Gardner; James H. Cawley; Pamela A. Witmer

*Amendment of Paper Copy and Electronic Copy
Filing Requirements; Doc. Nos. L-2012-2324073,
L-2012-2296005, L-00070187, M-2012-2317481
and M-2008-2072592*

Proposed Rulemaking Order

By the Commission:

The Pennsylvania Public Utility Commission (Commission) proposes to implement changes to its procedural regulations to (1) eliminate the requirement to file additional paper copies, beyond a signed original, of certain documents, (2) increase the size limit of qualified docu-

ments that may be electronically filed (eFiled) with the Commission and (3) dispense with the requirement for a paper copy of eFiled documents, that are less than 250 pages, to be filed with the Commission. These changes to our procedural regulations will result in savings of time and resources for both parties appearing before the Commission and Commission staff by reducing paper copy filings.

Background

In order to review the Commission's procedural regulations to determine whether changes or improvements were needed, the Commission formed the Efficient Work Group. The Efficient Work Group is comprised of internal staff from the Commission's Office of Administrative Law Judge, Secretary's Bureau, Law Bureau, Bureau of Investigation and Enforcement (formerly Office of Trial Staff), Bureau of Consumer Services, Bureau of Technical Utility Services, Office of Special Assistants and Management Information Services. After a period of study and discussion, the Efficient Work Group determined that due to the recently completed reorganization of the Commission, advances in technology and the ability of many practitioners to make electronic filings at the Commission, the Commission should change some of its procedural regulations to reduce paper copy filings.

On July 19, 2012, the Commission adopted a Proposed Rulemaking Order, Docket No. L-2012-2296005 (July 19, 2012 Order), which recommended eliminating the following requirements: (1) the filing of additional paper copies, beyond a signed original, of pleadings, submittals or other documents, filed pursuant to 52 Pa. Code § 1.37(a), and (2) the filing of additional paper copies, beyond a signed original, of exceptions to Commission orders, filed pursuant to 52 Pa. Code § 5.533(d). On August 16, 2012, the Commission issued a Secretarial Letter, Docket Nos. M-2012-2317481 and L-2012-2296005, immediately eliminating the additional paper copy filing requirements recommended for elimination in the July 19, 2012 Order, pending completion of that rulemaking process. That Secretarial Letter also announced that the Commission was temporarily waiving other requirements to file additional paper copies, beyond a signed original, as follows: (1) the filing of additional paper copies of briefs and reply briefs, filed pursuant to 52 Pa. Code § 5.502(b)(1), (2) the filing of additional paper copies of reply exceptions, filed pursuant to 52 Pa. Code § 5.535, and (3) the filing of additional paper copies of tariff supplements, filed pursuant to 52 Pa. Code § 53.51(b).

On August 16, 2012, the Commission also issued a second Secretarial Letter announcing that the Commission is: (1) waiving existing regulations to increase the size limit of qualified documents that may be eFiled¹ and (2) dispensing with the requirement for a paper copy of eFiled documents to be submitted within three business days of eFiling when the documents are less than 250 pages in length.² The two Secretarial Letters issued on August 16, 2012, as well as the July 19, 2012 Order, specifically noted that the proposed changes contained therein would result in significant savings of time and resources for parties appearing before the Commission and for Commission staff by generally reducing paper copy filings. The changes proposed by the Efficient Work Group are incorporated into the rule changes contained within Annex A.

In addition to the regulations contained in the July 19, 2012 Order and the two Secretarial Letters issued on

August 16, 2012, the Efficient Work Group has identified other regulations containing additional paper copy filing requirements. In an effort to maximize efficiency, the Commission proposes to eliminate and/or waive those additional requirements in this Proposed Rulemaking Order (Order). We encourage interested parties filing comments in response to this Order to point out any additional regulations containing paper copy filing requirements they feel should have been addressed. The Commission will also issue a Secretarial Letter notifying interested parties of the elimination and/or waiver of such additional requirements simultaneously with the entry of this Order.

Proposed Rulemaking

As set forth in the July 19, 2012 Order, the additional paper copy filing requirements contained in 52 Pa. Code § 1.37(a) (relating to paper filings generally) and § 5.533(d) (relating to exceptions to Commission orders) are immediately eliminated pending completion of that rulemaking process. In addition to those requirements, the following requirements are also eliminated and/or waived as set forth below.

I. Elimination of Additional Paper Copy Filing Requirements

As indicated below, and in accordance with Section 501 of the Public Utility Code, 66 Pa.C.S. § 501, the Commission is waiving various regulations to eliminate the requirement to file additional paper copies, beyond a signed original, for the below-mentioned documents. If such additional paper copies are filed, the Commission will retain only the signed original in any document folders at the Commission.

§ 3.101. Municipal contracts.

The Commission's regulations at 52 Pa. Code § 3.101 require an executed or reproduction copy and two additional copies of municipal contracts to be filed with the Commission at least 30 days prior to the effective date of the contract. By this Order, the Commission is eliminating the requirement to file two additional paper copies, beyond the executed or reproduction copy, of such municipal contracts.

§ 3.381(a)(3). Applications for transportation of property, household goods in use and persons.

The Commission's regulations at 52 Pa. Code § 3.381(a)(3) require common carriers to file with the Commission an original and two copies of an application for a certificate of public convenience authorizing them to provide transportation service for property, household goods in use and/or persons. By this Order, the Commission is eliminating the requirement to file two additional paper copies, beyond a signed original, of such applications.

§ 3.383(c)(1). Applications for temporary authority and emergency temporary authority.

The Commission's regulations at 52 Pa. Code § 3.383(c)(1) require common carriers to file with the Commission an original and one copy of each application for temporary authority and/or emergency temporary authority. By this Order, the Commission is eliminating the requirement to file one additional paper copy, beyond a signed original, of such applications.

¹ See 52 Pa. Code § 1.32(b)(3).

² See 52 Pa. Code § 1.37(b).

§ 3.501(c). *Certificate of public convenience as a water supplier or wastewater collection, treatment or disposal provider.*

The Commission's regulations at 52 Pa. Code § 3.501(c) require applicants for a certificate of public convenience as a public water or wastewater collection, treatment or disposal provider to "file with the Commission the original and three copies of the application." By this Order, the Commission is eliminating the requirement to file three additional paper copies, beyond a signed original, of such applications.

§ 5.502(b)(1). *Filing and service of briefs.*

The Commission's regulations at 52 Pa. Code § 5.502(b)(1) currently provide that an "original and nine copies of a brief shall be filed with the Commission." The Commission also applies the filing requirements for briefs, requiring a signed original and nine copies, to filings for reply briefs. By this Order, the Commission is eliminating the requirement to file nine additional paper copies, beyond a signed original, of both briefs and reply briefs.

§ 5.535. *Replies.*

The Commission's regulations at 52 Pa. Code § 5.535 (relating to the filing of reply exceptions) do not expressly set forth paper copy filing requirements for reply exceptions. Because this section does not specify the number of additional paper copies to be filed, reply exception filings currently must comply with the general paper filing requirements set forth at 52 Pa. Code § 1.37(a), requiring a signed original and three additional paper copies. By this Order, the Commission is eliminating the requirement to file three additional paper copies, beyond a signed original, of reply exceptions.

§ 23.101(d). *Applications to establish rates related to value.*

The Commission's regulations at 52 Pa. Code § 23.101(d) require common carriers to file with the Commission four copies, one of which shall be verified, of applications to establish rates for the transportation of household goods in use. By this Order, the Commission is eliminating the requirement to file four additional paper copies, beyond a signed original, of such applications. As a result, the signed original paper copy of the application that is filed with the Commission must be verified.

§ 23.121(b). *Filing of tariffs of joint rate.*

The Commission's regulations at 52 Pa. Code § 23.121(b) require common carriers to file with the Commission an original and one copy of tariffs of joint rate. By this Order, the Commission is eliminating the requirement to file one additional paper copy, beyond a signed original, of tariffs of joint rate.

§ 29.303(a). *Service standards and requirements.*

The Commission's regulations at 52 Pa. Code § 29.303(a) require common carriers to file two copies of "time schedules applicable to the service at least 10 days prior to the effective date thereof." By this Order, the Commission is eliminating the requirement to file two additional paper copies, beyond a signed original, of such time schedules.

§ 32.2(c). *Insurance forms and procedures.*

The Commission's regulations at 52 Pa. Code § 32.2(c) require motor carriers to file with the Commission three copies of certificates of insurance, surety bonds and notices of cancellation. By this Order, the Commission is eliminating the requirement to file three additional paper

copies, beyond a signed original, of certificates of insurance, surety bonds and notices of cancellation.

§ 53.51(b). *General (tariff supplements).*

The Commission's regulations at 52 Pa. Code § 53.51(b) currently provide that "[u]tilities with over \$100,000 gross revenues shall file with the Commission Secretary a minimum of eight copies of the proposed rate changes and of the data required under this chapter; all others shall so file a minimum of five copies." By this Order, the Commission is eliminating the following requirements: (1) the filing of eight additional paper copies, beyond a signed original, of proposed rate change documents for utilities with over \$100,000 gross revenues and (2) the filing of five additional copies, beyond a signed original, of proposed rate change documents for all other utilities. Accordingly, all utilities, regardless of gross revenue amount, are only required to file with the Commission a signed original of proposed rate changes.³ While dispensing with the requirement to file additional paper copies of such filings, the Commission encourages utilities to continue providing courtesy copies of these filings to the Commissioners' offices and key bureaus, upon request.

§ 54.32(c). *Application Process.*

The Commission's regulations at 52 Pa. Code § 54.32(c) require electric generation suppliers (EGSs) to file with the Commission an original and eight copies of a completed licensing application. By this Order, the Commission is eliminating the requirement to file eight additional copies, beyond a signed original, of such licensing applications.

§ 54.203(b)(3). *Reporting Requirements.*

The Commission's regulations at 52 Pa. Code § 54.203(b)(3) require electric distribution companies (EDCs) or active EGSs to file with the Commission an original and two copies of a completed retail electricity choice sales activity report form. This regulation also requires EDCs and EGSs to file one paper copy of the report form with the Commission no later than 15 days after the report is due if the form is eFiled. By this Order, the Commission is eliminating the requirement to file two additional paper copies, beyond a signed original, of the report form when such report is filed in paper form. Additionally, consistent with the Commission's Secretarial Letter issued August 16, 2012 (dispensing with the requirement for a paper copy of eFiled documents to be submitted); the Commission is eliminating the requirement for EDCs and EGSs eFiling such report form to also file a paper copy of the eFiled form when the form is less than 250 pages in length.

§ 57.72(d)(2). *Form and content of application.*

The Commission's regulations at 52 Pa. Code § 57.72(d)(2) require electric service providers intending to construct high voltage (HV) electric transmission lines to file with the Commission an original and six copies of the letter of notification and an affidavit of service showing the identity of those to be served by such lines. By this Order, the Commission is eliminating the requirement to file six additional paper copies, beyond a signed original, of the letter of notification. We note that as this regulation is currently written, only one original of the affidavit of service must be filed with the Commission.

§ 57.74(a). *Filing and service of application and notice of filing.*

The Commission's regulations at 52 Pa. Code § 57.74(a) require electric service providers to file with the Commis-

³ We have removed the gross dollar amount distinction from 52 Pa. Code § 53.51(b) in Annex A to reflect this change.

sion an original and six copies of an application to construct HV electric transmission lines. By this Order, the Commission is eliminating the requirement to file six additional paper copies, beyond a signed original, of this application.

§ 57.141(a). *General*

The Commission's regulations at 52 Pa. Code § 57.141(a) require EDCs to file with the Commission an original and three copies of their Annual Resource Planning Report. By this Order, the Commission is eliminating the requirement to file three additional paper copies, beyond a signed original, of the Annual Resource Planning Report.

§ 57.195. *Reporting requirements.*

The Commission's regulations at 52 Pa. Code § 57.195(a)(1) require EDCs to file with the Commission an original and six copies of their annual reliability report. Additionally, the Commission's regulations at 52 Pa. Code § 57.195(d)(1) require EDCs to file with the Commission an original and six copies of their quarterly reliability report. By this Order, the Commission is eliminating the requirement to file six additional paper copies, beyond a signed original, of both annual and quarterly reliability reports.

§ 59.81(a). *Periodic reporting requirements for major gas utilities.*

The Commission's regulations at § 59.81(a) require major gas utilities to file with the Commission an original and five copies of their annual integrated resource planning report. By this Order, the Commission is eliminating the requirement to file five additional copies, beyond a signed original, of annual integrated resource planning reports.

§ 62.103(b). *Application process.*

The Commission's regulations at § 62.103(b) require natural gas suppliers to file with the Commission an original and eight copies of their completed licensing application and supporting attachments. This regulation also requires natural gas suppliers to file an electronic copy of the application. By this Order, the Commission is eliminating the requirement to file eight additional copies, beyond a signed original, of such licensing applications. Additionally, by this Order, the Commission is eliminating the requirement for natural gas suppliers to also eFile a copy of the application that has been filed in paper form. Accordingly, natural gas suppliers may either (1) file with the Commission one signed original paper copy of the licensing application or (2) eFile the application. Consistent with the Commission's Secretarial Letter issued August 16, 2012 (dispensing with the requirement for a paper copy of eFiled documents to be submitted), natural gas suppliers choosing to eFile their licensing application are not required to also submit a paper copy of the application to the Commission within three days of eFiling if the application is less than 250 pages in length.

II. *Increase in Size Limit of Electronically Filed Documents and Elimination of Requirement to File Paper Copies*

As indicated below, and in accordance with Section 501 of the Public Utility Code, 66 Pa.C.S. § 501, the Commission is waiving various regulations to increase the size limit of eFiled documents and to eliminate the requirement to file paper copies of eFiled documents that are less than 250 pages in length. If paper copies of eFiled documents that are less than 250 pages in length are filed, they will not be retained in any document folder at

the Commission. However, if a party insists on submitting paper copies of eFiled documents that are less than 250 pages, the paper copies must include the eFiling Summary Page containing the confirmation number, alerting staff in the Secretary's Bureau that the document has already been eFiled.

§ 1.32(b)(3). *Filing specifications.*

The Commission's regulations at 52 Pa. Code § 1.32(b)(3) provide that a filing, including attachments, that exceeds 5 megabytes in size may not be eFiled. In January 2011, the Commission implemented a pilot project to permit filings, including attachments, up to 10 megabytes to be eFiled. As this pilot project has been successful, the Commission, by this Order, is officially waiving the existing regulations to permit documents up to 10 megabytes in size to be eFiled.

The Commission will continue to monitor the size of documents being filed and the effect on the eFiling system to determine whether this size may be further increased. Accordingly, future proposed rulemakings regarding the size limit of eFiled documents may be appropriate given the Commission's experience with eFiling.

§ 1.37(a)(5). *Number of copies.*

The Commission's regulations at 52 Pa. Code § 1.37(a)(5) provide that parties submitting hard copies of filings that exceed 5 megabytes in size must, in addition to filing an original hard copy, file with the Commission a CD-ROM or DVD containing the filing, including attachments. Consistent with the reasons stated above, by this Order, the Commission is increasing the size limitation for filings that must be submitted on CD-ROM or DVD from 5 megabytes to 10 megabytes in size.

§ 1.37(b). *Number of copies.*

The Commission's regulations at 52 Pa. Code § 1.37(b) require the filing of one paper copy within three business days after an electronic filing is submitted when eFiled documents exceed 250 pages in length. Although the regulations do not require paper copies of eFiled documents that are less than 250 pages, the Commission has requested that eFilers supply one paper copy of these filings including the eFiling summary page with the confirmation number. By having eFilers submit a paper copy, the Commission has been able to fulfill its obligation to retain a signed original paper copy of all filings and to gain a comfort level with the accuracies of the eFiling system.

Having become satisfied with the functionality of the eFiling system and having successfully tested a dedicated printer to produce paper copies of eFiled documents, the Commission, by this Order, is now dispensing with the paper copy requirement for eFiled documents that are less than 250 pages in length. However, for eFiled documents over 250 pages, the Commission will continue to require the submission of one paper copy within three business days after the electronic filing is submitted.⁴ Moving forward, the Commission will evaluate whether this paper copy continues to be necessary for documents over 250 pages in length.

§ 1.59(c). *Number of copies to be served.*

The Commission's regulations at 52 Pa. Code § 1.59(c) provide that "[w]hen a document, including attachments,

⁴ As has been the practice to date, the signed paper copy that is submitted must include the eFiling summary page containing the confirmation number. This will alert the staff in the Secretary's Bureau that the document has already been eFiled and does not require further processing.

exceeds 5 megabytes and must be filed with a CD-ROM or DVD in accordance with § 1.37(a)(5) (relating to number of copies), a party may request service of one copy of the document on a CD-ROM or a DVD instead of one paper copy." Consistent with the changes made to 52 Pa. Code § 1.37(a)(5) above, by this Order, the Commission is increasing the size limitation for filings that must be submitted on CD-ROM or DVD from 5 megabytes to 10 megabytes in size.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 25, 2013, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

Conclusion

The foregoing amendments to our regulations issued for comment by this Order are intended to simplify practice before the Commission and to diminish the burden upon parties appearing before the Commission by reducing the amount of paper they must file with the agency. These amendments will also result in significant savings of time and resources for parties appearing before the Commission and for Commission staff by generally reducing paper copy filings. The Commission, therefore, formally commences its rulemaking process to amend its existing regulations consistent with Annex A to this Order.

Accordingly, pursuant to Sections 501, 504, 523, 1301, 1501, and 1504, of the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 523, 1301, 1501, and 1504, and Sections 201 and 202 of the Act of July 31, 1968, P. L. 769 No. 240, 45 P. S. §§ 1201—1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; Section 204(b) of the Commonwealth Attorneys Act, 71 P. S. § 732.204(b); Section 745.5 of the Regulatory Review Act, 71 P. S. § 745.5; and Section 612 of the Administrative Code of 1929, 71 P. S. § 232, and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, we are considering adopting the proposed regulations as set forth in Annex A, attached hereto; *Therefore*,

It Is Ordered That:

1. A proposed rulemaking be opened to consider the regulations set forth in Annex A.
2. The Secretary shall submit this Proposed Rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
3. The Secretary shall submit this Proposed Rulemaking Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.

4. The Secretary shall certify this Proposed Rulemaking Order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

5. An original of any written comments referencing the docket number of the proposed regulations be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

6. A copy of this Proposed Rulemaking Order and Annex A shall be served on the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and jurisdictional public utility industry and licensee trade associations.

7. The contact person for legal matters for this proposed rulemaking is Krystle J. Sacavage, Assistant Counsel, Law Bureau, (717) 787-5000. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4579.

ROSEMARY CHIAVETTA,
Secretary

Fiscal Note: 57-293. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 1. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

Subchapter D. DOCUMENTARY FILINGS

§ 1.32. Filing specifications.

* * * * *

(b) Electronic filings.

* * * * *

(3) *Size restriction.* A filing, including attachments, that exceeds [5] 10 megabytes may not be filed electronically.

* * * * *

§ 1.37. Number of copies.

(a) *Paper filings.* When a pleading, submittal or document other than correspondence is submitted in hard copy, an original and [**three copies of each, including**] the cover letter[,] shall be furnished to the Commission at the time of filing, except when:

* * * * *

(5) A filing, including attachments, exceeds [5] 10 megabytes, in addition to filing the requisite number of hard copies in accordance with this subpart, a CD-ROM or DVD containing the filing and an index to the filing shall be filed with the Commission.

(b) Electronic filings.

(1) When the qualified document, including attachments, is 250 pages or less and does not exceed [5] 10 megabytes, the filing user may file one electronic copy on the electronic filing system and is not required to file paper copies.

(2) When the qualified document, including attachments, exceeds 250 pages, but does not exceed [5] 10

megabytes, the filing user may file one electronic copy on the electronic filing system and shall also file the original in paper form with the Commission. The original in paper form shall be filed no later than 3 business days after the electronic filing is submitted. The filing date for the qualified document in paper form will be determined in accordance with § 1.11(a)(1)–(3) (relating to date of filing).

* * * * *

Subchapter F. SERVICE OF DOCUMENTS

§ 1.59. Number of copies to be served.

* * * * *

(c) When a document, including attachments, exceeds [5] 10 megabytes and must be filed with a CD-ROM or DVD in accordance with § 1.37(a)(5) (relating to number of copies), a party may request service of one copy of the document on a CD-ROM or a DVD instead of one paper copy.

* * * * *

CHAPTER 3. SPECIAL PROVISIONS

Subchapter B. INFORMAL PROCEEDINGS GENERALLY

APPLICATIONS

§ 3.101. Municipal contracts.

No formal application need accompany municipal contracts filed under section 507 of the act (relating to contracts between public utilities and municipalities), but an executed copy or reproduction copy of the contract [and two additional copies] shall be filed with the Commission at least 30 days prior to the effective date of the contract.

Subchapter E. MOTOR TRANSPORTATION PROCEEDINGS

§ 3.381. Applications for transportation of property, household goods in use and persons.

(a) *Applications.*

* * * * *

(3) *Filing and verification.* An original application [, together with two copies,] shall be filed by the applicant, or an authorized officer or representative, with the Secretary of the Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265. The application shall be verified under § 1.36 (relating to verification). An application by a common carrier for a certificate of public convenience authorizing the transportation of passengers or household goods in use may be accompanied by verified statements of the applicant and supporting party or firm, as set forth in subsection (c)(1)(iii)(A)(II) and (III). An application by a contract carrier for a permit authorizing the transportation of passengers or household goods in use may be accompanied by a verified statement of the applicant, as set forth in subsection (c)(1)(iii)(A)(II) and a copy of the bilateral contract or statement of the shipper that it will enter into a bilateral contract with the carrier.

* * * * *

§ 3.383. Applications for temporary authority and emergency temporary authority.

* * * * *

(c) *Filing of applications.* An application shall be filed as follows:

(1) *How and where filed.* An original [and one copy] of each application for TA or ETA (Form C) is to be filed with the Secretary, Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania 17105-3265. The envelope containing the application shall be clearly marked: "TA" APPLICATION or "ETA" APPLICATION.

* * * * *

Subchapter G. WATER OR WASTEWATER UTILITY PROCEEDINGS

§ 3.501. Certificate of public convenience as a water supplier or wastewater collection, treatment or disposal provider.

* * * * *

(c) *Filing.* Applications under this section must conform to §§ 1.31 and 1.32 (relating to requirements for documentary filings; and [form of documents] filing specifications and include a mode of payment as prescribed by § 1.42 (relating to mode of payment of fees) and in the amount delineated in § 1.43 (relating to schedule of fees payable to the Commission). The applicant shall file with the Commission the original [and three copies] of the application. An application which fails to include the information and documents outlined in subsections (a) and (b), as specified by the Commission for water and wastewater collection, treatment or disposal companies, is subject to rejection by the Commission. The original [and three copies] must contain exhibits. An affidavit of service showing the identity of those served under subsection (f) shall accompany the original [and the copies of the] application filed with the Commission.

* * * * *

CHAPTER 5. FORMAL PROCEEDINGS

Subchapter G. BRIEFS

§ 5.502. Filing and service of briefs.

* * * * *

(b) *Number of copies.*

(1) *Paper filing.* An original [and nine copies] of a brief shall be filed with the Commission under § 1.4 (relating to filing generally).

* * * * *

Subpart B. CARRIERS OF PASSENGERS OR PROPERTY

CHAPTER 23. TARIFFS FOR COMMON CARRIERS RATES RELATED TO VALUE OF SHIPMENTS

§ 23.101. Applications to establish rates related to value.

* * * * *

(d) [Four copies] An original of each application shall be filed [, one of which] and shall be verified.

* * * * *

GRANTING OF POWER OF ATTORNEY AND ISSUING OF CONCURRENCE IN TARIFFS OF COMMON CARRIERS

§ 23.121. Filing of tariffs of joint rate.

* * * * *

(b) The forms prescribed shall be on paper 8 by 10 1/2 inches in size, and may be either printed or typewritten.

The original [**and one copy**] of the form shall be filed with the Commission and a copy furnished to the carrier or agent in whose favor the instrument is issued.

* * * * *

CHAPTER 29. MOTOR CARRIERS OF PASSENGERS

Subchapter D. SUPPLEMENTAL REGULATIONS SCHEDULED ROUTE SERVICE

§ 29.303. Service standards and requirements.

(a) *Time schedules.* Common carriers providing scheduled route service shall file with the Commission [**two copies**] **an original** of time schedules applicable to the service at least 10 days prior to the effective date thereof. Printed time schedules and information with respect thereto shall be made available to the public upon a reasonable request.

* * * * *

CHAPTER 32. MOTOR CARRIER INSURANCE

Subchapter A. GENERAL

§ 32.2. Insurance forms and procedures.

* * * * *

(c) *Filing and copies.* [**Certificates**] **An original of each certificate** of insurance, surety [**bonds and notices**] **bond and notice** of cancellation shall be filed with the Commission [**in triplicate**]. An approved copy will be returned to sender if a self-addressed, stamped envelope is enclosed with the filing.

* * * * *

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 53. TARIFFS FOR NONCOMMON CARRIERS

INFORMATION FURNISHED WITH THE FILING OF RATE CHANGES

§ 53.51. General.

* * * * *

(b) Utilities [**with over \$100,000 gross revenues**] shall file with the Commission Secretary [**a minimum of eight copies**] **an original** of the proposed rate changes and of the data required under this chapter [**; all others shall so file a minimum of five copies**]. If necessary or appropriate, the Secretary shall request additional copies.

* * * * *

CHAPTER 54. ELECTRICITY GENERATION CUSTOMER CHOICE

Subchapter B. ELECTRICITY GENERATION SUPPLIER LICENSING

§ 54.32. Application process.

* * * * *

(c) An original [**and eight copies**] of the completed application and supporting attachments shall be filed. An application for a license shall be accompanied by the application fee as established in § 1.43 (relating to schedule of fees payable to the Commission).

* * * * *

Subchapter H. RETAIL ELECTRICITY CHOICE SALES ACTIVITY REPORTS

§ 54.203. Reporting requirements.

* * * * *

(b) *Report forms.*

* * * * *

(3) An EDC or active EGS shall file an original [**and two copies**] of a completed paper report form with the Commission's Secretary and [**CEEP**] **the Bureau of Technical Utility Services**. When the report form is filed electronically, one paper copy of the report form shall be filed with the Commission's Secretary no later than 15 days after the report is due **when the report form exceeds 250 pages**.

* * * * *

CHAPTER 57. ELECTRIC SERVICE

Subchapter G. COMMISSION REVIEW OF SITING AND CONSTRUCTION OF ELECTRIC TRANSMISSION LINES

§ 57.72. Form and content of application.

* * * * *

(d) Letter of notification in lieu of application:

* * * * *

(2) The applicant shall file with the Commission the original [**and six copies**] of the letter of notification and an affidavit of service showing the identity of those served under paragraph (3).

* * * * *

§ 57.74. Filing and service of application and notice of filing.

(a) *Filing.* The applicant shall file with the Commission the original [**and six copies**] of the application. An affidavit of service showing the identity of those served under subsections (b) and (c) shall accompany the original [**and the copies of the**] application filed with the Commission.

* * * * *

Subchapter L. ANNUAL RESOURCE PLANNING REPORT

§ 57.141. General.

(a) An electric distribution company (EDC), as defined in 66 Pa.C.S. § 2803 (relating to definitions), shall submit to the Commission the Annual Resource Planning Report (ARPR) that contains the information prescribed in this subchapter. An original [**and three copies**] of the report shall be submitted on or before May 1, 2000 and May 1 of each succeeding year. One copy of the report shall also be submitted to the Office of Consumer Advocate (OCA) and the Office of Small Business Advocate (OSBA). The name and telephone number of all persons having knowledge of the matters, and to whom inquiries should be addressed, shall be included.

* * * * *

Subchapter N. ELECTRIC RELIABILITY STANDARDS

§ 57.195. Reporting requirements.

(a) An EDC shall submit an annual reliability report to the Commission, on or before April 30 of each year.

(1) An original [**and six copies**] of the report shall be filed with the Commission's Secretary and one copy shall also be submitted to the Office of Consumer Advocate and the Office of Small Business Advocate.

* * * * *

(d) An EDC shall submit a quarterly reliability report to the Commission, on or before May 1, August 1, November 1 and February 1.

(1) An original [**and six copies**] of the report shall be filed with the Commission's Secretary and one copy shall also be submitted to the Office of Consumer Advocate and the Office of Small Business Advocate.

* * * * *

CHAPTER 59. GAS SERVICE

ANNUAL RESOURCE PLANNING REPORT

§ 59.81. Periodic reporting requirements for major gas utilities.

(a) For the purposes of this subchapter, each jurisdictional public utility with sales of 8 billion cubic feet per year or more including transportation volume shall submit to the Commission an annual integrated resource planning report. Except for Form 1A/2A, whose filing date is March 1, [**copies**] **an original copy** of the report shall be submitted on or before June 1, 1996, and June 1 of successive years. [**An original and five copies of**

the report shall be submitted.] This report shall include a plan that includes the past year's historical data, program changes, and the next 3-year forecast. One copy of the report shall also be submitted to the Office of Consumer Advocate, the Office of Small [**Business Advocate and the Office of Trial Staff**] **Business Advocate and the Bureau of Investigation and Enforcement.** The information contained within the report shall conform to the following requirements:

* * * * *

CHAPTER 62. NATURAL GAS SUPPLY CUSTOMER CHOICE

Subchapter D. LICENSING REQUIREMENTS FOR NATURAL GAS SUPPLIERS

§ 62.103. Application process.

* * * * *

(b) An original [**and eight copies**] of the completed application and supporting attachments shall be filed. [**An electronic copy of the application shall also be filed.**] An application for a license shall be accompanied by the application fee as established in § 1.43 (relating to schedule of fees payable to the Commission).

* * * * *

[Pa.B. Doc. No. 13-870. Filed for public inspection May 10, 2013, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Community and Economic Development

The Executive Board approved a reorganization of the Department of Community and Economic Development effective April 25, 2013.

The organization chart at 43 Pa.B. 2611 (May 11, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 13-871. Filed for public inspection May 10, 2013, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective April 25, 2013.

The organization chart at 43 Pa.B. 2612 (May 11, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 13-872. Filed for public inspection May 10, 2013, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

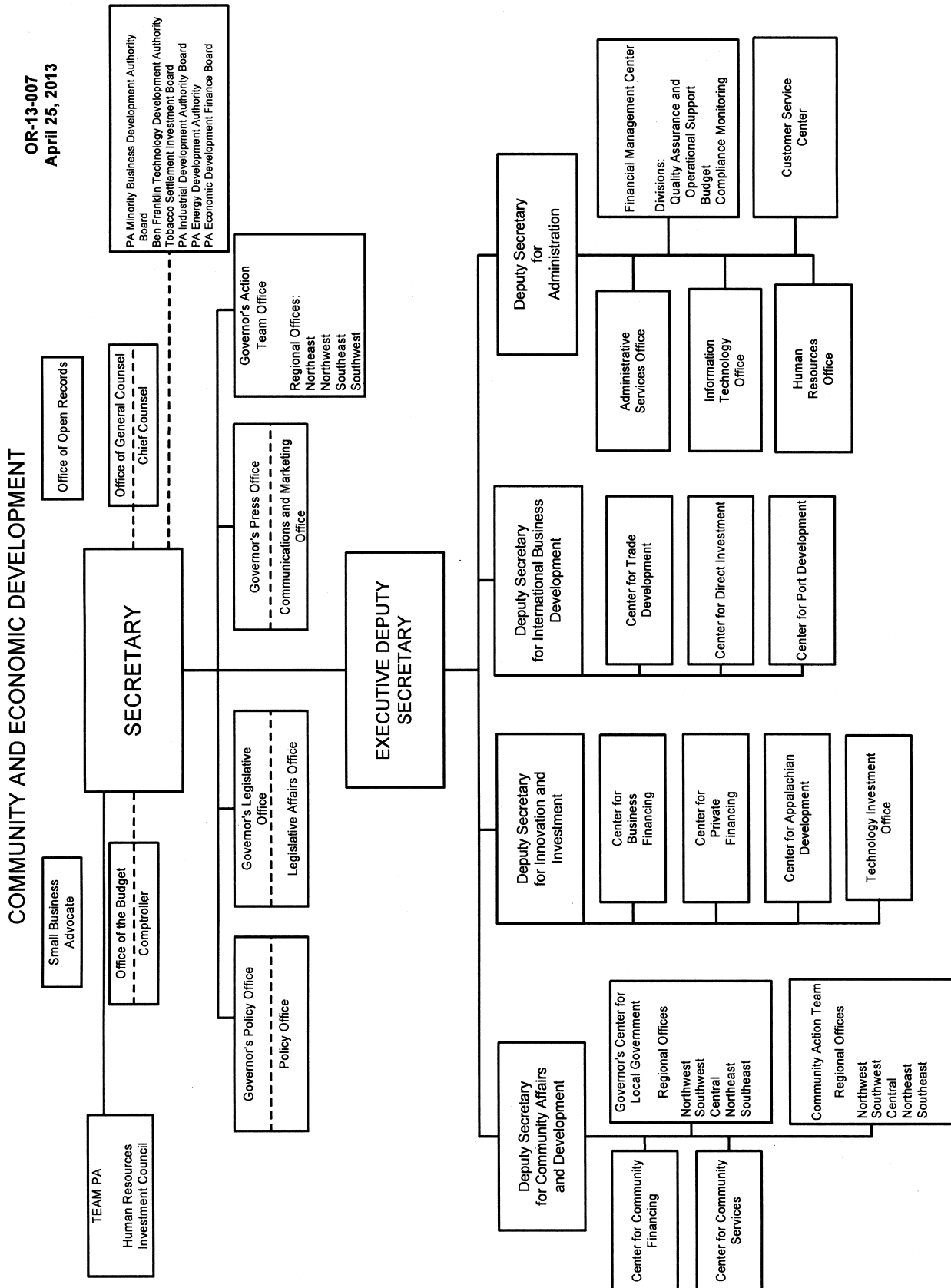
Reorganization of the Office of Inspector General

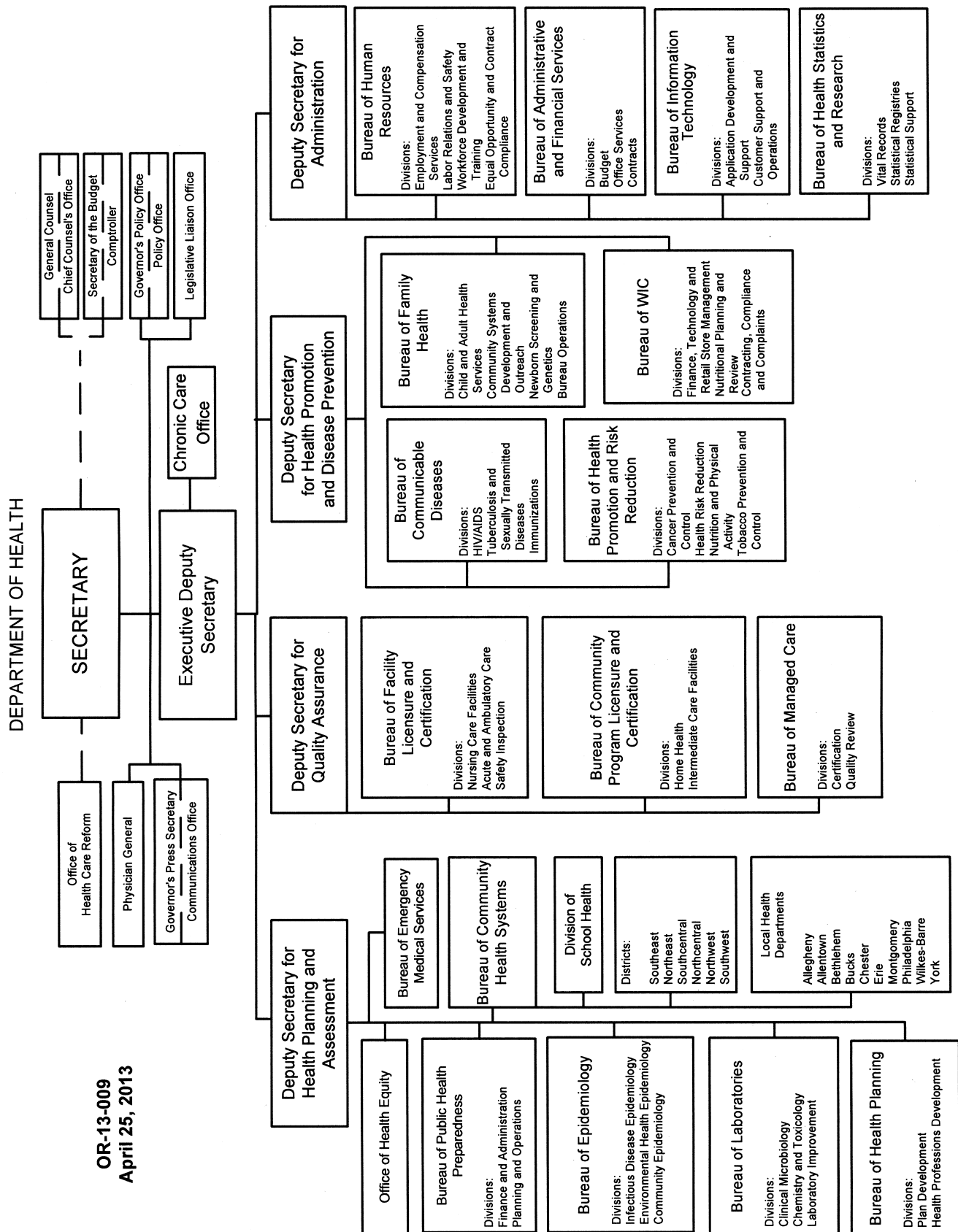
The Executive Board approved a reorganization of the Office of Inspector General effective April 25, 2013.

The organization chart at 43 Pa.B. 2613 (May 11, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

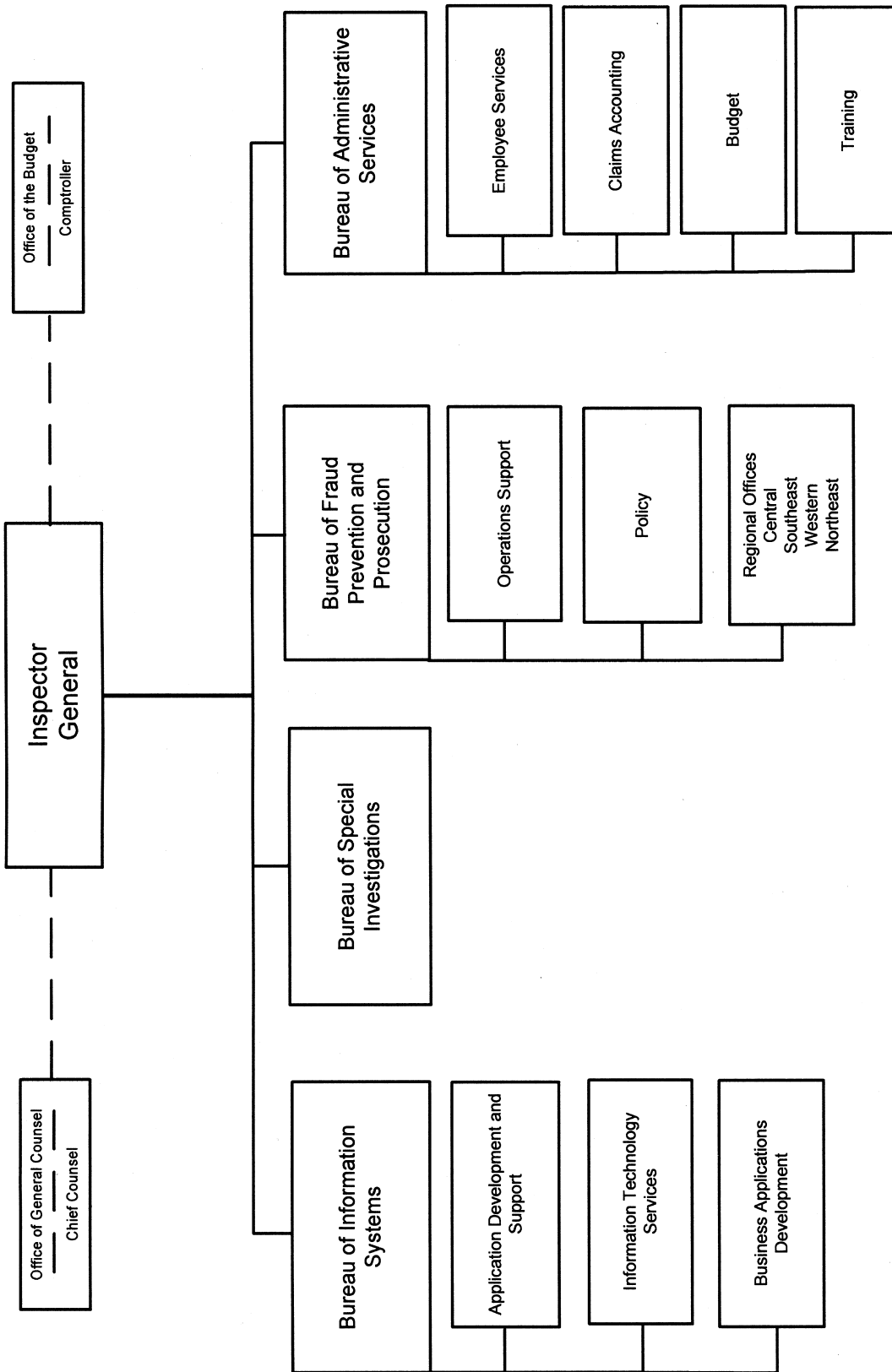
[Pa.B. Doc. No. 13-873. Filed for public inspection May 10, 2013, 9:00 a.m.]





OR-13-009
April 25, 2013

OFFICE OF INSPECTOR GENERAL



NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (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 and Securities 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 30, 2013.

Under section 503.E of the Department of Banking and Securities 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 and Securities, 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>
4-25-2013	Thomas M. Saltsgiver Application for approval to acquire up to 85.14% of the common stock of First Cornerstone Bank, King of Prussia.	Effective

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
4-26-2013	CNB Bank Clearfield Clearfield County Application for approval to merge The Farmers Citizens Bank, Bucyrus, OH, with and into CNB Bank, Clearfield.	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-24-2013	Noah Bank Elkins Park Philadelphia County	38 West 32nd Street New York New York	Approved

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-26-2013	Royal Bank America Narberth Montgomery County	<i>To:</i> 1230 Walnut Street Philadelphia Philadelphia County <i>From:</i> 30 South 15th Street Philadelphia Philadelphia County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-19-2013	Firsttrust Savings Bank Conshohocken Montgomery County	111 South Independence Mall East Philadelphia Philadelphia County	Closed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 13-874. Filed for public inspection May 10, 2013, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Emergency Solutions Grant Program

The Department of Community and Economic Development (Department), Center for Community Financing, is anticipating receiving funding through the United States Department of Housing and Urban Development (HUD) for the Emergency Solutions Grant. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), enacted into law on May 20, 2009, consolidates three of the separate homeless assistance programs administered by HUD under the McKinney-Vento Homeless Assistance Act into a single grant program, and revises the Emergency Shelter Grants program and renames it as the Emergency Solutions Grants program. The change in the program's name, from Emergency Shelter Grants to Emergency Solutions Grants, reflects the change in the program's focus from addressing the needs of homeless people in emergency or transitional shelters to assisting people to quickly regain stability in permanent housing after experiencing a housing crisis or homelessness, or both.

The Department will accept applications from any general purpose units of local government, including cities, boroughs and townships, towns, counties, home rule municipalities and communities that desire to apply on behalf of other municipalities. Priority will be given to nonentitled jurisdictions. However, the Department will consider funding applications received from all eligible government jurisdictions listed previously. Eligible activities include street outreach, shelter, rapid rehousing and homelessness prevention.

One copy of the application may be submitted to the Department's Customer Service Center, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 in accordance with the Department's Single Application requirements. A hard copy of the fully executed application must be sent to the Department's Customer Service Center at the address listed previously and a copy must also be sent to the appropriate regional office. The application window will open on May 10, 2013, and close at 5 p.m. on July 15, 2013. All applications must be submitted under the Single Application process by that time and hard copies of the application must be postmarked by the same date. Applications received prior to or after these dates may not be considered for funding.

Guidelines and application kit may be obtained by download from the Department's web site at www.newPA.com. A hardcopy of the kit may be received by contacting the Department's Center for Community Financing in

Harrisburg at (717) 787-5327, or the Department's regional offices. A copy may also be requested by persons with a disability who wish to submit an application in accordance with the provisions stated herein and who require assistance with that application and persons who require copies of this notice in an alternate format (large type, Braille, and the like) should contact Ed Geiger, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 787-5327, to discuss how the Department may best accommodate their needs. The following is the listing of the Department regional offices and the counties they serve:

Regional Offices

Southeast

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Department of Community and Economic Development
801 Market Street, Suite 6106
Philadelphia, PA 19107
(215) 560-2083

Northeast

Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties

Department of Community and Economic Development
409 Lackawanna Avenue
3rd Floor, Oppenheim Building
Scranton, PA 18503
(570) 963-4571

Central

Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York, Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties

Department of Community and Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120
(717) 720-7302

Southwest

Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties

Department of Community and Economic Development
301 5th Avenue, Suite 250
Pittsburgh, PA 15222
(412) 565-5002

Northwest

Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest,
Jefferson, Lawrence, McKean, Mercer, Potter, Venango and
Warren Counties

Department of Community and Economic Development
100 State Street, Suite 205
Erie, PA 16507
(814) 871-4241

Main Office

Center for Community Financing
400 North Street, 4th Floor
Commonwealth Keystone Building
Harrisburg, PA 17120
(717) 787-5327

C. ALAN WALKER,
Secretary

[Pa.B. Doc. No. 13-875. Filed for public inspection May 10, 2013, 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. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

I. NPDES Renewal Applications

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

<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>
PA0060437 (Sewage)	Pocono Waterworks Company, Inc. Pine Grove Estates WWTP 331 Plank Road Beach Lake, PA 18405	Wayne County Damascus Township	Unnamed Tributary to Delaware River (1-A)	Y

Southcentral Region: Clean Water 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>
PA0039730— (Sew)	Pure Events, LP— Lake Raystown Resort 100 Chipmunk Crossing Entriken, PA 16638-1000	Huntingdon County Lincoln Township	Tatman Run / CWF / 11-d	Y
PA0081981 (Sew)	Smithville Community, LLC 103 Taggart Drive Coatesville, PA 19320-1024	Lancaster County Providence Township	UNT to Huber Run / 7-K	Y
PA0088927 (CAFO)	John W. Keating, Sr. Keating Farm 1620 Beans Cove Road Clearville, PA 15535-8037	Bedford County Southampton Township	Lost Run / 13-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0217646 Sewage	Dunbar Boro/Twp Sew Auth Ranch Rd Dunbar, PA 15431	Fayette County Dunbar Boro	Dunbar Creek	Y

Northwest Region: Clean Water 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>
PA0240036 (Sewage)	Jack Brinling SFTF 7928 East Lake Road Erie, PA 16511	Erie County Harborcreek Township	Lake Erie (15-A)	Y
PA0222135 (Sewage)	Visionquest Fort Charles Young 555 S Penn Road Franklin, PA 16323	Venango County Sandycreek Township	Unnamed Tributary to Allegheny River (16-G)	Y

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

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

PA0060054, Sewage, SIC Code 7011, **Mt Airy 1 LLC**, 42 Woodland Road, Mount Pocono, PA 18344-9703. Facility Name: Mt Airy Casino & Resort. This existing facility is located in Paradise Township, **Monroe 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), Forest Hills Run, is located in State Water Plan watershed 1-E and is classified for High Quality Waters—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 0.22 MGD.

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

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Average Monthly</i>	
Dissolved Oxygen (Final)	XXX	XXX	7.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	2.0
Total Residual Chlorine (final)	XXX	XXX	XXX	0.5	XXX	1.0
CBOD ₅						
(Interim)	45.9	XXX	XXX	25	XXX	50
(Final)	18.35	XXX	XXX	10	XXX	20
Total Suspended Solids						
(Interim)	55.0	XXX	XXX	30	XXX	60
(Final)	18.35	XXX	XXX	10	XXX	20
Total Dissolved Solids	1,835	XXX	XXX	1,000	XXX	2000
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N (Interim)	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Final)	18.35	XXX	XXX	10.0	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31 (Interim)	5.5	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30 (Interim)	16.5	XXX	XXX	9.0	XXX	18.0
May 1 - Oct 31 (Final)	2.75	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30 (Final)	8.26	XXX	XXX	4.5	XXX	9
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Organic Carbon	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	3.7	XXX	XXX	2.0	XXX	4.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Upstream Report	Downstream Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Upstream Report	Downstream Report	XXX
Total Organic Carbon	XXX	XXX	XXX	Upstream Report	Downstream Report	XXX
Total Nitrogen	XXX	XXX	XXX	Upstream Report	Downstream Report	XXX
Total Phosphorus	XXX	XXX	XXX	Upstream Report	Downstream Report	XXX

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

- Instream monitoring

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.

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

PA0087483, Industrial, SIC Code 4911, **Elizabethtown Area Water Authority**, 211 W Hummelstown Street, Elizabethtown, PA 17022-2079. Facility Name: Cornwall Quarry Water Transfer System. This existing facility is located in West Cornwall Township, **Lebanon County**.

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

The receiving stream, Unnamed Tributary to Conewago Creek, is located in State Water Plan watershed 7-G 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 Outfall 001 are based on a design flow of 1.5 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Daily Average</i>		
Flow (MGD)	Report	1.5	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Daily</i>	<i>Maximum</i>	
Temperature (°F)						
Jan 1-31	XXX	XXX	XXX	40	XXX	XXX
Feb 1-29	XXX	XXX	XXX	40	XXX	XXX
Mar 1-31	XXX	XXX	XXX	46	XXX	XXX
Apr 1-15	XXX	XXX	XXX	52	XXX	XXX
Apr 16-30	XXX	XXX	XXX	58	XXX	XXX
May 1-15	XXX	XXX	XXX	64	XXX	XXX
May 16-31	XXX	XXX	XXX	68	XXX	XXX
Jun 1-15	XXX	XXX	XXX	70	XXX	XXX
Jun 16-30	XXX	XXX	XXX	72	XXX	XXX
Jul 1-31	XXX	XXX	XXX	74	XXX	XXX
Aug 1-15	XXX	XXX	XXX	80	XXX	XXX
Aug 16-31	XXX	XXX	XXX	87	XXX	XXX
Sep 1-15	XXX	XXX	XXX	84	XXX	XXX
Sep 16-30	XXX	XXX	XXX	78	XXX	XXX
Oct 1-15	XXX	XXX	XXX	72	XXX	XXX
Oct 16-31	XXX	XXX	XXX	66	XXX	XXX
Nov 1-15	XXX	XXX	XXX	58	XXX	XXX
Nov 16-30	XXX	XXX	XXX	50	XXX	XXX
Dec 1-31	XXX	XXX	XXX	42	XXX	XXX

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

The EPA Waiver is in effect.

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

PA0216399, Industrial Waste, SIC Code 4952, **Conemaugh Township Municipal Authority**, 113 S Main Street, Davidsville, PA 15928-9401. Facility Name: Conemaugh Township Municipal Authority WTP. This existing facility is located in Jenner Township, **Somerset 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), South Fork Bens Creek and Unnamed Tributary to South Fork Bens Creek, is located in State Water Plan watershed 18-E and is classified for Exceptional Value Waters and High Quality Waters—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 0.6192 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	0.75	XXX	1.5
Total Iron	XXX	XXX	XXX	1.5	XXX	3.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0117 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	0.75	XXX	1.5
Total Iron	XXX	XXX	XXX	2.0	XXX	4.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

The proposed effluent limits for Outfall 003 are based on a design flow of 0.0117 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	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 Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	0.75	XXX	1.5
Total Iron	XXX	XXX	XXX	1.5	XXX	3.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

The EPA Waiver is in effect.

PAS206108, Storm Water, SIC Code 3089, 3466, **Crown Cork & Seal**, 1840 Baldrige Avenue, Connellsville, PA 15425-5236. Facility Name: Crown Cork & Seal Connellsville Plant. This existing facility is located in Connellsville City, **Fayette County**.

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

The receiving stream(s), the Youghiogheny River, is located in State Water Plan watershed 19-D 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 precipitation induced design flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Aluminum	XXX	XXX	XXX	XXX	XXX	Report
Total Iron	XXX	XXX	XXX	XXX	XXX	Report
Total Zinc	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 002 are based on a precipitation induced design flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Aluminum	XXX	XXX	XXX	XXX	XXX	Report
Total Iron	XXX	XXX	XXX	XXX	XXX	Report
Total Zinc	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 003 are based on a precipitation induced design flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	XXX	Report
Total Aluminum	XXX	XXX	XXX	XXX	XXX	Report
Total Iron	XXX	XXX	XXX	XXX	XXX	Report
Total Zinc	XXX	XXX	XXX	XXX	XXX	Report

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.

PA0090328, Industrial Waste, SIC Code 2011, **Green Valley Packing Inc.**, 2992 Green Valley Road, Claysville, PA 15323-1360. Facility Name: Green Valley Packing. This existing facility is located in Buffalo Township, **Washington 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 Buffalo Creek, is located in State Water Plan watershed 20-E and is classified for High Quality Waters—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 0.005 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Min	XXX	9.0
Total Residual Chlorine	XXX	XXX	1.4	XXX	3.3
BOD ₅	0.75	1.5	10	20	XXX
Total Suspended Solids	0.75	1.5	10	20	XXX
Oil and Grease	0.88	1.76	10	20	XXX
Fecal Coliform (CFU/100 ml)					
May 1 - Sep 30	XXX	XXX	200	400	XXX
Oct 1 - Apr 30	XXX	XXX	400	1,000	XXX
Ammonia-Nitrogen					
May 1 - Oct 31	XXX	XXX	1.5	3.0	XXX
Nov 1 - Apr 30	XXX	XXX	4.5	9.0	XXX
Total Aluminum	XXX	XXX	2.0	4.0	XXX
Total Mercury	XXX	XXX	0.00005	0.0001	XXX

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.

PA0027464, Sewage, **Pleasant Hills Authority**, 610 Old Clairton Road, Pittsburgh, PA 15236. Facility Name: Pleasant Hills Wastewater Treatment Plant. This existing facility is located in South Park Township, **Allegheny County**.

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

The receiving stream(s), Lick Run, is located in State Water Plan Watershed 19-C 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 Outfall 001 are based on a design flow of 5 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>			<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD ₅						
May 1 - Oct 31	834.0	1,251.0	XXX	20	30	40
Nov 1 - Apr 30	1,042.5	1,584.6	XXX	25	38	50
BOD ₅						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	1,251.0	1,876.5	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	62.6	95.9	XXX	1.5	2.3	3.0
Nov 1 - Apr 30	104.3	158.5	XXX	2.5	3.8	5.0
Ultraviolet Disinfection Light Transmittance (mjoules/cm ²)	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The EPA Waiver is not in effect.

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

PA0272621, Sewage, SIC Code 4952, 8811, **Chambers Larry**, 2320 William Flynn Highway, Butler, PA 16001. Facility Name: Larry Chambers SRSTP. This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream is an unnamed tributary to Muddy Creek, located in State Water Plan watershed 20-C and classified for High Quality Waters—Cold Water Fish, 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 0.0004 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly			Average Monthly		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Geo Mean						

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

The EPA Waiver is in effect.

PA0272655, Sewage, SIC Code 8811, **Sandra Hutchison**, 105 Fern Lane, Butler, PA 16001. Facility Name: Sandra Hutchison SRSTP. This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sanitary wastewater.

The receiving stream, an Unnamed Tributary to Swamp Run, is located in State Water Plan watershed 20-C and is classified for High Quality Waters—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 0.0004 MGD.

Parameters	Mass (lbs/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly			Average Monthly		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
BOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
Geo Mean						

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

The EPA Waiver is in effect.

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

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

WQM Permit No. WQG02151304, Sewage, **Tredyffrin Township**, 1100 DuPortail Road, Berwyn, PA 19312.

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

Description of Action/Activity: Construction and operation of pump station and force main for 2 lot subdivision.

WQM Permit No. 0913402, Sewage, **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912.

This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Action/Activity: Modifications to the Buckingham Village Wastewater Treatment Plant.

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

WQM Permit No. 3185402, Transfer #3, Sewerage, **Pure Events, LP, Lake Raystown Resort**, 100 Chipmunk Crossing, Entriken, PA 16638-1000.

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

Description of Proposed Action/Activity: Transfer of Permit.

WQM Permit No. 2213402, Sewerage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109.

This proposed facility is located in Lower Paxton Township and Susquehanna Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction of wastewater interceptor to convey flow from Lower Paxton Township to Susquehanna Township.

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

WQM Permit No. WQG01431301, Sewerage, **Gary A & Virginia P Zimmer**, 111 Creek Road, Sandy Lake, PA 16145.

This proposed facility is located in Sandy Lake Township, **Mercer County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

WQM Permit No. 4213201, Industrial Waste, **Clermont Water Association**, 14200 Wilcox Road, Mount Jewett, PA 16740.

This proposed facility is located in Sergeant Township, **McKean County**.

Description of Proposed Action/Activity: Discharge of backwash water from water treatment system to tank and sand bed with groundwater discharge.

WQM Permit No. 2503428, Sewage, **Keith C & Mary M Schloss**, 5704 Jones Lane, Erie, PA 16505.

This existing facility is located in Conneaut Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of permit for a single residence sewage treatment plant.

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 18701-1915.

Lehigh County Conservation District: Lehigh County Ag Center, 4184 Dorney Park Rd., Ste. 105, Allentown, PA 18104, 610-391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023912028	Howard Lee Trinity Wesleyan Church 6735 Cetronia Rd. Wescosville, PA 18106	Lehigh	Upper Macungie Twp.	Little Lehigh Creek, HQ-CWF, MF
PAI023913002	Robert Van Naarden Delta Thermo Energy A, Inc. 1210 Northbrook Corporate Center, Ste. 100 Trevose, PA 19053	Lehigh	City of Allentown	Little Lehigh Creek, HQ-CWF, MF

Schuylkill County Conservation District: 1206 Ag Center Drive, RR 5, Box 5810, Pottsville, PA 17901, 570-622-3742.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025411002(3)	Eagle Rock Resort Company Attn: Dan Durange 1 Country Club Rd. Hazle Township, PA 18202	Schuylkill	North Union Twp.	Little Crooked Run, HQ-CWF, MF; Little Tomhicken Creek, CWF, MF

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041813002	Henry Street Partnership Jay Alexander PO Box 277 McElhattan PA 17745	Clinton	Pine Creek Township	UNT to Pine Creek HQ-TSF Existing Use EV

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050213001	Henry & Karen Thorne 145 Hidden Valley Drive Pittsburgh, PA 15237	Allegheny	Sewickley Heights Borough	Little Sewickley Creek (HQ-TSF)

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050213002	Borough of West Mifflin 3000 Lebanon Church Rd W. Mifflin, PA 15122	Allegheny	West Mifflin Borough	Thompson Run (WWF)
PAI055613002	Ridge Energy Company, Inc. 265 Swamp Road Suite 300 Clymer, PA 15728	Somerset	Stonycreek Township	Schrock Run (CWF)
PAI056313002	Kurt Subrick 121 W. Patterson Road Eighty-Four, PA 15330	Washington	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)

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

PAG-12 CAFOs

CAFO Notices of Intent Received

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

PAG123596, CAFO, **A. Wayne Rudolph**, 2129 Grace Avenue, Lebanon, PA 17046.

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

Description of Size and Scope of Proposed Operation/Activity: 170 AEU existing poultry operation.

The receiving stream, UNT of Swatara Creek, is in watershed 7-D, and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100 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.

PAG123531, CAFO, **Herman Zeager, Zeager & Sons**, 159 Yoder Road, Bainbridge, PA 17502.

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

Description of Size and Scope of Proposed Operation/Activity: Permit Renewal of 458.8 AEU Swine Operation.

The receiving stream, UNT of Snitz Creek, is in watershed 7-G, and classified for: WWF.

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.

PAG123659, CAFO, **Herman Zeager, Brookside Acres**, 159 Yoder Road, Bainbridge, PA 17502.

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

Description of Size and Scope of Proposed Operation/Activity: Permit Renewal of 615.8 AEU Swine Operation.

The receiving stream, UNT of Conewago Creek, is in watershed 7-G, and classified for: TSF.

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

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

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 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.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at

the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdn.net/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<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>
Jubilee Dairy Jeff Nissley 1306 Pecks Road Middletown, PA 17057	Dairy	10.3 (5.4 acres available for manure application)	410.93	Dairy	None (TSF)	New
Farm Address: 1612 Pecks Road Middletown, PA 17057						

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Permit No. 2813502, Public Water Supply.

Applicant	The Pennsylvania State University
Municipality	Quincy Township
County	Franklin
Responsible Official	Ian M Salada, Manager of Engineering Services 101 P Office of Physical Plant University Park, PA 16802-1118
Type of Facility	Public Water Supply
Consulting Engineer	Timothy E Debes MS CES, P.E. Nutech Design Associates Inc. 3687 Concord Road York, PA 17402
Application Received:	4/12/2013
Description of Action	Construction of a new water treatment building to be located on the Mont Alto Campus.

Permit No. 3613502, Public Water Supply.

Applicant	Good Enterprises, Ltd.
Municipality	Leacock Township
County	Lancaster
Responsible Official	Larry L Miller, Water System Operator 2021 Horseshoe Road Lancaster, PA 17602
Type of Facility	Public Water Supply

Consulting Engineer David Lewis, P.E.
337 Furnace Hill Road
Elizabethtown, PA 17022

Application Received: 4/15/2013

Description of Action The Good Scoop—Installation of a nitrate treatment system.

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

Permit No. 0208505—Returned, Public Water Supply.

Applicant **Belle Vernon Municipal Authority**
10 Main Street
Belle Vernon, PA 15012

[Borough or Township] Belle Vernon Borough

County **Fayette**

Type of Facility Water treatment system

Consulting Engineer Fayette Engineering Company, Inc.
2200 University Drive
PO Box 1030
Uniontown, PA 15401

Application returned April 30, 2013

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. 3913503MA, Minor Amendment.

Applicant **Whitehall Township Authority**
1901 Schadt Avenue
Whitehall, PA. 18052

[Township or Borough] Whitehall Township
Lehigh County

Responsible Official Mr. Douglas Bowen
Authority Manager

Type of Facility Public Water Supply

Consulting Engineer Keystone Consulting Engineers, Inc.
c/o Timothy Miller, PE
6235 Hamilton Blvd.
Wescoville, PA. 18106

Application Received Date April 11, 2013

Description of Action Revision to existing 1 MG Schadt Avenue Storage Tank to add a solar powered mixer to improve water circulation in the summer months.

Application No. 2350001MA Minor Amendment

Applicant **Doug Leader**

[Township or Borough] Scott Township
Lackawanna County

Responsible Official Doug Leader

Type of Facility Community Water System

Consulting Engineer NA

Application Received Date April 23, 2013

Description of Action Application to transfer the PWS operation permit for Scott Mobile Home Park from Robert Leader to Doug Leader.

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

Application No. 2491502-MA3, Minor Amendment.

Applicant **Borough of Ridgway**

Township or Borough Ridgway Borough

Responsible Official Paul McCurdy

Type of Facility Public Water Supply

Consulting Engineer Timothy P. Wells, P.E.
Hill Engineering, Inc.
8 Gibson Street
North East, PA 16428

Application Received Date April 11, 2013

Description of Action Set up two bulk water loading stations located at Gillis Avenue and St. Leo's Avenue to supply water to frack water haulers and landscape contractors.

Application No. 4273501-MA3, Minor Amendment.

Applicant **Port Allegany Borough**

Township or Borough Port Allegany Borough

Responsible Official Richard L. Kallenborn

Type of Facility Public Water Supply

Consulting Engineer David A. Neill, P.E.
The EADS Group, Inc.
15392 Route 322
Clarion, PA 16214

Application Received Date April 17, 2013

Description of Action Bulk water loading station for oil and gas industry.

WATER ALLOCATIONS

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

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

WA3-1011, Water Allocations—RETURN. Ford City Borough, 1000 4th Avenue, Ford City, PA 16226, **Armstrong County**. The applicant is requesting the right to withdraw 2,600,000 gallons of water per day, peak day, from their wells along the Allegheny River.

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

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

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

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

Winnan Residence, Middletown Township, **Montgomery County**. Mr. Ryan Winnan, 49 Towns Road, Levittown, PA 19056 on behalf of Rich Guglielmelli, R.G. Excavating, 1790 Twining Road, Willow Grove, PA 19090 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.

McMillian Residence, Lower Merion Township, **Bucks County**. Samuel F. McMillian, Elizabeth F. McMillian Estate, 68 Carey Road, Succasunna, NJ 07876 on behalf of Keith Savel, Prime Environmental Incorporated, 28 East Hanover Avenue, Morris Plains, NJ 07050 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.

Vengrofski Residence, Falls Township, **Bucks County**. Ann v. Kelly/Successor Trustee, Frank A. Vengrofski and Mary L. Vengrofski Revocable Living Trust, 3304 Pastern Court, Lexington, KY 40513 on behalf of John Mihalich, AMEC, 502 West Germantown Pike, Suite 850, Plymouth Meeting, PA 19462 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.

Moyer Residence, Willistown Township, **Chester County**. Randall Moyer & Sallie Gaynor-Moyer, 22 Harvey Lane, Malvern, PA 19355 on behalf of Jeremy Bolyn, Environmental Maintenance Company, Inc. 1420 East Mermaid Lane, Glenside, PA 19038 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 Local News* on April 4, 2013.

Maggio Residence, Northampton Township **Bucks County**. Vincent and Linda Maggio, 35 Spring Hill Road, Holland, PA 18966 on behalf of Thomas M. Hippensteal, PG, Envirosearch Consultants, Inc., PO Box 940, Spring House, PA 19477 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.

National Heat & Power and 49th Street Terminal, City of Philadelphia, **Philadelphia County**. Elizabeth Gabor, Real Estate Manager, Philadelphia Authority for Industrial Development, 2600 Centre Square West, 1500 Market Street, Philadelphia, PA 19102 on behalf of Jennifer L. Gresh, P.G., Duffield Associates, Inc., 211 North 13th Street, Philadelphia, PA 19107 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of voc's, lead and pah's. 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 *Philadelphia Tribune* on April 4, 2013.

Proposed Residence/Commercial Development, Lansdale Borough, **Montgomery County**. Daniel Dunigan, Lansdale Parking Authority, 1 Vine Street, Lansdale, PA 19446 on behalf of Jeffery T. Bauer, P.G., Whitestone Associates, Inc., 1600 Manor Drive, Suite 220 Chalfont, PA 18914 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of arsenic and benzo. The site is proposed for residential and commercial use.

501 Hannum Avenue Site, Borough of West Chester, **Chester County**. Dean DeFelippes, Mebert, LLC, P.O. Box 1006, Westtown, PA 19395 on behalf of Michael S.

Welsh, P.E., Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of used motor oil. The intended future use is commercial.

Chestnut Place, Ambler Borough, **Montgomery County**. John Eccleston, Caddick Construction Company, P. O. Box 179, 254 South Main Street, Ambler, PA 19002 on behalf of Paul Martino, P.G. 3001 Market Street, Philadelphia, PA 19104, Arnold Frumin, AMA/American Marketing Association, Inc., 57 Old Post No. 2 Road, Greenwich, CT 06830, Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of other organics, inorganics and pah. The future use of the site will remain the same.

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

Faulkner Hyundai of Harrisburg / Former Faulkner Pontiac/GMC, 2060 Paxton Street, Harrisburg, PA 17111, Swatara Township, **Dauphin County**. Hafer Environmental Services, Inc., PO Box 4418, Reading, PA 19606, on behalf of Faulkner Hyundai of Harrisburg, 2060 Paxton Street, Harrisburg, PA 17111 and Henry Faulkner III Trust, 4437 Street Road, Trevoise, PA 19053, submitted a Notice of Intent to Remediate. Soils have been contaminated with hydraulic oil, diesel fuel, and gasoline from the operation of a vehicle repair facility. The site will continue as an automobile dealership and repair facility, and the proposed cleanup standard is Residential Statewide Health. The Notice of Intent to Remediate was published in the *Patriot-News* on April 11, 2013.

RESIDUAL WASTE GENERAL PERMITS

Application Received for Determination of Applicability 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 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. WMGR019D006. Beyond Corp., LLC, 3350 West State Street, Edinburg, PA 16116. The Department of Environmental Protection, Bureau Waste Management has received an application for a determination of applicability under the General Permit Number WMGR019. General Permit Number WMGR019 authorizes the beneficial use of waste foundry sand as a soil additive or soil substitute. The Department determined the application to be administratively complete on April 4, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number

WMGR019D006" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability Renewal Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; 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. WMGM019D001. Horgan Recycling, Inc., 2188 Detwiler Road, Harleysville, PA 19348.

The Department of Environmental Protection, Bureau Waste Management has received an application for a renewal of a determination of applicability (DOA) under the Municipal Waste General Permit No. WMGM019 for the West Point Pike facility, located in **Montgomery County**. This general permit is for the processing and beneficial use of: (1) concrete and asphalt as construction material and (2) hardwood timber and uncontaminated soil to create topsoil and mulch for commercial purposes. The Department determined the DOA application to be administratively complete on April 9, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGM019D001" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

General Permit Application No. WMGM019. Valley Forge Inc., 462 Glennie Circle, King of Prussia, PA 19406.

The Department of Environmental Protection, Bureau Waste Management has received an application for a renewal of General Permit No. WMGM019 from Valley Forge Inc., located in **Montgomery County**. This general permit is for the processing and beneficial use of: (1) concrete and asphalt as construction material and (2) hardwood timber and uncontaminated soil to create topsoil and mulch for commercial purposes. The Department determined the renewal of the DOA application to be administratively complete on April 9, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA

17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGM019" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Approved Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; 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. WMGR083D001. Matt Canestrone Contracting, Inc., P. O. Box 234, Belle Vernon, PA 15012-0234.

The Department of Environmental Protection, Bureau Waste Management has received an application for a renewal of a determination of applicability (DOA) under the Residual Waste General Permit No. WMGR083 for the LaBelle Refuse Site, located in Luzerne Township, **Fayette County**. General permit WMGR083D001 allows the processing of dewatered dredge waste for beneficial use as a final cover at the LaBelle Refuse Site. The Department has determined the DOA application to be administratively complete on April 16, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGM083D001" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) approved Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1916

Permit Application No. 100020. IESI Bethlehem Landfill Corporation, 2335 Applebutter Road, Bethlehem, PA 18015. A permit renewal for the continued operation of this municipal waste landfill located in

Lower Saucon Township, **Northampton County**. The application was approved by the Northeast Regional Office on April 17, 2013.

Persons interested in reviewing the permit may contact William Tomayko, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Application(s) received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

Permit Application No. 101312. Waste Management of Pennsylvania, Inc., 2710 Golden Key Road, Kutztown, PA 18072, Coal Township, Northumberland County. Renewal of a municipal waste transfer station permit for a facility located in Coal Township. The application was received by Northcentral Regional Office on April 22, 2013.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

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

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

PA 66-00001A: Procter and Gamble Paper Co. (P. O. Box 32, Route 87 South, Mehoopany, PA 18629) this is a correction to the publication on April 13, 2013 in that the incorrect plan approval number (66-315-058) was identified and that this publication identifies the correct plan approval number (66-00001A) for construction and operation of the following in Washington Township, **Wyoming County**: P&G proposes to add 38 new date coders to its diaper production lines.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. Also, the company shall be required to monitor and record VOC emissions.

Additionally a PSD and NSR applicability analysis was conducted to determine if the Project would result in a significant net increase of any regulated pollutant. This analysis took into account emission increases attributable to the installation of the modification to the diaper lines, emission increases during the contemporaneous period, and emission decreases. The analysis has determined that the proposed modification project to the converting lines does not trigger the requirements of Prevention of Significant Deterioration or Nonattainment New Source Review permitting regulations.

This facility is a Title V facility. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the operations within all applicable air quality requirements.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

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

Under 25 Pa. Code §§ 127.44(b) and 127.424(b) the Department of Environmental Protection (DEP) intends to issue Plan Approval 37-332B to Amerikohl Aggregates, Inc. for modifications to a limestone processing plant at their McMillin Mine facility located on Chewton-Wurtemberg Rd., Wayne Township, Lawrence County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 37-332B is for modifications to an existing limestone processing plant, which will consist of the addition of a second crusher, installation of an additional 300 bhp diesel-fired generator, and the replacement of an existing 167 bhp diesel-fired generator with a 142 bhp diesel-fired generator. These modifications will result in an increase in permitted throughput from 650,000 to 840,000 tons per year of material processed by this facility. BAT for this equipment will consist of the use of water spray dust suppression system(s) on crushers and screeners, and the use of Best Management Practices to limit fugitive particulate matter emissions from paved and unpaved roads. Based on the information provided by the applicant and DEP's own analysis, the subject source(s) will emit a maximum of 48.1 tons of particulate matter, 15.0 tons of which will be particulate matter less than 10 microns (PM-10), 4.8 tons of carbon monoxide, 5.9 tons of combined nitrogen oxides (NO_x) and volatile organic compounds (VOC), and 1.9 tons of sulfur oxides per year.

The facility will be limited to an annual throughput not to exceed 840,000 tons per year of material processed, and will be subject to the applicable requirements of 40 CFR Subparts OOO (Standards of Performance for Non-metallic Mineral Processing Plants) and IIII (Standards of Performance for Stationary Compression Ignition Internal Combustion Engines). The Plan Approval will contain testing, monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 37-332B and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department deter-

mines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

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

15-00118: Allan A. Myers, L.P.—d/b/a Independence Construction Materials, Devault Quarry (Rte. 29, (Devault) Charlestown Township, PA 19432) for a non-Title V, State Only, Natural Minor operating permit in Charlestown Township, **Chester County**. This action is a renewal of the State Only Operating Permit. The permit was initially issued on 9-17-2008 and will expire on 10/31/2013. The Devault Stone Quarry consists of an 800 tons per hour primary jaw crusher, a 500 tons per hour secondary crusher, a 250 tons per hour tertiary cone crusher, and two (2) portable nonmetallic mineral processing plants, each rated at 800 tons per hour. The plant utilizes a water spray wet suppression system to control particulate matter emissions.

The renewed permit will include monitoring, record-keeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

39-00003: Apollo Metals, LTD. (1001 14th Avenue, Bethlehem, PA 18018) for electroplating operations in the City of Bethlehem, **Lehigh County**. The sources consist of two (2) boilers using natural gas and #4 fuel oil with a rated heat input greater than 10 MMBtu/hr., a brass evaporative recovery process, and a copper evaporative recovery process. The control devices for the sources are scrubber systems. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO); total suspended particulate (TSP) and VOC's. This is a new State-Only Synthetic Minor operating permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

21-05037: Union Quarries, Inc. (PO Box 686, Carlisle, PA 17013) for their limestone crushing and asphalt plants in South Middleton Township, **Cumberland County**.

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

The subject facility employs wet suppression and a fabric filter to control particulate matter (PM) emissions from limestone crushing, screening and handling. The crushing plant includes equipment subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. The asphalt plant includes a fabric filter to control particulate matter (PM) emissions. The asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

William R. Weaver, Regional Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

49-00026: Ergon Asphalt & Emissions, Inc.—d/b/a Crafcro, Inc. (4th & Duke Streets, Northumberland, PA, 17857) to issue a renewal state only operating permit for their facility in Point Township, **Northumberland County**. The facility is currently operating under State Only Operating Permit 49-00026. The facility's sources include an 8.4 million Btu per hour natural gas/#2 oil-fired oil heater, a 1.45 million Btu per hour natural gas/#2 oil-fired oil heater, thirty-nine volatile organic compound/hazardous air pollutant-containing storage tanks, four asphalt mix tanks, a truck rack loading operation, a clay storage silo and bagged clay loading auger, a rubber grinder and two remote reservoir degreasers. The facility has potential emissions of 6.26 tons per year of nitrogen oxides, 3.59 tons per year of carbon monoxide, 8.88 tons per year of sulfur oxides, 12.48 tons per year of particulate matter, 38.28 tons per year of volatile organic compounds and 3.97 tons per year of total HAPs. No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the NMOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal

business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 49-00026) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to David 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.

18-00026: First Quality Products, Inc. (121 North Road, McElhattan, PA 17748) for their sanitary paper manufacturing facility in Wayne Township, **Clinton County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 11.63 TPY of NO_x; 2.94 TPY of CO; 0.05 TPY of SO_x; 0.88 TPY of PM/PM₁₀; 18.82 TPY of VOC; 1.48 TPY of VHAPs; 0.71 TPY of Acetone and 9539 TPY of GHGs. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, Pa 17701.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Muhammad Q. Zaman, Environmental Program Manager, may be contacted at 570-327-3648, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

12-00002: GKN Sinter Metals, Inc. (15420 Route 120, PO Box 493, Emporium, PA 15834) for their powdered metal production facility located in Shippen Township, **Cameron County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 1.32 TPY of NO_x; 1.11 TPY of CO; 0.01 TPY of SO_x; 0.87 TPY of PM/PM₁₀; 46.93 TPY of VOC; and 2.50 TPY of HAPs. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, Pa 17701.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

Muhammad Q. Zaman, Environmental Program Manager, may be contacted at 570-327-3648, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

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

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

65-00830: Menasha Corp.—Yukon Plant (Route 70, P. O. Box 418, Yukon, PA, 15698-0418) for operation of a corrugated container manufacturing facility in Sewickley Township, **Westmoreland County**.

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

There are two main sources of emissions at this facility: a 20.92 mmbtu/hr, natural gas-fired Cleaver Brooks model #CB 200-500 boiler used to provide process steam for the corrugation process and fugitive VOC emissions from printing inks which are emitted either in the ink kitchen where they are prepared or from the die cutting machines where they are applied. There are some minor sources of emissions as well including small natural

gas-fired space heaters, a waste oil-fired heater, adhesive usage, a parts washer, a starch silo equipped with a bin vent filter, particulate emissions from die cutters and other cardboard cutting and scrap handling equipment, and cyclone separators which are actually used more for scrap cardboard recycling than for dust control.

The potential emissions from the facility are estimated to be: 13.8 tpy NO_x, 11.5 tpy CO, 1.9 tpy SO_x, 0.3 tpy PM, 0.3 tpy PM₁₀, 5.7 tpy VOC, and 0.2 tpy HAPs.

The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. Particulate matter emissions from any stacks are not to exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes emission limits as well as operation, monitoring, reporting, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Nick Waryanka, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (65-00830) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Mr. Nick Waryanka, Air Quality Engineer, at the same address or phone at (412) 442-4172.

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

65-00966: Greensburg Thermal, LLC, (755 Opossum Lake Road, Carlisle, PA, 17013), Minor Source Operating Permit for the operation of a coal, waste coal, biomass-fired steam generation plant, known as the Greensburg Thermal Steam Plant, located in Hempfield Township, **Westmoreland County**.

The facility contains air contamination sources consisting of a coal/waste coal/biomass-fired, 20.7 MMBtu/hr CFB boiler, two, 9.9 MMBtu/hr, backup boilers, fired by either propane or No. 2 Fuel Oil, coal handling equipment, and three storage silos for limestone, sand, and ash. On the CFB boiler, NO_x emissions are controlled by flue gas recirculation, SO₂ emissions are controlled by limestone injection, and particulate is controlled by fabric filtration. This facility has the potential to emit the following type and quantity of pollutants: 69.0 tons per year of NO_x, 38.5 tons of SO₂, 21.5 tons per year of CO, 0.3 ton per year of VOC, 2.0 tons per year of PM₁₀, 1.4

tons per year of hydrochloric acid, 1.8 tons per year of the sum of all Hazardous Air Pollutants combined, and, 36,836 tons of CO₂e greenhouse gases. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to state requirements, as well as 40 CFR 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units and 40 CFR 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility. No emission or equipment changes are authorized by this action.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this State Only Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit OP-65-00966) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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

Contact: Matthew M. Williams—Telephone: 814-332-6131

10-00309: Harsco Metals—Butler (Route 6, South Butler, PA 16001) for renewal of the Natural Minor Operating Permit in the City of Butler, **Butler County**. The facility is processing slag generated from furnaces. The facility's emitting sources included: 1) Automated Material Processing Plant, 2) Scalper Screens and, 3) Ferro Cut Torch. The emissions from the facility are less than Title V threshold limits. Thus, facility is natural minor. The allowable total particulate emission restriction for the Ferro Cut Torch exhaust from the baghouse is 5.58 tons per year. The particulate emissions from the remaining sources are controlled by water spray.

25-00090: Zurn Industries, LLC (1301 Raspberry Street, Erie, PA 16502) to renew a State Only Operating Permit for the Cast Metals Division facility in the City of Erie, **Erie County**. The facility is a Synthetic Minor. The primary sources at the facility include emissions from cupolas, sand handling, casting, paint dip operations, Wheelabrator, and the shell core room. This facility is subject to 40 CFR Part 63 Subpart ZZZZZ, the NESHAPs for Iron & Steel Foundries, for which the

applicable requirements are included in the renewal permit. The facility has taken a federally-enforceable operating hour restriction of 2,550 hours per year. Potential emissions from the facility are < 10 tpy for any single HAP and < 25 tpy total HAPs; VOC's < 50 tpy; NO_x < 100 tpy; CO < 100 tpy; PM < 100 tpy. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

33-00010: Humphrey Charcoal (PO Box 440, Brookville, PA 15825) to renew a State Only Operating Permit for the charcoal briquette processing and bagging facility in Pine Creek Township, **Jefferson County**. The facility is a Natural Minor. The primary sources at the facility include a natural gas space heater, a natural gas boiler rated < 2.5 million Btu/hr, material stockpiles, material handling, charcoal briquette process, lump charcoal process, a natural gas briquette dryer, and bagging operations. Potential emissions from the facility are NO_x < 2 tpy; and PM < 1 tpy. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00339: Supreme-DSC Dredge, LLC (327 Billy Boyd Road, Stoneboro, PA 16153) to renew a State Only Operating Permit for their Metal Fabrication facility in New Vernon Township, **Mercer County**. The facility is a Natural Minor. The primary sources at the facility include emissions from metal blasting and metal coating operations. Potential emissions from the facility are HAPs < 2 tpy; VOC's < 2 tpy; PM < 1 tpy. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

N12-016: Bartash Printing, Inc. (5400 Grays Avenue, Philadelphia, PA 19143) for operation of a printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include five (5) lithographic presses and one (1) No. 2 oil fired emergency generator.

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

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

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal 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 and request for Section 401 water quality certification 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

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

32131303. Western Allegheny Energy, LLC, (301 Market Street, Kittanning, PA 16201). To operate the Crooked Creek Mine in Washington Township and Creekside Borough, **Indiana County**. Underground Acres Proposed 6,642.1, Subsidence Control Plan Acres Proposed 6,642.1. No discharges. The first downstream potable water supply intake is Indiana County Municipal Services Authority and intake Crooked Creek. The application was considered administratively complete on April 23, 2013. Application received March 4, 2013.

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

11970201 and NPDES No. PA0234648. Maple Coal Company, 254 Interpower Drive, Colver, PA 15927, permit renewal for the continued operation and restoration of a bituminous surface mine in Barr Township, **Cambria County**, affecting 47.1 acres. Receiving stream(s): unnamed tributary to/and Elk Creek classified for the following use(s): cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received January 22, 2013.

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

63050101. S & K Energy, Inc. (5945 Pudding Stone Lane, Bethel Park, PA 15102). Application received for transfer of permit currently issued to Mulligan Mining, Inc., for continued reclamation of a bituminous surface mining site located in Smith Township, **Washington County**, affecting 55.9 acres. Receiving streams: unnamed tributaries to Raccoon Creek and unnamed tributaries to Little Raccoon Run and Raccoon Creek, classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is greater than ten miles from the proposed site. Transfer application received: April 19, 2013.

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

61100101. K & A Mining (P. O. Box 288, Grove City, PA 16127) Revision to an existing bituminous surface mine to change the post-mining landuse from forestland

to unmanaged natural habitat in Irwin Township, **Venango County**. Receiving streams: Unnamed tributary A to Williams Run, unnamed tributary D to Scrubgrass Creek, and unnamed tributary C to East Branch Wolf Creek, all classified for the following uses: CWF. There are no potable surface water intakes within 10 miles downstream. Application received: April 17, 2013.

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

14030101 and NPDES No. PA0243493. AMFIRE Mining Co., LLC. (One Energy Place, Latrobe, PA 15650). Permit renewal for the continued operation and restoration of a bituminous surface mine in Snow Shoe Township, **Centre County**, affecting 218.9 acres. Receiving streams: Unnamed Tributary to Sandy Run and Sandy Run classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received April 18, 2013.

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

54813011R6. Joe Kuperavage Coal Company, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe and East Norwegian Townships, **Schuylkill County** affecting 497.5 acres, receiving stream: Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: April 10, 2013.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

08120307. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803-1649). Commencement, operation and restoration of a large industrial minerals mine in Athens Township, **Bradford County**. Receiving streams: Buck Creek, Wolcott Creek, Chemung River and Susquehanna River classified for the following use(s): Warm Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 5, 2013

08120307GP-104. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803-1649) hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with NPDES permit to the following surface water in Athens Township, **Brad-**

ford County. Receiving streams: Buck Creek, Wolcott Creek, Chemung River and Susquehanna River classified for the following use(s): Warm Water Fishes. Application received April 5, 2013.

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: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401

E15-838. French Creek Acquisition, LP, 3815 West Chester Pike, Newtown Square, Phoenixville Borough, Chester County, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the construction of six multi-story building and auxiliary structures on the former Phoenix Iron and Steel Company vacant land, now a 20.60-acre Brownfield Property (Act 2) situated within the floodway and floodplain of French Creek (WWF). Specific water obstructions and encroachment are:

1) To construct and maintain a 12-foot wide trail, utilities within the floodway of the stream.

2) To conduct grading activities within the floodway to facilitate the finish grades for the overall project with net fill being 129 cubic yards.

3) To excavate and remove approximately 956 linear feet of sanitary sewer and relocate them outside of the floodway to facilitate the construction of three stormwater bioretention basins.

4) To construct and associated outfall structures, discharging to the stream as part of the site's stormwater management BMP facilities.

The project is located on the East side of the intersection of North Main Street and Vanderslice Street and runs an approximate 475 feet segment South ending at approximately 225 feet north of the intersection of North Main Street and Mills Street in Phoenixville Borough, Chester County (Phoenixville, PA USGS Quadrangle N: 2.06 inches; W: 1.91 inches).

E15-842. East Pikeland Township, P. O. Box 58, Kimberton, PA 19442, East Pikeland Township, Chester County, ACOE Philadelphia District.

To construct and maintain a new 6-foot wide, 110-foot span pedestrian bridge across French Creek (TSF-MF) associated with the expansion of an existing sidewalk/trail system. The low chord of the proposed bridge will be above the 100-year flood elevation.

The site is located at 1,500 feet northeast of intersection of Hares Hill Road and Seven Stars Road (Phoenixville- PA USGS Quadrangle N: 2.33 inches W: 9.24 inches).

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

F38-188: North Annville Township, 1117 School House Road, Annville, PA 17003-8526 in North Annville Township, Lebanon County, ACOE Baltimore District

To remove structures from the floodplain that were damaged by flooding at the locations listed. The projects propose to temporarily affect approximately 5.33 acres of floodplains. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

	Address	Waterway	Chapter 93 Designation	USGS Quadrangle	Latitude	Longitude
1	10 Stone Cottage Lane Annville, PA 17003	Swatara Creek	WWF	Palmyra	40° 21' 37"	-76° 36' 44"
2	14 Stone Cottage Lane Annville, PA 17003	Swatara Creek	WWF	Palmyra	40° 22' 9.8"	-76° 36' 46"
3	25 Upper Glenn Lane Annville, PA 17003	Swatara Creek	WWF	Palmyra	40° 21' 51"	-76° 35' 47"
4	40 Stone Cottage Lane Annville, PA 17003	Swatara Creek	WWF	Palmyra	40° 21' 44"	-76° 36' 54"
5	7 Tow Path Road Annville, PA 17003	Swatara Creek	WWF	Palmyra	40° 21' 58"	-76° 31' 43"
6	10 Tow Path Road Annville, PA 17003	Swatara Creek	WWF	Palmyra	40° 21' 56"	-76° 31' 42"
7	11 Tow Path Road Annville, PA 17003	Swatara Creek	WWF	Palmyra	40° 21' 57"	-76° 31' 44"
8	15 Tow Path Road Annville, PA 17003	Swatara Creek	WWF	Palmyra	40° 21' 57"	-76° 31' 47"

	<i>Address</i>	<i>Waterway</i>	<i>Chapter 93 Designation</i>	<i>USGS Quadrangle</i>	<i>Latitude</i>	<i>Longitude</i>
9	19 Tow Path Road Annville, PA 17003	Swatara Creek	WWF	Palmyra	40° 21' 57"	-76° 31' 47"
10	20 Tow Path Road Annville, PA 17003	Swatara Creek	WWF	Palmyra	40° 21' 57"	-76° 31' 47"
11	30 Tow Path Road Annville, PA 17003	Swatara Creek	WWF	Palmyra	40° 21' 58"	-76° 31' 49"
12	33 Tow Path Road Annville, PA 17003	Swatara Creek	WWF	Palmyra	40° 21' 58"	-76° 31' 6.7"

E28-376: Antrim Commons Business Park, L.P., 10 East Baltimore Street, Suite 1501, Baltimore, Maryland 21202 in Antrim Township, **Franklin County**, ACOE Baltimore District

To 1) construct and maintain a 30' x 24' Conspan Arch Bridge for road and rail access, thereby placing and maintain 662 cubic yards of fill in the floodway and permanently impacting 150 lineal feet of an Unnamed Tributary to Conococheague Creek (WWF) (Latitude: 39°45'20", Longitude: -77°44'23"); 2) construct and maintain an 18" water line sleeve, a 6" gas line sleeve, a 6" electric line sleeve, and an 18" sanitary sewer sleeve, thereby placing and maintaining 50 cubic yards of fill in the floodway and permanently impacting 80 lineal feet of an Unnamed Tributary to Conococheague Creek (WWF) (Latitude: 39°45'20", Longitude: -77°44'23"); 3) restoration of the floodway to reduce erosion, thereby permanently impacting 245 lineal feet of an Unnamed Tributary to Conococheague Creek (WWF) (Latitude: 39°45'20", Longitude: -77°44'23"); 4) construct and maintain a 4' x 3' box culvert for road access, thereby placing and maintaining 840 cubic yards of fill in the floodway and permanently impacting 460 lineal feet of an Unnamed Tributary to Conococheague Creek (WWF) (Latitude: 39°45'09", Longitude: -77°43'47"); and 5) realign, restore, and maintain 2,425 linear feet of Conococheague Creek (WWF) through the creation of floodplain benches, toe wood stabilization, rock cross vanes and J-hook rock vanes (Latitude:

39°45'09", Longitude: -77°43'47") for the purposes of reestablishing the stream's original flow pattern, with an incidental impact to 0.07 acre of wetlands. This project is being proposed for the purpose of preparing a site for a future warehouse and rod and rail service. The project is located at 405 Milnor Road, Greencastle, Pennsylvania (Latitude: 39°45'15", Longitude: -77°44'15") in Antrim Township, Franklin County. To compensate for the wetlands impacts, the applicant proposes to create 0.077 acre of wetlands onsite.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

D18-051EA. Matthew R. Beaver, Chief, Division of Operations and Recreation, Bureau of Forestry, Department of Conservation and Natural Resources, P. O. Box 8552, Harrisburg, PA 17105-8552, Greene Township, **Clinton County**, USACOE Baltimore District.

Project proposes to breach and remove the Washburn Dam located across Washburn Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition (Loganton, PA Quadrangle; Latitude: 41.0555, Longitude: -77.3525).

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential

septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<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>
PA0061603 (Sewage)	Eagle Lake Community Association WWTP Route 435 Gouldsboro, PA 18424-0305	Lackawanna County Covington Township	Unnamed Tributary to Tamarack Creek (2-A)	Y
PA0062944 (Sewage)	Robert B. Barker and Charles L. Rice—SRSTP 618 Quaker Plain Road Bangor, PA 18013	Northampton County Upper Mount Bethel Township	Unnamed Tributary to East Fork Martins Creek (01F)	Y
PA0062197 (Industrial Waste)	Schuylkill County Municipal Authority Mt. Laurel WTP 54 Mall Road Frackville, PA 17931	Schuylkill County New Castle Township	Mud Run (03A)	Y
PA0061468 (Sewage)	Liberty Park Liberty Mobile Home Park Montrose, PA 18801-8809	Susquehanna County Liberty Township	Unnamed Tributary to Snake Creek (04-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>
PA0084697 (Sew)	Wiconisco Township 305 Walnut Street PO Box 370 Wiconisco, PA 17097-0370	Dauphin County Wiconisco Township	Bear Creek / 6-C	Y
PA0080861 (Sew)	Walmar MHC, LLC 10006 Hammock Bend Chapel Hill, NC 27517	York County Franklin Township	North Branch Bermudian Creek / 7-F	Y
PA0088889 (CAFO)	Graywood Farms, LLC Graywood Farms 225 Mason Dixon Road Peach Bottom, PA 17563-9406	Lancaster County Fulton Township	UNT to Conowingo Creek / 7-K	Y
PAS203501 (Industrial Stormwater)	Buck Company, Inc. Foundry 897 Lancaster Pike Quarryville, PA 17566	Lancaster County Providence Township	Conowingo Creek and UNT to Fishing Creek / 7-K	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0026425 Sewage	Lincoln Rd STP 1955 Lincoln Rd PGH, PA 15235	Allegheny Cnty Penn Hills Twp	Shades Run	Y

Northwest Region: Clean Water 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>
PA0238741 (Sewage)	Don W Neff SFTF 111 Beach Road Chicora, PA 16025-4101	Butler County Concord Township	Unnamed Tributary to Connoquenessing Creek (20-C)	Y

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

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

NPDES Permit No. PA0040991, Industrial Waste, **MIPC, LLC**, 920 Cherry Tree Road, Aston, PA 19014.

This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the transfer of an NPDES permit to discharge treated Stormwater runoff and hydrostatic testing water from a facility known as Philadelphia Terminal G Street Facility to Frankford Creek in Watershed 3J.

NPDES Permit No. PA0055158, Sewage, **Meadows Investments, LLC**, P. O. Box 187, Ottsville, PA 18942.

This proposed facility is located in Nockamixon Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Meadow Investments SFSTP to Unnamed Tributary to Haycock Creek in Watershed 2-D.

NPDES Permit No. PA0052078, Sewage, **Municipal Authority of the Borough of Elverson**, 101 South Chestnut Street, P. O. Box 266, Elverson, PA 19520-0266.

This proposed facility is located in Elverson Borough, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Elverson Borough Municipal Authority STP to unnamed Tributary to East Branch Conestoga River in Watershed 7-J.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

NPDES Permit No. PA0046388, Sewage, SIC Code 4952, **St. Johns STP** (Butler Township Luzerne County), 415 West Butler Drive, Drums, PA 18222.

This existing facility is located in Butler Township, **Luzerne County**.

Description of Existing Action/Activity: Renewal of an NPDES Permit for an existing discharge of treated Sewage.

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

NPDES Permit No. PA0081264 Amendment No. 1, Sewage, **Mountainview Thoroughbred Racing Association**, PO Box 32, 720 Bow Creek Road, Grantville, PA 17028-0032.

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

Description of Proposed Action/Activity: Authorization to discharge from a facility know as Penn National Horse Race Track and Hollywood Casino to a UNT to Swatara Creek in Watershed 7-D.

NPDES Permit No. PA0008435 Amendment No. 1, Industrial Waste, **PPL Holtwood LLC**, Two North 9th Street, Allentown, PA 18101-1139.

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

Description of Proposed Action/Activity: Authorization to discharge from a facility known as PPL Holtwood Plant to the Susquehanna River in Watershed 7-K.

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

PA0272591, Industrial Waste, SIC Code 4911, **Hickory Run Energy LLC**, 400 Chesterfield Center, Chesterfield, MO 63017-4800. Facility Name: Hickory Run Energy Station.

This proposed facility is located in North Beaver Township, **Lawrence County**.

Description of Proposed Activity: The permit is for a new NPDES permit for a new discharge of non-contact cooling water, reverse osmosis reject water and miscellaneous wastewater.

The receiving stream(s), the Mahoning River (Outfall 001) and Unnamed Tributary to Mahoning River (Outfalls 002 & 003), are located in State Water Plan watershed 20-B and are classified for warm water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

PA0272612, Pesticides, **US DOI Fish & Wildlife Service**, 3090 Wright Street, Marquette, MI 49431.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge associated with the application of pesticides in Springfield and Beaver Townships, Crawford and Erie Counties.

The receiving stream(s), Conneaut Creek, Crooked Creek and Raccoon Creek, are located in State Water Plan 15, Lake Erie Watershed and are classified for Warm Water Fishes / Migratory Fishes, High-Quality Cold Water Fishes / Migratory Fishes and Cold Water Fishes / Migratory Fishes, aquatic life, water supply and recreation. Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. The discharges associated with the pesticide applications are not expected to affect public water supplies.

PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is not in effect.

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

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 4512401, Industrial Waste, **Rock-Tenn Converting Company**, PO Box 770, 1 Paper Mill Road, Delaware Water Gap, PA 18327.

This existing facility is located in Smithfield Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Management Permit for upgrades to the facility's existing wastewater treatment facility.

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

WQM Permit No. 3613401, Sewage, **Ephrata Township Sewer Authority** Lancaster County, 265 Akron Road, Ephrata, PA 17522.

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

Description of Proposed Action/Activity: Permit approval to abandon the existing Akron Pump Station and construct 12" diameter interceptor from the abandoned Akron P. S. to the existing manhole AV 37188 in Ephrata Borough. Also, install flow meter in the new manhole AK-1 and AK-2.

WQM Permit No. 6780406 Amendment 13-1, Sewage, **DLA Installation Support @ Susquehanna**, DS-FSE 3rd Street & "S" Avenue Bldg 750-1, New Cumberland, PA 17070-5002.

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

Description of Proposed Action/Activity: Permit amendment approving the modification / operation of sewage facilities consisting of influent screening, equalization basin, sequencing batch reactors, UV disinfection, post aeration, chemical precipitation for phosphorus removal, carbon supplementation, and aerated sludge holding tank.

WQM Permit No. 3608202 Amendment No. 1, Industrial Waste, **PPL Holtwood, LLC**, Two North Ninth Street, Allentown, PA 18101-1139.

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

Description of Proposed Action/Activity: Permit amendment approving the modification of industrial facilities consisting of the making of a temporary OWS system and discharge point (001) permanent, rather than construction of a new IWTB, and making permanent the OWS system and discharge point (004) for the lower gallery power station.

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

WQM Permit No. 6212404, Sewage, **Warren County School District**, 589 Hospital Drive Suite A, Warren, PA 16365.

This existing facility is located in Farmington Township, **Warren County**.

Description of Proposed Action/Activity: This permit approves the modifications and operation of sewage facilities consisting of grinder installation replacing the existing comminutor, mechanical aeration with back-up diffused aeration, secondary pond conversion to an aerobic digestion tank and flow measurement with recording.

WQM Permit No. 2013401, Sewage, **PA DCNR**, P. O. Box 382, Linesville, PA 16424.

This proposed facility is located in Pine Township, **Warren County**.

Description of Proposed Action/Activity: This permit approves the construction/operation of sewage facilities consisting of 4,000-feet of 2-inch HDPE force main to connect a comfort station, serving the Linesville Spillway, and the assistant park ranger's residence into the Linesville Pine Joint STP. Both establishments will tie into the force main from individual grinder pump stations.

WQM Permit No. WQG01251303, Sewage, **Adam M Bodga**, 5676 Old State Road, Edinboro, PA 16412.

This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

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>
South Coventry Township Chester County	PAI130541	South Coventry Township Chester County 1371 New Philadelphia Road Pottstown, PA 19465-8669	Pigeon Creek and Unnamed Tributary to French Creek— 3-D	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Uwchlan Township Chester County	PAI130505	Uwchlan Township Chester County 715 N Ship Road Exton, PA 19341-1945	Pine Creek, Unnamed Tributary to Deer Creek, Unnamed Tributary to East Branch Brandywine Creek, Unnamed Tributary to Pickering Creek and Unnamed Tributary to Valley Creek—3-D, 3-H and 7-I	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAG133605	PA State University York Campus 1031 Edgecomb Avenue York, PA 17403-3326	York	City of York	UNT 08079 To Codorus Creek/ WWF, MF
PAG133687	New Salem Borough 80 N. Water Street PO Box 243 York New Salem, PA 17371	York	New Salem Borough	Codorus Creek/ WWF, MF, Unnamed Tributary to Codorus Creek/ WWF, MF and Unnamed Tributary to South Branch Codorus Creek/ WWF, MF

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 0903003-R	Fountainhead Properties, LLC 70 Limekiln Pike Glenside, PA 19038-2924	Bucks	Solebury Township	Aquetong Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI024811003	Stanton Properties LLC 339 Amwell Road Building C Hillsborough, NH 08844	Northampton	Williams Twp.	UNT to Frya Run, HQ-CWF, MF; UNT to Lehigh River, CWF, MF
PAI026404008R	Robert J. Suhosky 120 Lakeview Heights Dr. Honesdale, PA 18431	Wayne	Cherry Ridge Twp.	UNT to Middle Creek, HQ-CWF, MF
PAI025212002	PPL Electric Utilities Corp. Two North 9th St. Allentown, PA 18101	Pike	Blooming Grove Twp.	Blooming Grove Creek, HQ-CWF, MF; Shahola Creek, EV; Notch Brook, EV; Holsey Run, EV; York Creek, HQ-CWF, MF; Tarkill Creek, HQ-CWF, MF; Bushkill Creek, HQ-CWF, MF
PAI023906025R	Kay Builders 5930 Hamilton Blvd. Suite 10 Wescosville, PA 18106	Lehigh	Upper Macungie Twp.	Cedar Creek, HQ-CWF, MF
PAI024806024(2)	Trio Farms PA, LLC 559 Main St. Suite 300 Bethlehem, PA 18018	Northampton	Lower Nazareth Twp.	Monocacy Creek, HQ-CWF, MF

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI032111014	South Middleton Township Municipal Authority 520 Park Drive Boiling Springs, PA 17007	Cumberland	Monroe Township	Yellow Breeches Creek (HQ, CWF, MF)
PAI030613002	Walter Hess Borough of Kutztown 45 Railroad Street Kutztown, PA 19350	Berks	Maxatawny Township	Saony Creek (CWF)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI041813002	Henry Street Partnership Jay Alexander PO Box 277 McElhattan PA 17745	Clinton	Pine Creek Township	UNT to Pine Creek HQ-TSF Existing Use EV

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI056312002	Metz Development 524 Waterdam Road McMurray, PA 15317	Washington	North Strabane Township	Little Chartiers Creek (HQ-WWF)

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

*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>
Doylestown Township and New Britain Borough Bucks County	PAG0200 0913013	Delaware River College 700 East Butler Avenue Doylestown, PA 18901-2697	Unnamed Tributary to Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAG0200 0906033-R(1)	Somerton Valley Homes, LP 134551 Damar Drive Philadelphia, PA 19116	Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warminster Township Bucks County	PAG0200 0912071-1	Michael J. Gladnick 1055 Andrew Drive, Suite A West Chester, PA 19380	Pennypack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Quakertown Borough Bucks County	PAG0200 0913008	Quakertown Community School District 600 Park Avenue Quakertown, PA 18951	Beaver Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Rockhill Township Bucks County	PAG0200 0909040	Kurt Geisert 120 Blooming Glen Road Perkasie, PA 18944	Perkiomen Creek— Delaware River TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bristol Township Bucks County	PAG0200 0904060-2	Green Lane Properties, LLC 2201 Green Lane Levittown, PA 19057	Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Goshen Township Chester County	PAG0200 1510009-R	New Brandywine Airport Club, Inc. 1205 Ward Avenue West Chester, PA 19380	East Branch of Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Goshen Township Chester County	PAG0200 1513009	Frank Pica 7803 West Chester Pike Upper Darby, PA 19082	East Branch of Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
South Coatesville Borough Chester County	PAG0200 1511005-R	County of Chester Office of Facilities 2 North High Street, Suite 167 PO Box 2748 West Chester, PA 19380-0991	West Branch Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chester City, Chester Township and Aston Townships Delaware County	PAG0200 2313001	Delaware County Regional Water Quality Control Authority PO Box 999 Chester, PA 19016-0999	Baldwin Run and Minshalls Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Ridley Township Delaware County	PAG0200 2311015-1	M.G.M. Ridley Parking, L.P. 760 Parkes Run Lane Villanova, PA 19085	Darby Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pottstown Borough Montgomery County	PAG0200 4613018	Borough of Pottstown 100 East High Street Pottstown, PA 19464	Manatawny Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Douglass Township Montgomery County	PAG0200 4606024R1	Beazer Homes Corporation 1210 Northbrook Drive, Suite 260 Trevose, PA 19053	Swamp Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pottstown Borough Montgomery County	PAG0200 4607182R	Leading Edge Development Group, Inc. 14 Mollsbury Lane Clarksburg, NJ 18510	Manatawny Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitemarsh Township Montgomery County	PAG0200 4607044R	Masonic Village of Lafayette Hill 1 Masonic Drive Elizabethtown, PA 17022	Unnamed Tributary to Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Frederick Township Montgomery County	PAG0200 4613007	Upper Frederick Township 3205 Big Road Zieglerville, PA 19492	Unnamed Tributary to Scioto Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511025-R	Pennsylvania Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Delaware Estuary/ Delaware River Basin WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511308	University of Pennsylvania 3101 Walnut Street Philadelphia, PA 19104	Lower Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Towamensing Twp., Carbon County	PAG02001311002R	Barbara Green Blue Mountain Water Park 1660 Blue Mtn. Dr. Palmerton, PA 18071	Aquashicola Creek, TSF, MF	Carbon Co. Cons. Dist. 610-377-4894

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*

Scott Twp., Waverly Twp., North Abington Twp., South Abington Twp., Lackawanna County	PAG02003512013	Pennsylvania American Water Co. David Kaufman 800 W. Hershey Park Dr. Hershey, PA 17033	Unnamed Tributary to South Branch Tunkhannock Creek, CWF, MF; Kennedy Creek, CWF, MF; Unnamed Tributary to Ackerly Creek, CWF, MF; Ackerly Creek, TSF, MF; Leggetts Creek, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Wilkes-Barre Twp., Luzerne County	PAG02004013001	Hotel Squared PA, LLC Bipin Patel 102 Princeton Dr. Winchester, VA 22602	Spring Run, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Hazle Twp., Luzerne County	PAG02004013002	Hazleton Area School District 1515 W. 23rd St. Hazleton, PA 18202	Black Creek, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
South Whitehall Twp., Lehigh County	PAG02003910007R	Stuart Krawitz K & M Associates Tom Mirth K & M Associates 496 Lone Lane Allentown, PA 18104	Jordan Creek, TSF, MF	Lehigh Co. Cons. Dist. 610-391-9583
City of Allentown, Lehigh County	PAG02003912019	James Petrucci Tiger Den Partners II, LLC 171 State Route 173 Asbury, NJ 08802	Unnamed Tributary to Lehigh River, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583
Smithfield Twp., Monroe County	PAG02004507004R	First Baptist Church of East Stroudsburg 160 Courtland St. E. Stroudsburg, PA 18301	Sambo Creek, CWF, MF	Monroe Co. Cons. Dist. 570-629-3060

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*

East Berlin Borough	PAG02000113003	Newell Coxen, Jr. Appalachian Realty Corporation 102 Locust Street PO Box 180 East Berlin, PA 17316	Conewago Creek/ WWF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
West Donegal Township	PAG02003611043R	Yarrum LP PO Box 332 Lemoyne, PA 17043	UNT Conewago Creek/TSF;MF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Upper Leacock Township	PAG02003613010	E & J Family 112 Peters Road New Holland, PA 17557	UNT Mill Creek/ WWF	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Spring Township	PAG02000611010R	Ian Salada Penn State University 101R Physical Plant Building University Park, PA 16802	Tulpehocken Creek/ CWF-MF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Caernarvon Township	PAG02000612040	Tom Orr Morgan Corporation 113 Morgan Way PO Box 588 Morgantown, PA 19543	Conestoga River/ WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Tilden Township	PAG02000612041	Angela Ellsworth Russell Stover Candies, Inc. 4900 Oak Street Kansas City, MO 64112	Schuylkill River/ WWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Spring Township	PAG020006110061R	James Miller Covenant Orthodox Presbyterian Church 1502 Snyder Street Reading, PA 19601	UNT to Tulpehocken Creek/CWF	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Dover Township	PAG02006713006	Todd A. Tyson Peoplesbank PO Box 2887 York, PA 17405	Little Conewago Creek/TSF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Ayr Township	PAG020029110043	Marmon Keystone LLC 225 East Cunningham Street Butler, PA 16001	UNT to Big Cove Creek/CWF, MF	Fulton Co. Conservation District 216 N Second St, Ste 115 McConnellsburg, PA 17233 717.485.3547

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701
570.327.3636*

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Duncan Township Tioga County	PAG02005911006R	Babb Creek Watershed Assn 2051 Reed St Williamsport PA 17701	UNT Smallpox Ck CWF, MF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 ext. 5
Richmond Township Tioga County	PAG02005913005	CMC Group Inc Mr Craig Benes Colorado Tower 1 2000 S Colorado St Ste 9500 Denver CO 80222	Tioga River CWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 ext. 5

Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name and
Address*

*Receiving
Water / Use*

*Contact Office and
Phone No.*

Economy Borough Beaver County	PAG02000411009R-1	Wal-Mart Stores East, LP 2001 SE 10th Street Bentonville, AR 72716	Ohio River (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Georges Township Fayette County	PAG02002608008R	Fayette Industrial Fund PO Box 2101 Uniontown, PA 15401	Georges Creek (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
South Union Township Fayette County	PAG02002611005R	Gustine Uniontown Associates, Ltd. 1 Armstrong Place Butler, PA 16001	UNT to Coal Lick Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Cumberland Township Greene County	PAG02003012008	Allegheny Energy Supply Co., LLC. 800 Cabin Hill Drive Greensburg, PA 15601	Monongahela River (WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 (724) 852-5278
Richhill Township Greene County	PAG02003013003	Consol PA Coal Co. 1525 Pleasant Grove Rd. Claysville, PA 15323	UNTs to Enlow Fork (WWF)	Greene County CD 19 South Washington Street Waynesburg, PA 15370 (724) 852-5278
White Township Indiana County	PAG02003213001	Indiana County Development Corporation 801 Water St Indiana, PA 15701	Cherry Run (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Stonycreek Township Somerset County	PAG02005612012	Stonycreek Township Supervisors 120 Municipal Road Friedens, PA 15541	Boone Run (CWF), Rhoads Creek (CWF), UNT to Boone Run (CWF), UNT to Rhoads Creek (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15601 (724) 837-5271
South Strabane Township Washington County	PAG02006306010-2R	HBC Foundry 437 Grant Street Pittsburgh, PA 15213	UNT to Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
W Brownsville Borough California Borough Washington County	PAG02006313006	Norfolk Southern Railway Company 1200 Peachtree Street, NE Atlanta, GA 30309	Monongahela River (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Washington City Washington County	PAG02006313007	Washington City 55 West Maiden Street Washington, PA 15301	Catfish Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Unity Township Westmoreland County	PAG02006512042	Frauenschuh Healthcare Real Estate Solutions 7101 West 78th Street Minneapolis, MN 55439	Loyalhanna Circle (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Greensburg City Westmoreland County	PAG02006513001	Westmoreland Museum of American Art 221 North Main Street Greensburg, PA 15601	Jacks Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Unity Township Westmorland County	PAG02006513008	TM Real Estate/ Greensburg, LLC 1375 Enclave Parkway Houston, TX 77077	Slate Creek (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Monroe Township Clarion County	PAG02001613002	Pa American Water Company 425 Waterworks Road Clarion Pa 16214	Trout Run / Clarion River CWF	Clarion County Conservation District 814-297-7813
Clarion Township and Strattaville Borough Clarion County	PAG02001613003	Pa American Water Company 425 Waterworks Road Clarion Pa 16214	Trout Run / Clarion River CWF	Clarion County Conservation District 814-297-7813
Clarion Borough Clarion County	PAG02001613004	Pa American Water Company 425 Waterworks Road Clarion Pa 16214	Clarion River CWF	Clarion County Conservation District 814-297-7813
Monroe Township Clarion County	PAG02001613005	Pa American Water Company 425 Waterworks Road Clarion Pa 16214	Trout Run / Clarion River CWF	Clarion County Conservation District 814-297-7813
City of St. Marys Elk County	PAG02002413002	Gutelius Excavating 291 North 8th Street Mifflinburg PA 17844	Iron Run CWF	Elk County Conservation District 814-776-5373
Washington Township Jefferson County	PAG02003313003	J.M. Delullo Stone Sales Inc 1247 Million Dollar Hwy Kersey PA 15846	Wolf Run CWF	Jefferson County Conservation District 814-849-7463

General Permit Type-PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Chalfont Borough Bucks County	PAR230099	Mars Fishcare North America Inc. 50 E Hamilton Street Chalfont, PA 18914	Unnamed Tributary to North Branch Neshaminy Creek 2-F	Southeast Region Clean Water Program 484.250.5970
Hatfield Township Montgomery County	PAR800173	Greenwood Motor Lines d/b/a R&L Carriers 600 Gillam Road Wilmington, OH 45177	West Branch Neshaminy Creek—2F	Southeast Region Clean Water Program 484.250.5970
Lancaster County Paradise Township	PAR223503	Stock Building Supply 3356 Lincoln Highway East Paradise, PA 17562	Eshleman Run / CWF, MF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County East Manheim Township	PAR603595	Penn Waste Inc. 85 Brickyard Road PO Box 3066 York, PA 17402	UNT of Codorus Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Blair County Allegheny Township	PAR503509	Waste Management of PA, Inc. 843 Miller Picking Road Davidsville, PA 15928	UNT to Burgoon Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County East Lampeter Township	PAR803650	Federal Express Corporation—LNSA 3620 Hacks Cross Road Building B, 2nd Floor Memphis, TN 38125	Stauffer Run / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Sunbury City
Northumberland
County

PAR804891

Norfolk Southern
Railway Co.
1200 Peachtree Street
N E Box 13
Atlanta, GA 30309-0013

Unnamed Tributary
to Susquehanna
River—5-E

DEP Northcentral
Regional Office
Clean Water Program
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448
570.327.3664

Scottdale Boro
Westmoreland Cnty

PAR206146

MLP Steel, LLC
18 Mt. Pleasant Rd
Scottdale, PA 15683

Stauffers Run/
Jacobs Creek

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

City of PGH
Allegheny Cnty

PAR806112

ABF Freight System, Inc.
PO Box 10048
Fort Smith, AR
72917-0048

Chartiers Creek

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

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

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Millcreek Township
Erie County

PAR808363

Truckmen Services, LLC
3025 West 17th Street,
Erie, PA 16505-3930

Unnamed Tributary
to Lake Erie 15-A

DEP
NWRO
Clean Water Program
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.*

Newton Township
Lackawanna
County

PAG042231

Wallace R. McDonald
1647 Forest Acres Drive
Clarks Summit, PA
18411-9526

Unnamed Tributary
of Gardner Creek—
4-G

DEP Northeast
Regional Office
Clean Water Program
2 Public Square,
Wilkes-Barre, PA
18701-1915
570.826.2511

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

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Washington
Township
Erie County

PAG041099

Adam M Bogda
5676 Old State Road,
Edinboro, PA 16412

Unnamed Tributary
to Lamson Run 15

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

General Permit Type—PAG-8

*Facility Location:
Municipality &
County*

Permit No.

*Applicant's Name &
Address*

*Contact Office &
Telephone No.*

Telford Borough Authority
Telford Borough
Montgomery &
Bucks County

PAG080006

Telford Borough Authority
122 Penn Avenue
Telford, PA 18969

Southeast Region
Clean Water Program
484.250.5970

*Facility Location:
Municipality &
County*

Permit No.

*Applicant's Name &
Address*

*Contact Office &
Telephone No.*

Upper Gwynedd-Towamencin
Municipal Authority
Towamencin Township
Montgomery County

PAG080008

Upper Gwynedd-Towamencin
Municipal Authority
2225 Kriebel Road
Lansdale, PA 19446

Southeast Region
Clean Water Program
484.250.5970

Abington Township
Montgomery County

PAG080002

Abington Township
Wastewater Treatment Plant
1176 Old York Road
Abington, PA 19001

Southeast Region
Clean Water Program
484.250.5970

General Permit Type—PAG-8 (SSN)

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Site Name &
Location*

*Contact Office &
Phone No.*

York County /
Hopewell Township

PAG080002
PAG080005
PAG080007
PAG080011
PAG080013
PAG080017
PAG080018
PAG080020
PAG082203
PAG083518
PAG083522
PAG083533
PAG083551
PAG083605
PAG089910

Jesse Baro, Inc.
157 quarry Road
Douglassville, PA 19518

John & William
Johnson Farm
Pleasant Valley &
Hollow Roads
Stewartstown, PA
17363

DEP—SCRO—
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200
717-705-4707

Adams County /
Cumberland
Township

PAG083540

Gettysburg Municipal
Authority
601 East Middle Street
Gettysburg, PA 17325

Offutt Farm
575 Russell Tavern
Road
Gettysburg, PA
17325

DEP—SCRO—
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200
717-705-4707

York County /
Fawn Township

PAG080002
PAG080003
PAG080004
PAG080005
PAG080006
PAG080008
PAG080011
PAG080018
PAG080021
PAG082203
PAG082211
PAG082219
PAG083501
PAG083502
PAG083506
PAG083510
PAG083515
PAG083517
PAG083518
PAG083522
PAG083535
PAG083540
PAG083542
PAG083547
PAG083551
PAG083556
PAG083565

Synagro
1605 Dooley Road
PO Box B
Whiteford, MD 21160

Kenneth Moore
Farm
Fawn Grove Road &
Walnut Grove Road
Fawn Grove, PA
17321

DEP—SCRO—
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200
717-705-4707

*Facility Location:
Municipality &
County*

Permit No.

PAG083540
PAG083542
PAG083547
PAG083551
PAG083556
PAG083565
PAG083567
PAG083573
PAG083596
PAG083597
PAG083600
PAG083605
PAG083825
PAG089903
PAG089904
PAG089905
PAG070003
PAG070005
PAG073508
PABIG9903
WMGR099

*Applicant Name &
Address*

*Site Name &
Location*

*Contact Office &
Phone No.*

General Permit Type—PAG-9

*Facility Location:
Municipality &
County*

Permit No.

Bedford County /
South Woodbury
Township

PAG093512

*Applicant Name &
Address*

Reasy Septic Service
924 King Road
New Enterprise, PA 16664

*Site Name &
Location*

*Contact Office &
Phone No.*

DEP—SCRO—
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200
717-705-4707

General Permit Type—PAG-10

*Facility Location:
Municipality &
County*

Permit No.

Penn & Wolf
Townships
Lycoming County

PAG104840

*Applicant Name &
Address*

Transcontinental Gas
Pipe Line Co. LLC
1087 Talbotville Road
Honeybrook, PA 19344

*Receiving
Water / Use*

Muncy Creek /
TSF, MF

*Contact Office &
Phone No.*

DEP Northcentral
Regional Office
Clean Water Program
208 W Third Street
Suite 101,
Williamsport, PA
17701-6448
570.327.0530

General Permit Type—PAG-12

*Facility Location:
Municipality &
County*

Permit No.

Lebanon County
Bethel Township

PAG123597

*Applicant Name &
Address*

Derrick Weaver
Sunnyside Egg Farm
204 Farmers Drive
Myerstown, PA 17067

*Receiving
Water / Use*

UNT Little Swatara
Creek / WWF

*Contact Office &
Phone No.*

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

*General Permit Type—PAG-13**Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Thornbury
Township
Delaware County

PAG130025

PA State System Of
Higher Ed Cheyney
University
1837 University Circle
Cheyney, PA 19319Unnamed Tributary
to Chester Creek—
3-GDEP Southeast
Regional Office
Clean Water Program
2 E Main Street,
Norristown, PA 19401
484.250.5970*General Permit Type—PAG-13 & MS4 Waivers**Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Jackson Township
Luzerne County

PAG132228

Jackson Township
Luzerne County
1275 Huntsville Road
Jackson Township, PA
18708Browns Creek and
Unnamed Tributary
to Huntsville
Creek—CWF, MFDEP Northeast
Regional Office
Clean Water Program
2 Public Square,
Wilkes-Barre, PA
18701-1915 570.826.2511Great Bend
Borough
Susquehanna
County

PAG132306

Great Bend Borough
Susquehanna County
PO Box 745
Great Bend, PA 18821Susquehanna
River—WWF, MFDEP Northeast Regional
Office Clean Water
Program 2 Public Square,
Wilkes-Barre, PA
18701-1915
570.826.2511West Easton
Borough
Northampton
County

PAG132236

West Easton Borough
Northampton County
237 Seventh Street
West Easton, PA 18042Lehigh River—
WWW, MFDEP Northeast Regional
Office Clean Water
Program 2 Public Square,
Wilkes-Barre, PA
18701-1915
570.826.2511East Bangor
Borough
Northampton
County

PAG132294

East Bangor Borough
Northampton County
204 Bray Street
East Bangor, PA 18013Brushy Meadow
Creek—CWF, MFDEP Northeast Regional
Office Clean Water
Program 2 Public Square,
Wilkes-Barre, PA
18701-1915
570.826.2511*General Permit Type—PAG-13**Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Mount Wolf
Borough
York County

PAG133675

Mount Wolf Borough
PO Box 458
Mount Wolf, PA 17347Hartman Run and
unnamed tributaries
to Hartman Run—
7-HDEP Southcentral
Regional Office
Clean Water Program
909 Elmerton Avenue,
Harrisburg, PA 17110-8200
717.705.4707Londonderry
Township
Dauphin County

PAG133547

Londonderry Township
Dauphin County
783 South Geyers
Church Road
Middletown, PA 17057Conewago Creek,
Iron Run, Swatara
Creek, Unnamed
Tributary of
Conewago Creek,
Unnamed Tributary
of Susquehanna
River, Unnamed
Tributary to Iron
Run and Unnamed
Tributary to Swatara
Creek—7-D and 7-GDEP Southcentral
Regional Office
Clean Water Program
909 Elmerton Avenue,
Harrisburg, PA 17110-8200
717.705.4707

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG138331	City of New Castle 230 North Jefferson Street, New Castle, PA 16101-2220	Lawrence County	City of New Castle	Shenango River and Mahoning River (20-A)	Y
PAG138312	Meadville City Crawford County 894 Diamond Park Meadville, PA 16335	Crawford County	City of Meadville	French Creek, Bennyhoof Creek, Unnamed Tributary to French Creek, Spring Run, Cemetery Run, Mill Run, Dick Run, Neason Run, and Ellis Run (16-D)	Y
PAG138315	Girard Township Erie County 10140 Ridge Road Girard, PA 16417	Erie County	Girard Township	Elk Creek and Unnamed Tributaries to Lake Erie (15-A)	Y
PAG138316	Girard Borough Erie County, 34 Main Street West Girard, PA 16417	Erie County	Girard Borough	Elk Creek and Unnamed Tributaries to Lake Erie (15-A)	Y

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 publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit # 4613504 issued to: **Aqua Pennsylvania**, 762 West Lancaster Avenue, Bryn Mawr, PA

19010, [(PWSID)] Abington Township, **Montgomery County** on April 8, 2013 for the installation of Clearwell Baffles and Certification of 4-Log Treatment of Viruses at Entry Point 103 facilities approved under construction permit # 4611526.

Operations Permit # 4613505 issued to: **Spruce Court Apartments**, 1697 Swamp Pike, Gilbertsville, PA 19525, [(PWSID)] Royersford Borough, **Montgomery County** on April 9, 2013 for the operation of Water Softeners, pH Adjustment, 4-Log Certification, and Associated Chlorine facilities approved under construction permit # 4611532.

Operations Permit # 0913507 issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010 [(PWSID)] Bensalem Township, **Bucks County** on April 25, 2013 for the operation of Bensalem Tank-2 Million Gallon Elevated Storage Tank facilities approved under construction permit # 0911518.

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

Permit No. 0512513 MA, Minor Amendment, Public Water Supply.

Applicant	Crestview Mobile Home Park
Municipality	East Providence Township
County	Bedford
Responsible Official	Barry Clark, Owner 681 Brantner Road Breezewood, PA 15533
Type of Facility	Demonstration of 4-Log Treatment of Viruses for GWR. Improvements to the storage tank inlet and outlet.
Consulting Engineer	Kevin L Yoder, P.E. CME Engineering LP 165 East Union Street Somerset, PA 15501
Permit to Construct Issued:	4/19/2013

Permit No. 0713501 MA, Minor Amendment, Public Water Supply.

Applicant **Duncansville Municipal Authority**

Municipality Allegheny Township

County **Blair**

Responsible Official Robert V Hazenstab, Chairman
PO Box 502
1146 Third Avenue
Duncansville, PA 16635

Type of Facility Construction of a 380,000 gallon finished water storage tank to replace the existing Sunbrook Municipal storage tank and replacement of approximately 6,450' of existing water mains.

The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is the funding source for this project. The Department determined that this project will not individually, cumulatively over time, or in conjunction with other federal, state, local or private actions, have a significant effect on the quality of the environment. On February 6, 2013, the Department approved the project for a categorical exclusion from the State Environmental Review Process (SERP).

Consulting Engineer Stuart W Sibold, P.E.
The EADS Group
1126 Eighth Ave.
Altoona, PA 16602

Permit to Construct Issued: 4/18/2013

Permit No. 3813501 MA, Minor Amendment, Public Water Supply.

Applicant **City of Lebanon Authority, PA**

Municipality Swatara Township

County **Lebanon**

Responsible Official Jonathan Beers, Executive Director
2311 Ridgeview Road
Lebanon, PA 17042

Type of Facility Repainting and installation of a PAX mixer at the Bunkerhill Tank.

Consulting Engineer Kirt L Ervin, P.E.
US Engineering, LLC
13742 Mary Lane
Aviston, IL 62216

Permit to Construct Issued: 4/19/2013

Permit No. 3813502 MA, Minor Amendment, Public Water Supply.

Applicant **City of Lebanon Authority, PA**

Municipality North Lebanon Township

County **Lebanon**

Responsible Official Jonathan Beers, Executive Director
2311 Ridgeview Road
Lebanon, PA 17042

Type of Facility Repainting and installation of a PAX mixer at the North Lebanon Tank.

Consulting Engineer Kirt L Ervin, P.E.
US Engineering, LLC
13742 Mary Lane
Aviston, IL 62216

Permit to Construct Issued: 4/19/2013

Operations Permit issued to: **Gettysburg Municipal Authority**, 7010019, Cumberland Township, **Adams County** on 4/19/2013 for the operation of facilities approved under Construction Permit No. 0107510.

Operations Permit issued to: **Newport Borough Water Authority**, 7500022, Howe Township, **Perry County** on 4/24/2013 for the operation of facilities approved under Construction Permit No. 5012503 MA.

Operations Permit issued to: **Keystone Mobile Homes, Inc.**, 3060061, Exeter Township, **Berks County** on 4/29/2013 for the operation of facilities approved under Construction Permit No. 0612523 MA.

Operations Permit issued to: **Aqua Pennsylvania**, 3060030, Robeson Township, **Berks County** on 4/29/2013 for the operation of facilities submitted under Application No. 0611520.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448

Permit No. 5789501-MA—Construction Public Water Supply.

Applicant **Laporte Borough**

[Township or Borough] Laporte Borough

County **Sullivan**

Responsible Official G. W. Frank Kann, Council President
Laporte Borough
P. O. Box 125
Laporte, PA 18626

Type of Facility Public Water Supply

Consulting Engineer Craig J. Bauer, P.E.
KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburg, PA 15205

Permit Issued April 24, 2013

Description of Action Repairs to edges and seams of the individual panels of the 150,000 gallon glass fused bolted steel potable water storage tank, addition of cathodic protection and a solar-powered mechanical mixer to this tank and additions of height and mixing system nozzles to this tank's inlet pipe. The replacement of the water system's booster pumps with identical booster pumps is also authorized.

Permit No. 1212501—Construction Public Water Supply.

Applicant **Emporium Water Company**

[Township or Borough] Shippen Township

County **Cameron**

Responsible Official Mr. Jerry Crosby
Emporium Water Company
174 Nicker Road
Emporium, PA 15834

Type of Facility Public Water Supply

Consulting Engineer Craig J. Bauer, P.E.
KLH Engineers, Inc.
5173 Campbells Run Road
Pittsburgh, PA 15205

Permit Issued April 29, 2013

Description of Action Britton Road and Sylvan Heights Water Storage Tanks, pump station and transmission mains.

Permit No. MA-GWR—Operation Public Water Supply.

Applicant **D&H Mobile Home Park**

[Township or Borough] West Chillisquaque Township

County **Northumberland**

Responsible Official Ms. Leanne Heller
GSP Management Company
P. O. Box 677
Morgantown, PA 19543

Type of Facility Public Water Supply

Consulting Engineer N/A

Permit Issued April 29, 2013

Description of Action Two 120-gallon and four 220-gallon vertical detention tanks to provide 4-log inactivation of viruses at Entry Point 100 (Well No. 1).

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

Permit No. 0213505MA, Minor Amendment. Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**
Penn Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

[Borough or Township] City of Pittsburgh

County **Allegheny**

Type of Facility Water system

Consulting Engineer

Permit to Construct April 29, 2013
Issued

Permit No. 0213506MA, Minor Amendment. Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**
Penn Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

[Borough or Township] City of Pittsburgh

County **Allegheny**

Type of Facility Water system

Consulting Engineer

Permit to Construct April 29, 2013
Issued

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

Operation Permit issued to **Erie City Water Authority d/b/a Erie Water Works**, PWSID #6250028, Millcreek, Harborcreek and Greene Townships, **Erie County**. Permit Number 2598501-MA7 issued April 17, 2013 for the operation of the water main section from the Jordan Road tie-in to the East side of Kane Hill Road Bridge. This permit is issued in response to Certificate of Construction/Modification Completion submitted to the Department on March 11, 2013.

Operation Permit issued to **Patrick Bucholz and Jacqueline Bucholz d/b/a Bucholz Acres Mobile Home Park**, PWSID #6610009, Frenchcreek Township, **Venango County**. Permit Number 6106502-MA1 issued April 17, 2013 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

Operation Permit issued to **Albion Borough**, PWSID #6250007, Albion Borough, **Erie County**. Permit Number 2512503 issued April 18, 2013 for the operation of the sodium hypochlorite feed system at the Pont and Gage Road treatment facilities. This permit is issued in response to your request to operate the newly installed sodium hypochlorite feed system at the Pont treatment facility. An inspection of the constructed facilities was performed by Pennsylvania Department of Environmental Protection (Department) staff and Erie County Department of Health staff on March 21, 2013.

Operation Permit issued to **Borough of Wattsburg**, PWSID #6250094, Venango Township, **Erie County**. Permit Number 2501503-MA1 issued April 19, 2013 for the operation of the solar-powered mixer located inside the 112,000-gallon glass-lined steel storage tank. This permit is issued in response to the Certificate of Construction/Modification Completion form submitted to the Department on March 14, 2013.

Operation Permit issued to **Paul I. Caldwell and Jackie L. Caldwell d/b/a Liberty Acres Mobile Home Park**, PWSID #6430041, Liberty Township, **Mercer County**. Permit Number 4387502-T2-MA1 issued April 19, 2013 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

Operation Permit issued to **Crosby Water Association**, PWSID #6420012, Norwich Township, **McKean**

County. Permit Number 4287504-MA2 issued April 22, 2013 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

Operation Permit issued to **Larry J. Soose and Patricia A. Soose d/b/a Caravan Court**, PWSID #5100021, Center Township, **Butler County**. Permit Number 1086503-MA2 issued April 24, 2013 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

Operation Permit issued to **Great Living, LLC**, North Star Village, PWSID #6370017, Wayne Township, **Lawrence County**. Permit Number 3788513-T1-MA1 issued April 24, 2013 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

Transfer of Operation Permit issued to **City of Titusville**, PWSID #6200051, Oil Creek Township, **Crawford County** on April 24, 2013. Action is for change in ownership; the potable water supplier will do business as City of Titusville. The new permit number is 2089509-T1.

Operation Permit issued to **Harold P. Newton, Jr. d/b/a Willow Bend Mobile Home Park**, PWSID #6430047, Lackawannock Township, **Mercer County**. Permit Number 4389506-T4-MA1 issued April 29, 2013 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

Southwest Regional Office, Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Findlay Township	1271 Route 30, PO Box W Clinton, PA 15026	Allegheny

Plan Description: The approved plan provides for the construction of a new STP to replace the existing Potato Garden Run STP. The plan is to phase the construction of the STP with phase 1 including either a 250 or 500 thousand gpd plant depending on the rate of growth that is to occur within the next five years. The Department recommends the Authority construct the 250 gpd plant in the first phase based on a projected flow of 188,012 gpd within the next five years. This will allow enough excess capacity to address a more aggressive growth projection and will avoid charging the existing users a monthly rate in excess of \$100.00 if the projected growth does not occur or grant money is not available. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. The required NPDES Permit and WQM Permits will be obtained in the name of the Findley Township Municipal Authority.

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

Completion of Investigation Skipview DCE HSCA Site Skeppack and Lower Providence Townships, Montgomery County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has completed its investigation of the Skipview DCE HSCA Site (Site) in Skeppack and Lower Providence Townships, Montgomery County.

This investigation included the sampling of private drinking water supply wells located in the vicinity of Lisa Lane in Lower Providence Township, Skip View Lane in Skeppack Township, and on nearby portions of Township Line Road and Evansburg Road in both townships. Detectable levels of one or more of the following compounds were noted in up to eight wells: 1,1-Dichloroethene (1,1-DCE), Tetrachloroethene (PCE) and Trichloroethene (TCE). The primary contaminant of concern has been 1,1-DCE.

The source of the contamination was not determined. During the investigation, the Department provided bottled water to residents whose water supply was found to have concentrations of contaminants exceeding the relevant and appropriate drinking water standards. Concentrations of these contaminants have decreased since the initiation of the Department's investigation, and no longer exceed these standards in any well in the site area. Bottled water delivery is no longer needed, and has been discontinued. There is no evidence of any continuing release of such contaminants in the site area. Any remaining contaminants well within safe drinking water limits and no longer pose a threat to human health or the environment.

The Department will present its findings and answer questions at a public meeting, 7 p.m. May 21, 2013, at the Skeppack Township Municipal Building, 4089 Heckler Road, Skeppack, Pennsylvania. Anyone with questions regarding this notice should contact David Ewald at (484) 250 5725.

Individuals in need of an accommodation, as provided for in the Americans with Disabilities Act, who would like to attend the May 21 meeting, may contact DEP Community Relations Coordinator Lynda Rebarchak at 484-250-5820 or lrebarchak@pa.gov to discuss how DEP can meet your needs.

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

Proposed Consent Order and Agreement Ford City Equipment HSCA Site Ford City Borough, Armstrong County

Under section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), notice is hereby given that the Department of Environmental Protection (Department) has entered into a proposed Consent Order and Agreement (CO&A) with Tom Sipes Individually and d/b/a Tom Sipes Demolition concerning the Department's cleanup of a mercury spill on property located at 2nd Avenue (Eljer Way) between 9th Street and O'Connor Street in Ford City, Armstrong County (Site) and reimbursement of the Department's response costs.

The terms of the settlement are set forth in the CO&A, which is available for review at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA. The Department will receive and consider comments relating to the CO&A for sixty (60) days from the date of this Public Notice. Comments may be submitted, in writing, to Barbara Gunter, Department of Environmental Protection, Hazardous Sites Cleanup, 400 Waterfront Drive, Pittsburgh, PA 15222. Further information may be obtained by contacting Ms. Gunter at 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay Services at 800-645-5984.

The Department has reserved the right to withdraw its consent to the CO&A if comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper, or not in the public interest. A person adversely affected by the settlement may file an appeal with the Pennsylvania Environmental Hearing Board.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Mt Airy Shopping Center, City of Philadelphia, **Philadelphia County**. Lee Brahlin, Brahlin, Brahlin Properties, 1535 Chestnut Street, Suite 200, Philadelphia, PA 19102 on behalf of Charlene Drake, React Environmental Professional Services Group, Inc., P. O. Box 5377, 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142, Mark Kuczynski, React Environmental Professional Services Group, Inc., P. O. Box 5377, 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142, James Manuel, React Environmental Professional Services Group, Inc., P. O. Box 5377, 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142 has submitted a Cleanup Plan and Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard.

National Heat & Power, City of Philadelphia, **Philadelphia County**. Elizabeth Gabor, Philadelphia Authority for Industrial Development, 2600 Center Square West, 1500 Market Street, Philadelphia, PA 19102 on behalf of Jennifer L. Gresh, P.G., Duffield Associates, Inc. 211 North 13th Street, Philadelphia, PA 19107 has submitted a Cleanup Plan and Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with voc's, lead and pah's. The report is intended to document remediation of the site to meet the Site Specific Standard.

Vengrofski Residence, City of Philadelphia, **Philadelphia County**. Ann Kelly, 102 Burgess Avenue, Falls Township, PA 19067 on behalf of John Mihalich, AMEC Environmental & Infrastructure, 502 West Germantown, Pike, Plymouth Meeting, PA 19462 has submitted a Final Report and Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

US Steel Fairless Works Area A-1-808 Acre, Falls Township, **Bucks County**. Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219 on behalf of Colleen Costello, P.G., Langan Engineering and Environmental Services, Inc., 2700 Kelly Road, Suite 200, Warrington, PA 18976, Juddson W. Herr, Langan Engineering and Environmental Services, Inc., 2700 Kelly Road, Suite 200, Warrington, PA 18976 has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Grandview Elementary School, Morrisville Borough, **Bucks County**. Paul DeAngelo, Morrisville School District, 550 West Palmer Street, Morrisville, PA 19067 on behalf of Christopher J. Horan, Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, Charlie McGuth, Environmental Maintenance Company, Inc., 1240 East Mermaid Lane, Glenside, PA 19038 has submitted a Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Capoferri Residence, Falls Township, **Bucks County**. Dennis Capoferri, 127 Thornridge Drive, Levittown, PA 19054 on behalf of Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA

18073, Ty Gawlick, State Farm Insurance Company, PA Fire Claims, PO Box 106110, Atlanta, GA 30348-6110 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Moyer Residence, Willistown Township, **Chester County**. Mr. Randall and Sallie Gaynor-Moyer, 22 Harvey Lane, Malvern, PA 19355 on behalf of Jeremy W. Bolyn, Environmental Maintenance, 1420 Mermaid Lane, Glenside, PA 19038 has submitted a Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Wawa Food Market 194, Caln Township, **Chester County**. Kulraj Singh, Baba, LLC, 1947 East Lincoln Highway, Coatesville, PA 19320 on behalf of J. Matthew Brainard, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, Matthew S. Winters, Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard.

Starlink Logistics Inc., Lower Gwynedd Township, **Montgomery County**. Stuart Dearden, Starlink Logistics, Inc., 55 Corporate Drive, Mail Code 55A-300-A, Bridgewater, NJ 08807 on behalf of David J. Kistner, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034-2623 has submitted a Final Report and Remedial Investigation Report concerning remediation of site groundwater contaminated with organics and pesticide. The report is intended to document remediation of the site to meet the site Specific Standard.

McGonagle Property, Bristol Borough, **Bucks County**. Shawn McGonagle, 320 East Circle, Bristol, PA 19007 on behalf of Gilbert J. Marshall, Marshall Geoscience, Inc. 170 East First Avenue, Collegeville, PA 19426 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

PennDot District 6 Maintenance Facility, Middletown Township, **Delaware County**. David P. Condo, PhD., PennDot, 400 North Street, 7th Floor, M-West, Harrisburg, PA 17105-3790 on behalf of Eric B. Schmidley, PG, SAIC, 180 Gordon Drive, Suite 109, Exton, PA 19341 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Site Specific Standard.

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

Dura-Bond Pipe Storage Yard, 5 North Linden Street, Duquesne, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Transtar/Union Railroad Company, 1200 Penn Avenue, Suite 300, Pittsburgh, PA 15222, has submitted a Remedial Investigation Report and Baseline Risk Assessment Report concerning remediation of site soil and groundwater contaminated with lead, manganese, arsenic, molybdenum, iron and aluminum. The report is intended to document remediation of the site to meet the Site-specific and Statewide health Standards.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Magnesita Refractories Company, 1545 East Berlin Road, York, PA 17404, West Manchester Township, **York County**. EA Engineering, Science and Technology, One Marketway West, Suite 4C, York, PA 17401, on behalf of Magnesita Refractories Company, 425 South Salem Church Road, York, PA 17408, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil and chlorinated solvents. The report was submitted within 90 days of the release and 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 and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Mordovancey Pad Access Road, Mordovancey Access Road, Choconut Township, **Susquehanna County**, Dawn Washo, Resource Environmental, 36 Taylor Lane, Montrose, PA 18801 has submitted a Final Report, (on behalf of her clients, Michael Mordovancey, 24790 SR 267, Friendsville, PA 18818, Patrick Mordovancey, 100 Binghamton Road, Friendsville, PA 18818, Norine Hawes, 101 Mill Place, Annville, PA 17003, and Mary Ellen Patrick, 1228 N. Colebrook Road, Manheim, PA 17545), concerning the remediation of 40-60 gallons of diesel fuel released to the soil. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on April 23, 2013. The report was originally submitted within 90 days of the release.

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

Kreiser Fuel Service / Anna Brown Residence, 1042 Horseshoe Pike, Lebanon, PA 17042, South Annville Township, **Lebanon County**. Brickstone Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Kreiser Fuel Service, Inc., 122 Race Horse Drive, Jonestown, PA 17038 and Anna Brown, 1042 Horseshoe Pike, Lebanon, PA 17042, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Residential Statewide Health standard, and was disapproved by the Department on April 29, 2013.

MUNICIPAL WASTE GENERAL PERMITS

Permits Revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (35 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit To Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit No. WMGM039SC002. York Building Products Company, Inc., 950 Smile Way, York, PA 17404

The general permit WMGM039SC002 initially issued to York Building Products Company, Inc. that authorizes the beneficial use of post-consumer and pre-consumer asphalt shingles as an ingredient in hot-mix and cold-mix asphalt paving material, a component of a sub-base material, as dust control on rural roads when applied with a binder, and as a component or ingredient in fuel used in cement or manufacturing or in the generation of steam or electricity has been revoked. This general permit has been reissued to York Materials Group, LLC located at the Roosevelt Blacktop Plant, located at 1070 Roosevelt Avenue, York, PA in West Manchester Township, York

County. The general permit granted to York Building Products, Inc. was revoked by the South Central Regional Office on April 23, 2013.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

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

General Permit No. WMGM028SW004. Monroeville LFG, LLC, 680 Andersen Drive, Foster Plaza 10, 5th Floor, Pittsburgh, PA 15220. Monroeville LFG, LLC, 602 Thomas Street Extension, Monroeville, PA 15146. A municipal waste general permit for the beneficial use of converting landfill gas to high BTU pipeline quality natural gas at a municipal waste landfill in the Municipality of Monroeville, **Allegheny County**, was issued in the Regional Office on April 30, 2013.

General Permit No. WMGM028SW005. Valley LFG, LLC, 680 Andersen Drive, Foster Plaza 10, 5th Floor, Pittsburgh, PA 15220. Valley LFG, LLC, 801 Raymaley Road, Harrison City, PA 15636. A municipal waste general permit for the beneficial use of converting landfill gas to high BTU pipeline quality natural gas at a municipal waste landfill in Penn Township, **Westmoreland County**, was issued in the Regional Office on April 30, 2013.

Persons interested in reviewing the general permit may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412.442.4000. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

Permit Application No. 101312. Waste Management of Pennsylvania, Inc., 2710 Golden Key Road, Kutztown, PA 18072, Coal Township, **Northumberland County**. Renewal of a municipal waste transfer station permit for a facility located in Coal Township. The application was received by Northcentral Regional Office on April 22, 2013.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public

comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

GP3-46-0106: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on April 22, 2013, was authorized to operate a portable nonmetallic mineral processing plant in Lower Pottsgrove Township, **Montgomery County**.

GP9-46-0062: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on April 22, 2013, to operate diesel fuel-fired internal combustion engines in Lower Pottsgrove Township, **Montgomery County**.

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

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

GP1-35-001: Cascades Tissue Group-Pa Inc. (901 Sathers Drive, Pittston Township, PA 18640) on March 22, 2013, to construct and operate a boiler at the site in Ransom Township, **Luzerne County**.

GP3-40-003: Department of Veterans Affairs (1111 East End Boulevard, Wilkes-Barre, PA 18711) on April 25, 2013, for the operation of three (3) natural gas/#2 oil fired boilers at facility in Plains Township, **Luzerne County**

GP14-58-001: Hennessey's Funeral Home, Inc. (747 Jackson Avenue, Susquehanna, PA 18847) on April 25, 2013, to install and operate a human remains crematory at their site in Susquehanna Borough, **Susquehanna County**.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

GP19-67-03147: Kloeckner Metals Corp. (500 Manchester Court, York, PA 17404) on April 23, 2013, for the dry abrasive blasting operations, under GP19, at their facility in West Manchester Township, **York County**. The general permit was reauthorized for use by the new facility owner.

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

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

GP5-17-07E: EXCO Resources (PA), LLC (3000 Ericsson Drive, Suite 200, Warrendale, PA 15086) on April 9, 2013, to operate a 512 bhp natural gas-fired four-stroke rich-burn Waukesha model 800 F3521G compressor engine with a Miratech model IQ-18-08EC1 catalytic oxidizer, a NATCO triethylene glycol dehydration unit equipped with a 125,000 Btu per hour reheater and

condensate tank and various fugitive emissions under the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Kewanee-Deemer Compressor Station in Brady Township, **Clearfield County**.

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

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

GP3-30-00184B: L & J Equipment Co., Inc. (682 W Main Street, Uniontown, PA 15401) on April 29, 2013, to allow the continued operation of a portable nonmetallic mineral processing plant including one crusher, one screen, and three conveyors at Hatfield Station Landfill, in Greene Township, **Greene County**.

GP9-30-00184B: L & J Equipment Co., Inc. (682 W Main Street, Uniontown, PA 15401) on April 29, 2013, to allow the continued operation of one diesel-fired engine powering a portable nonmetallic mineral processing plant at Hatfield Station Landfill, located in Greene Township, **Greene County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

46-0069F: Highway Materials, Inc.—Plymouth Meeting Quarry (5000 Joshua Road, Plymouth Meeting, PA 19462) on April 25, 2013, for replacement of the tertiary crusher at the existing stone crushing facility in Whitmarsh Township, **Montgomery County**. Permanent sources at the quarry currently operate under Synthetic Minor Operating Permit No. 46-00069; numerous portable sources at the quarry operate under various General Permits issued to Highway Materials, Inc. Facility Nitrogen Oxide (NO_x) emissions are restricted to less than 25 tons per year. The new crusher has a maximum capacity of 310 tons per hour. Fugitive particulate matter emissions from the new tertiary crusher will be controlled by a wet suppression system. The project is subject to the New Source Performance Standards, 40 CFR Part 60 Subpart OOO. Plan Approval No. 46-0069F will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-0221: Bucks County Courier Times (2 Geoffrey Rd, Fairless Hills, PA 19030-4310) on April 25, 2013, for installation of one (1) offset lithographic press at their existing facility in Falls Township, **Bucks County**. This facility is a natural minor facility for VOC emissions. The facility wide VOC emissions will not exceed seven tons per year. The Plan Approval will contain work practice standards, monitoring and recordkeeping requirements, and operating restrictions designed to keep the sources and facility operating within all applicable air quality requirements.

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

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

66-315-058: Procter & Gamble Paper Products Co. (P. O. Box 32, Mehoopany, PA 18629) on April 4, 2013, to construct and operate a new glue application process in the converting area. Glue will be stored in portable totes and pumped to the converting machines for application. The glue will be applied to the paper product prior to winding the paper onto cores. As part of the application of glues in the converting process, glue totes and associated appurtenances are dedicated systems known internally as glue "skids."

A total of three (3) converting lines are impacted by this project; MC1, MC2 and MT66. P&G is proposing to add a single glue skid containing this glue capability to the following two (2) paper converting lines, MC1 and MC2, while line MT66 will utilize the glue skid that already services units MT60, 61, 62, 63 and 65 at their facility in Washington Township, Wyoming County.

48-00099A: Cap Glass Allentown LLC (799 Smith Lane, Northampton, PA 18067-1500) on April 3, 2013, to install a new baghouses at their facility in Northampton Borough, **Northampton County**.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

67-03166A: C & S Wholesale Grocers, Inc. (4875 North Susquehanna Trail, York, PA 17406) on April 24, 2013, for ten existing and/or new backup generators to be used for emergencies, testing/maintenance, and demand response at the distribution/shipping/warehouse facility in York City, **York County**.

21-03101A: Hoffman Roth Funeral Home, Inc. (219 North Hanover Street, Carlisle, PA 17013-2424) on April 24, 2013, for their existing human crematory at the facility in Carlisle Borough, **Cumberland County**.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

37-307D: PSC Metals, Inc. (5875 Landerbrook Drive, Suite 200, Mayfield Heights, OH 44124) on April 23, 2013, for modifications to Plan Approval 37-307C for the required pressure drop across the existing baghouse (Source ID C101B) and the required water depth in the existing water table (Source ID C101A) associated with existing scrap cutting activities at their facility in the City of New Castle, **Lawrence County**.

37-337A: Hickory Run Energy, LLC (NE intersection of McClelland and Edinburg Road, New Castle, PA 16102) on April 23, 2013, to construct a natural gas-fired combined cycle 900 MW electric generation facility consisting of two combustion turbine generators, two heat recovery steam generators, and some ancillary equipment in North Beaver Township, **Lawrence County**. This is a PSD application and this is a Title V facility.

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

23-0058: Haverford College (370 Lancaster Ave., Haverford, PA 19041) on April 23, 2013, minor modification of Plan Approval PA-23-0058 to change the classification of three (3) existing units (Sources 101, 102, and 103) from "1,000-kW Diesel Generator used for Peak Shaving" to "1,000-kW Diesel Generator used for Emergency and/or Demand Response".

23-0003U: Monroe Energy, LLC. (4101 Post Road, Trainer, PA 19061) on April 22, 2013, to operate two (2) new boilers in Trainer Borough, **Delaware County**.

23-0003P: Monroe Energy, LLC. (4101 Post Road, Trainer, PA 19061) on April 22, 2013, to operate a new Peabody heater (source ID 130A) in Trainer Borough, **Delaware County**.

09-0142B: ML 35, LLC. (35 Runway Road, Levittown, PA 19057) on April 22, 2013, to operate emergency generators in Bristol Township, **Bucks County**.

46-0027C: Janssen Research and Development, LLC. (Welsh & McKean Road, Spring House, PA 19477) on April 24, 2013, to operate a generator in Lower Gwynedd Township, **Montgomery County**.

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

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

58-329-037: Tennessee Gas Pipeline Co. (1211 Greenville Mercer Road, Mercer, PA 16137) on April 12, 2013, to allow additional time for the construction of a natural gas fired simple cycle combustion turbine at the facility located in Clifford Twp., **Susquehanna County**.

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

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

18-00005D: Dominion Transmission, Inc. (PO Box 2450, Clarksburg, WV 26302-2450) on April 15, 2103, to construct and operate a 16,000 brake-horsepower (bhp) natural gas-fired turbine/compressor engine (Source ID P110), a 690 bhp natural gas-fired emergency generator (Source ID P202), a 4.2 million Btu per hour boiler and a 2.5 million Btu per hour boiler (Source ID 042) at their Finnefrock Compressor Station in Leidy Township, **Clinnton County** until October 21, 2013. The plan approval has been extended.

08-00010D: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on April 18, 2013, to extend the operation of the sources pursuant to the plan approval an additional 180 days from May 4, 2013 to October 31, 2013 at their facility in Towanda Borough, **Bradford County**. The plan approval has been extended.

08-00010C: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on April 18, 2013, to extend the operation of the sources pursuant to the plan approval an additional 180 days from May 3, 2013 to October 30, 2013 at their facility in Towanda Borough, **Bradford County**. The plan approval has been extended.

08-313-042D: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on April 18, 2013, to extend the operation of the sources pursuant to the plan approval an additional 180 days from May 7, 2013 to November 3, 2013 at their facility in Towanda Borough, **Bradford County**. The plan approval has been extended.

17-00063A: PA Grain Processing, LLC (250 Technology Drive, Clearfield, PA 16830) on April 16, 2013, to

extend the temporary operation at their ethanol production facility in Clearfield Borough, **Clearfield County** until November, 2013. The plan approval has been extended.

17-00063B: PA Grain Processing, LLC (250 Technology Drive, Clearfield, PA 16830) on April 16, 2013, to extend the temporary operation of their ethanol production facility in Clearfield Borough, **Clearfield County** until November 13, 2013. The plan approval has been extended.

17-00063C: PA Grain Processing, LLC (250 Technology Drive, Clearfield, PA 16830) on April 16, 2013, to extend the temporary operation of their ethanol production facility in Clearfield Borough, **Clearfield County** until October 13, 2013. The plan approval has been 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

63-00955B: National Fuel Gas Supply Corp. (1100 State Street, Erie, PA 16512) on April 23, 2013, to extend the period of temporary operation of two natural gas-fired turbines rated at 10,280 hp each, one natural gas-fired emergency generator engine rated at 803 bhp, and two lean burn natural gas-fired engines rated at 2,370 bhp each and controlled by oxidation catalysts, until November 23, 2013, at Buffalo Compressor Station in Buffalo Township, **Washington County**.

26-00588: Laurel Mountain Midstream, LLC (1550 Coraopolis Heights Road, Suite 140, Moon Township, PA 15108) on April 25, 2013, to extend the period of temporary operation of the three new ultra lean burn natural gas-fired compressor engines rated at 1,380 bhp each and controlled by oxidation catalysts, and the natural gas-fired turbine rated at 15,525 bhp covered under plan approval PA-26-00588 until November 16, 2013, at Shamrock Compressor Station located in German Township, **Fayette County**.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

62-017P: United Refining Co. (15 Bradley Street, Warren, PA 16365) on April 30, 2013, to issue a plan approval extension for the modification of Boiler No. 4 to install flue gas recirculation in City of Warren, **Warren County**. This is a Title V facility. The plan approval has been extended.

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

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

67-05113: Graham Architectural Products Corp. (1551 Mt. Rose Avenue, York, PA 17403-2909) on April 23, 2013, for their commercial replacement window manufacturing facility in Spring Garden Township, **York County**. This is a renewal of the Title V operating permit.

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

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

19-00003: Bloomsburg University (400 East Second Street, Bloomsburg, PA 17815-1301) on April 16, 2013, to issue a renewal Title V Operating Permit 19-00003 for their campus in Bloomsburg, **Columbia County**. Renewal Title V Operating Permit 19-00003 contains monitoring, recordkeeping and reporting conditions to ensure compliance with all applicable Federal and State air regulatory requirements for stationary sources.

41-00005: Lycoming Engines (652 Oliver Street, Williamsport, PA 17701) on April 22, 2013, to issue a renewal Title V operating permit for their facility in the City of Williamsport, **Lycoming County**. The facility's main sources include engine testing, surface coating, and degreasing/cleaning operations. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

09-00083: HOP Energy, LLC—dba Brinker's Fuels, Inc. (445 North West Street, Doylestown, PA 18901) on April 22, 2013, for renewal of a Non-Title V Facility, State-Only, Natural Minor Permit in Doylestown Borough, **Bucks County**. Brinker's Fuels, Inc. operates and maintains a bulk gasoline plant, underground gasoline storage tanks, and aboveground storage tanks for the storage of home heating oil, on-road diesel fuel, and off-road diesel fuel. Volatile organic compounds are the main emissions from this facility, and the facility has the potential to emit 5.8 tons of volatile organic compounds per year. The requirements of 40 C.F.R. Part 63, Subparts BBBBBB and CCCCCC were found to apply to the bulk gasoline plant and the gasoline dispensing operations of this facility, and the applicable requirements from these regulations were added to the permit. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

23-00050: Taylor Hospital (175 East Chester Pike, Ridley Park, PA 19078) on April 23, 2013, for renewal of a State Only, Natural Minor Operating Permit in Ridley Park Borough, **Delaware County**. The facility operates five (5) dual-fired (natural gas and #2 oil fired) boilers and two (2) diesel-fired emergency electric generators. There have been no changes made to any of the existing sources. The boilers at the hospital are subject to 40 CFR Part 63, Subpart JJJJJJ and the generator engines are subject to 40 CFR Part 63, Subpart ZZZZ. One of the emergency generator engines is rated greater than 1000 HP and is therefore subject to 25 Pa. Code §§ 129.203 and 129.204. All applicable requirements have been included in the operating permit for renewal. The permit includes monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

46-00169: Constantia Colmar, Inc. (92 County Line Road, Colmar, PA 18915) on April 26, 2013, for a renewal

of State Only Operating Permit ("SOOP") No. 46-00169 in Hatfield Township, **Montgomery County**. The following major changes have occurred at the facility since the SOOP was originally issued in April 2007:

- The removal of a seamer at the facility.
- The installation of a new flexographic press and the removal of an existing rotogravure press at the facility, as approved under Plan Approval No. 46-0169D.
- The replacement of the solvent distillation unit of the automatic parts washing system at the facility, as approved under Request for Determination of Changes of Minor Significance and Exemption from Plan Approval/Operating Permit ("RFD") No. 2838.

In addition to the aforementioned current sources, Constantia Colmar, Inc., also operates three solvent aboveground storage tanks, a cold parts cleaner, a rotogravure press, a flexographic press, a regenerative thermal oxidizer ("RTO"), and various miscellaneous sources at the facility. While the potential to emit volatile organic compounds ("VOCs") from the facility exceeds 25 tons per year, the major facility threshold for the Philadelphia Consolidated Metropolitan Statistical Area, Constantia Colmar, Inc., has elected to restrict the VOC emissions from the facility to 24.7 tons per year.

The new flexographic press and RTO are still permitted under Plan Approval No. 46-0169D, since the plan approval has yet to be authorized for incorporation into the SOOP. However, since the RTO has become subject to additional requirements since the issuance of the plan approval, the Department has included these requirements for the RTO in the renewal SOOP as well.

The renewal SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

09-00192: Waste Management of Pennsylvania, Inc. (1000 New Ford Mill Rd, Morrisville, PA 19067) on April 26, 2013, for a bulk material handling and storage facility in Falls Township, **Bucks County**. The initial operating permit is for a non-Title V (State only) facility. Operations at the facility include ship or truck loading/unloading of pumice, gypsum, slag, salt, scrap steel, or clean cover soils. The only pollutant of concern at this facility is particulate matter (PM) including PM that may be a hazardous air pollutant (HAP). PM/PM₁₀/PM_{2.5} (particulate matter 10 microns/2.5 microns and smaller) are limited to 79.8, 34.6 and 12.2 tons respectively, all on a 12-month rolling basis. HAP emissions are limited to 1.0 ton/year on a 12-month rolling basis. PM/PM₁₀/PM_{2.5} emissions are controlled by water suppression and/or Best Management Practices for material transfer. The conditions of Plan Approval 09-0192 and RFD No. 2597 form the basis of this initial operating permit. Upon final approval, the permit will be issued for five years. The Operating Permit will contain monitoring, recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

15-00067: Herr Foods, Inc., (273 Old Baltimore Pike, Nottingham, PA 19362) On April 26, 2013, for a Non-Title V Facility, State-Only, Synthetic Minor Permit in West Nottingham Township, **Chester County**. Herr Foods Inc is a Manufacturing-food preparations facility. The sources of emissions include boilers and product lines. The company took an emission limit of 24.9 tons per year of NO_x

and VOC's. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

35-00020: Master Halco, Inc. (1000N South Road, Scranton, PA 18504-1414) on April 15, 2013, to operate a wire fabricating facility in the City of Scranton, **Lackawanna County**. The facility consists of a galvanizing furnace and wire drawing machines with filter fabric controls for particulate emissions. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

35-00027: Quadrant EPP (Laurel Line Facility, 900 North South Road, Scranton, PA 18504) on April 15, 2013, to operate an unsupported film and sheet plastic manufacturing facility in the City of Scranton, **Lackawanna County**. The primary sources at the facility include 3 presses and 3 natural gas fired boilers. This is a renewal State-Only Natural Minor operating permit. The issued State-only Operating Permit contains other applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to verify facility compliance with Federal and State air pollution regulations.

40-00076: Wilkes-Barre Materials, LLC. (500 Chase Road, Shavertown, PA 18708-9689) on April 15, 2013, to operate a stone crushing and asphalt manufacturing operation in Plains Township, **Luzerne County**. The operation consists of stone crushing and screening with water sprays for particulate emission control and an asphalt batch plant with filter fabric for particulate emission control. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

40-00122: Leggett and Platt, Inc. (515 Salem Boulevard, Berwick, PA 18603) on April 25, 2013, to operate a foam plastics manufacturing facility in Salem Township, **Luzerne County**. The operation consists of a polyurethane pad manufacturing process with filter fabric for control of particulate emissions. This is an initial State-Only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

66-00007: Airport Sand and Gravel Co., Inc. (500 Swetland Lane, West Wyoming, PA 18644) on April 15, 2013, to operate a stone crushing and screening operation in Nicholson Township, **Wyoming County**. The operation consists of crushers and screens with water sprays as particulate emission controls. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

67-03113: Advanced Industrial Services, Inc. (3250 N. Susquehanna Trail, York, PA 17406) on April 23, 2013, for their metal fabrication job shop in Manchester Township, **York County**. The State-only permit was renewed.

36-05090: Hershey Co. (400 Running Pump Road, Lancaster, PA 17603-2269) on April 23, 2013, for their candy manufacturing facility in East Hempfield Township, **Lancaster County**. The State-only permit was renewed.

05-03003: Chestnut Ridge School District (3281 Valley Road, Fishertown, PA 15539-9843) on April 24, 2013, for their coal-fired boilers at the Chestnut Ridge Middle School in East Saint Clair Township, **Bedford County**. The State-only permit was renewed.

36-03124: Reading Group, LLC (1363 Bowmansville Road, Bowmansville, PA 17507) on April 23, 2013, for their custom truck assembly facility in Brecknock Township, **Lancaster County**. The State-only permit was renewed.

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

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

59-00017: Hitachi Metals Automotive Components USA, LLC (18986 Route 287, Tioga, PA 16946-8815) on April 23, 2013, issued a state only operating permit for their facility in Lawrence Township, **Tioga County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00046: Pennsylvania College of Technology (2245 Reach Road, Williamsport, PA 17701) on April 16, 2013, issued a state only operating permit for their facility in the City of Williamsport, **Lycoming County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

60-00001: Bucknell University (University Avenue, Physical Plant, Lewisburg, PA 17837) on April 24, 2013, issued a state only operating permit for their facility in East Buffalo Township, **Union County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

41-00049: Danzer Veneer Americas, Inc. (240 North Reach Road, PO Box 3455, Williamsport, PA 17701) on April 24, 2013, issued a state only operating permit for their facility in the City of Williamsport, **Lycoming County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636

10-00337: Cellco Partnership—Verizon Wireless—Cranberry Call Center (700 Cranberry Woods Drive, Cranberry Township, PA 16066-5213) on April 25, 2013, issued a renewal of the operating permit for the facility in

Cranberry Township, **Butler County**. The facility has a 2000 kW emergency generator that is fueled with low sulfur diesel (less than 0.3 percent sulfur by weight). The conditions of the previous plan approval and operating permit were incorporated into the renewal permit. The emergency generator is restricted to 500 hours of operation and shall only be operated during utility power outages and for periodic maintenance testing. The emergency generators are subject to 40 CFR 63 Subpart ZZZZ—NESHAP for Reciprocating Internal Combustion Engine (RICE). The facility is a Natural Minor.

33-00016: NAC Carbon Products, Inc. (Elk Run Avenue, Punxsutawney, PA 15767) on April 24, 2013, re-issued a Natural Minor Operating Permit for this carbon rod manufacturing facility in the Borough of Punxsutawney, **Jefferson County**. The facility's primary sources of emissions are the carbon baking kilns and associated equipment. Emissions continue to be below major source levels.

37-00280: Three Rivers Aggregates LLC—McCandless Plant (225 North Shore Drive, Pittsburgh, PA 15212) on April 29, 2013, issued a minor operating permit modification to the State Operating Permit to incorporate the conditions of the Request For Determination which exempted the emergency generator as backup to pole power and included the requirements of 40 CFR 63 Subpart ZZZZ pertaining to the NESHAPs for Reciprocating Internal Combustion Engines (RICE) MACT into the permit for the facility located in Plain Grove Township, **Lawrence County**.

43-00010: Jamestown Paint Company (108 Main Street, Jamestown PA 16134) on April 24, 2013, re-issued a Natural Minor Operating Permit to the Jamestown Paint Company in the Borough of Jamestown, **Mercer County**. The facility's primary emissions are from the storage and processing of VOCs (Volatile Organic Compounds) used in the paint making process.

43-00289: Spang and Company—Power Electronics Division (5241 Lake Street, Sandy Lake, PA 16145) on April 24, 2013, re-issued the Natural Minor Operating Permit to Spang and Company/Power Electronics Division in Sandy Lake Township, **Mercer County**. The facility's primary source of emissions is from surface coating operations.

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

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

N12-042: Penn Mutual Towers (510-530 Walnut Street, Philadelphia, PA 19106), for operation of commercial offices in the City of Philadelphia, **Philadelphia County**. The natural minor facility's air emission sources include four (4) 6.0 MMBTU/hr boilers burning No. 2 oil or natural Gas, one (1) 1.5 MMBTU/hr boiler burning natural gas, two (2) emergency generator each less than 250 kW burning natural gas, and one (1) 196 hp fire pump burning diesel.

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.

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

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

48-00032: Grand Central Sanitary Landfill, Inc. (910 W Pennsylvania Avenue, Pen Argyl, PA 18072) on April 17, 2013, is a Title V facility in Plainfield Township, **Northampton County**. The Title V Operating Permit was amended to include the newly applicable requirements from Plan Approval No. 48-322-006. The amended Title V permit do not change any monitoring, recordkeeping, reporting, and work practice requirements already included in existing operating permit.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Actions

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

30841317. Consol Pennsylvania Coal Company, LLC, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** to expand the existing parking lot at the 3 North #5 Airshaft and Portal Facility. No additional discharges. The application was considered administratively complete on September 12, 2012. Application received July 16, 2012. Permit issued April 23, 2013.

63091301 and NPDES No. PA0236004. Tunnel Ridge, LLC, (2596 Battle Run Road, Triadelphia, WV 26059-1200). To revise the permit for the Tunnel Ridge Mine in Donegal Township, **Washington County** to install the Miller Bleeder Shaft site. No point source discharges associated with site. Surface Acres Proposed 12.8. Receiving stream: Little Wheeling Creek, classified for the following use: WWF. The application was considered administratively complete on January 18, 2011. Application received September 20, 2010. Permit issued April 23, 2013.

56841328 and NPDES No. PA0033677 and GP12-56841328-R21. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit for Mine 78 in Paint Township, Somerset County and Adams and Richland Townships, **Cambria County** and related NPDES permit. Includes renewal of Air Quality GPA/GP12 Authorization. Approval is authorized under

General Permit BAQ-GAP/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-56841328-R21. No additional discharges. The application was considered administratively complete on July 26, 2012. Application received May 23, 2012. Permit issued April 26, 2013.

32830701 and NPDES No. PA0215015. Pennsylvania Mines, LLC, (2 North 9th Street, Allentown, PA 18101). To renew the permit for the Greenwich No. 2 Refuse Site in Green Township, **Indiana County** and Susquehanna Township, Cambria County for reclamation only and to revise the permit for a land use change to 11.5 acres from wildlife habitat to unmanaged natural habitat. Includes deletion of NPDES Discharge Point 001. No discharges. The application was considered administratively complete on April 30, 2012. Application received January 30, 2012. Permit issued April 29, 2013.

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

03900112 and NPDES Permit No. PA0003191. Canterbury Coal Co. (c/o West Virginia Resources, Inc., P. O. Box 278, Gallipolis, OH 45631). Renewal permit for reclamation and water treatment only, issued to an existing bituminous surface mine, located in Kiskiminetas Township, **Armstrong County**, affecting 81.2 acres. Receiving stream: unnamed tributary to Long Run. Application received: June 25, 2012. Permit issued: April 23, 2013.

65050101 and NPDES Permit No. PA0250775. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Renewal permit for reclamation only issued to an existing bituminous surface mine, located in Derry & Ligonier Townships, **Westmoreland County**, affecting 450.0 acres. Receiving streams: unnamed tributaries to Loyalhanna Creek. Renewal application received: May 23, 2011. Renewal permit issued: April 24, 2013.

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

17120101 and NPDES No. PA0257893. Forcey Coal, Inc. (475 Banian Road, Madera, PA 16661). Commencement, operation, and restoration of a bituminous coal surface mine located in Lumber City Borough, **Clearfield County** affecting 55.0 acres. Receiving stream(s): Unnamed Tributaries to West Branch Susquehanna River classified for the following use(s) Cold Water Fishes and West Branch Susquehanna River classified for the following use(s): Warm Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received April 16, 2012. Permit issued April 16, 2013.

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

54940203R3. Wilbur White Coal Company, (11 Low Road, Pottsville, PA 17901), renewal of an existing anthracite coal refuse reprocessing operation in Butler Township, **Schuylkill County** affecting 23.0 acres, receiving stream: Mahanoy Creek. Application received: May 25, 2011. Renewal issued: April 24, 2013.

54940203GP104. Wilbur White Coal Company, (11 Low Road, Pottsville, PA 17901), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54940203 in Butler Township, **Schuylkill County**, and receiving stream:

Mahanoy Creek. Application received: November 23, 2011. Permit issued: April 24, 2013.

54071301R. Kimmel's Mining, Inc., (PO Box 1, Wiconisco, PA 17097), renewal of an existing anthracite underground mine operation in Porter, Williams and Wiconisco Townships, **Schuylkill** and **Dauphin Counties** affecting 26.4 acres, receiving stream: Wiconisco Creek. Application received: June 1, 2012. Renewal issued: April 24, 2013.

54071301GP104. NPDES General Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 54071301 in Porter, Williams and Wiconisco Townships, **Schuylkill** and **Dauphin Counties**, receiving stream: Wiconisco Creek. Application received: December 10, 2012. Permit issued: April 24, 2013.

Noncoal Permits Actions

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

Permit No. 0579201 and NPDES Permit No. PA0118583. New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Broadtop Township, **Bedford County**. Receiving stream: Six Mile Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received February 12, 2013. Permit issued April 24, 2013.

Permit No. 4274SM7 and NPDES Permit No. PA0009822. New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Walker Township, **Huntingdon County**. Receiving stream: Crooked Creek classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received February 12, 2013. Permit issued April 22, 2013.

Permit No. 4275SM14T and NPDES Permit No. PA0124532. New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Warriors Mark and Snyder Townships, **Huntingdon** and **Blair Counties**. Receiving stream: Logan Spring Run, UT to Little Juniata River and Juniata River classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received February 12, 2013. Permit issued April 24, 2013.

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

66130801. Donald R. Taylor, (4450 Williams Road, Nicholson, PA 18846), commencement, operation and restoration of a bluestone quarry operation in Nicholson Township, **Wyoming County** affecting 5.0 acres, receiving stream: unnamed tributary to Monroe Creek. Application received: December 28, 2012. Permit issued: April 24, 2013.

66130801GP104. Donald R. Taylor, (4450 Williams Road, Nicholson, PA 18846), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 66130801 in Nicholson Township, **Wyoming County**, receiving stream: unnamed tributary to Monroe Creek. Application received: December 28, 2012. Permit issued: April 24, 2013.

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

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

08134114. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419). Blasting for construction of a pipeline located in Albany Township, **Bradford County**. Permit issued April 17, 2013. Permit expires April 30, 2014.

08134115. Doug Wathen, LLC (11934 Fairway Lakes Drive, Suite 1, Fort Myers, FL 33913). Blasting for construction of a gas pad located in Wilmot Township, **Bradford County**. Permit issued April 19, 2013. Permit expires April 16, 2014.

08134116. Midstream Explosives LLC (289 Southside Drive, Newville, PA 17241-8951). Blasting for construction of a pipeline located Monroe Township, **Bradford County**. Permit issued April 24, 2013. Permit expires April 20, 2014.

08134117. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419). Blasting for construction of a pipeline located Overton Township, **Bradford County**. Permit issued April 24, 2013. Permit expires April 30, 2014.

59134102. M & J Explosives Inc., (P. O. Box 608, Carlisle, PA 17013-0608). Blasting for construction of a well pad located in Sullivan Township, **Tioga County**. Permit issued April 25, 2013. Permit expires April 25, 2014.

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

3613 4116. Maine Drilling and Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for All Size Corrugated Site in East Hempfield Township, **Lancaster County** with an expiration date of April 22, 2014. Permit issued: April 24, 2013.

36134117. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Stonehouse Place in Manheim Township, **Lancaster County** with an expiration date of April 30, 2014. Permit issued: April 25, 2013.

36134118. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Grandview in Manheim Township, **Lancaster County** with an expiration date of April 25, 2014. Permit issued: April 25, 2013.

46134108. Schlouch, Inc., (P. O. Box 69, Blandon, PA 19510), construction blasting for The Hill School Stadium in Pottstown Borough, **Montgomery County** with an expiration date of April 23, 2014. Permit issued: April 25, 2013.

38134112. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Lloyd Oberholtzer Chicken House in Millcreek Township, **Lebanon County** with an expiration date of June 30, 2013. Permit issued: April 29, 2013.

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 Chapter 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.

Coal NPDES Draft Permits

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

NPDES No. PA0092193 (Mining Permit No. 32840701), Tanoma Coal Company, Inc., (One Energy Place, Latrobe, PA 15650). A renewal to the NPDES and mining activity permit for post-mining water treatment for the Tanoma Refuse Area #2 in Rayne Township, **Indiana County**. Surface Acres Affected 160.0. Receiving stream: Unnamed Tributary to Rayne Run, classified for the following use: CWF. Crooked Creek Watershed TMDL. The application was considered administratively complete on November 3, 2010. Application received September 16, 2010.

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.

Outfall 001 discharges to: Unnamed Tributary to Rayne Run

The proposed effluent limits for *Outfall 001* (Lat: 40° 43' 05" Long: 79° 03' 25") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	0.239	-
Iron	(mg/l)	1.5	3.0	3.8
Manganese	(mg/l)	1.3	2.6	3.3
Aluminum	(mg/l)	0.4	0.75	0.9
Total Suspended Solids	(mg/l)	35	70	90
Osmotic Pressure	(mos/kg)	50	100	125
Total Dissolved Solids	(mg/l)	-	-	REPORT
Sulfates	(mg/l)	-	-	REPORT
Chlorides	(mg/l)	-	-	REPORT

Outfall 003 discharges to: Unnamed Tributary to Rayne Run

The proposed effluent limits for *Outfall 003* (Lat: 40° 43' 23" Long: 79° 03' 16") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	0.09	-
Iron	(mg/l)	0.9	1.7	2.1
Manganese	(mg/l)	1.0	1.9	2.4
Aluminum	(mg/l)	1.1	2.3	2.8
Total Suspended Solids	(mg/l)	35	70	90
Osmotic Pressure	(mos/kg)	50	100	125
Total Dissolved Solids	(mg/l)	-	-	REPORT
Sulfates	(mg/l)	-	-	REPORT
Chlorides	(mg/l)	-	-	REPORT

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

NPDES No. PA0212393 (Mining permit no. 11930102), E. P. Bender Coal Company, P. O. Box 594, Carrolltown, PA 15722, renewal of an NPDES permit for a bituminous surface mine in Dean Township, **Cambria County**, affecting 195.8 acres. Receiving stream(s): Little Laurel Run and Clearfield Creek, classified for the following use(s): cold water fishery and warm water fishery. This receiving stream is included in the Clearfield Creek TMDL. Application received: April 12, 2013.

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 outfall(s) listed below discharge to Clearfield Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
011	N

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code Chapter 87.201, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 PA Code Chapter 87.102(a) Group A, whichever is least stringent.

NPDES No. PA0234648 (Mining permit no. 11970201), Maple Coal Company, 254 Interpower Drive, Colver, PA 15927, renewal of an NPDES permit for coal refuse reprocessing in Barr and Blacklick Townships, **Cambria County**, affecting 47.1 acres. Receiving stream(s): unnamed tributaries to/and Elk Creek, classified for the following use(s): cold water fisheries. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: January 22, 2013.

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 treated outfall(s) listed below discharge to Elk Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 001 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	50.0	50.0	50.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to Elk Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 002 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA0268968 (Mining permit no. 56120105), PBS Coals, Inc., 1576 Stoystown Road, Friedens, PA 15541, new NPDES permit for surface mining in Somerset Township, **Somerset County**, affecting 44.3 acres. Receiving stream(s): East Branch Coxes Creek, classified for the following use(s): cold water fisheries. This receiving stream is included in the Coxes Creek TMDL. Application received: February 27, 2012.

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 treated outfall(s) listed below discharge to East Branch Coxes Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	50.0	50.0	50.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to East Branch Coxes Creek.

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001, 002	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>Instant. Maximum</i>
Iron (mg/l)	7.0
Manganese (mg/l)	
Aluminum (mg/l)	
Total Settleable Solids (mg/l)	0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times	
Alkalinity must exceed acidity at all times	

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

NPDES No. PA0259373 (Permit No. 10120105). Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) New NPDES permit for a bituminous surface mine in Buffalo Township, **Butler County**, affecting 84.0 acres. Receiving streams: Unnamed tributaries to Lardintown Run, classified for the following uses: TSF. TMDL: Lower Allegheny River for Chlorane and PCB's. Application received: November 13, 2012.

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 outfall(s) listed below discharge to unnamed tributaries A & B to Lardintown Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<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)		3	6	7.5
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary D to Lardintown Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP2	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<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)		1.5	3	3.75
Manganese (mg/l)		1	2	2.5
Aluminum (mg/l)		.75	1.5	1.88
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary B to Lardintown Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP1 (wet weather)-	Y

<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)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

The outfall(s) listed below discharge to unnamed tributary D to Lardintown Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP2 (wet weather)	Y

<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)				3.75
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

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

NPDES No. 0257699 (Mining Permit No. 17110107), Bell Resources, Inc., 1340 Hoyt Road, Curwensville, PA 16833, new NPDES permit for surface mining in Bloom, Brady, and Penn Townships, **Clearfield County**, affecting 76.2 acres. Receiving stream(s): Unnamed Tributaries to Bell Run classified for the following use(s): Cold Water Fishes. Bell Run is included in the West Branch Susquehanna River TMDL and "Future Operation 1" Waste Load Allocation was assigned to this permit. Application received: June 3, 2011.

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 outfall(s) listed below discharge to: Unnamed Tributaries to Bell Run.

Outfall No.

New Outfall (Y)

A
B
TB1
TB2

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 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

Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401

E46-1084. Montgomery County, One Montgomery Plaza, Suite 201, 425 Swede Street, Norristown, PA 19401, Norristown Borough and Plymouth Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activity associated with the improvement of the Lafayette Street extension and improvement project in the floodplain of the Schuylkill River (WWF/MF):

To modify, extend, and maintain the existing Lafayette Street (S.R. 9102) associated with its connection to Conshohocken Road (S.R. 3013). This work includes all the appurtenant work within the floodplain, such as local road intersection modification and proposed sidewalks.

The project will permanently impact approximately 0.96 acre of floodplain (1,550 cubic yards of net fill). The site commences at approximately 400 feet west of the Dannehower Bridge in the Borough of Norristown and runs east extending to Lafayette Street from its current terminal point at Ford Street to the Conshohocken Road in Plymouth Township (Norristown, PA USGS Quadrangle N: 19.88 inches, W: 11.53 inches). The project is located in Plymouth Township and Norristown Borough, Montgomery County.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. § 1341(a)].

E51-238. Philadelphia City/Fairmount Park Commission, 1515 Arch Street, 10th Floor, One Parkway Building, Philadelphia, PA 19102, City of Philadelphia, **Philadelphia County**. ACOE Philadelphia District.

Fairmount Water Works Amenities and Island Enhancements Project

To perform the following water obstruction and encroachment activities associated with the Fairmount Waterworks Amenities and Island Enhancement project within the floodplain of the Schuylkill River (WWF, MF):

1) To construct and maintain an approximately 550-foot long, 12-foot wide segment of a bituminous pathway.

2) To construct and maintain an approximately 600-foot long, 6-foot wide boardwalk impacting approximately 0.11 acre of wetlands (PFO/SS)

3) To dredge approximately 1,300 cubic yards within the stream associated with the installation of the proposed aquatic bench for habitats.

4) To construct and maintain a 25-foot span, 8 feet wide, and 6-foot underclearance steel bridge connecting Philadelphia mainland to the island situated within the Schuylkill River.

5) To construct and maintain a stormwater management facility/basin.

The proposal will temporarily impact .30 acre and the applicant proposed to mitigate approximately 0.11 acre of wetland impacts. The project connects the island in the middle of the Schuylkill River to the Aquarium Drive (formerly Waterworks Drive) on the mainland in the City of Philadelphia, Philadelphia County (Philadelphia, PA USGS Quadrangle N: 16.99 inches; W: 8.22 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. § 1341(a)].

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E31-226: Cromwell Township Board of Supervisors, 10999 Valley Street, Shirleysburg, Pennsylvania 17260, in Cromwell Township, **Huntingdon County**, ACOE Baltimore District

To: 1) cross and maintain 519.0 feet of PSS wetlands with 8.0-inch PVC pipe permanently impacting 0.006 acre and temporarily impacting 0.3574 acre (Latitude: 40°14'21"N, Longitude: 77°54'02"W), 2) cross and maintain 53.0 feet of PFO wetlands with 8.0-inch PVC pipe permanently impacting 0.0183 acre (Latitude: 40°14'09"N, Longitude: 77°54'03"W), 3) cross and maintain 26.0 feet of PFO wetlands with 8.0-inch PVC pipe permanently impacting 0.009 acre (Latitude: 40°14'06"N, Longitude: 77°54'02"W), 4) cross and maintain 45.0 feet of PFO wetlands with 8.0-inch PVC pipe permanently impacting 0.0155 acre (Latitude: 40°13'56"N, Longitude: 77°54'02"W), 5) cross and maintain 21.0 feet of PEM/PSS wetlands with 8.0-inch PVC pipe temporarily impacting 0.0145 acre (Latitude: 40°13'44"N, Longitude: 77°54'04"W), 6) cross and maintain 77.0 feet of PEM wetlands

with 8.0-inch PVC pipe temporarily impacting 0.053 acre (Latitude: 40°13'29"N, Longitude: 77°54'07"W), 7) cross and maintain 86.0 feet of PFO wetlands with 8.0-inch PVC pipe temporarily impacting 0.0592 acre (Latitude: 40°12'43"N, Longitude: 77°55'33"W), 8) install and maintain a 10.0-foot crossing with 8.0-inch PVC pipe under an Unnamed Tributary to Blacklog Creek (CWF, MF) (Latitude: 40°14'16"N, Longitude: 77°54'1.8"W), 9) install and maintain a 10.0-foot crossing with 8.0-inch PVC pipe under an Unnamed Tributary to Blacklog Creek (CWF, MF) (Latitude: 40°13'48.1"N, Longitude: 77°54'1.9"W), 10) install and maintain a 15.0-foot crossing with 8.0-inch PVC pipe under an Unnamed Tributary to Blacklog Creek (CWF, MF) (Latitude: 40°13'41.7"N, Longitude: 77°54'2.7"W), 11) install and maintain a 30.0-foot crossing with 8.0-inch PVC pipe under an Unnamed Tributary to Blacklog Creek (CWF, MF) (Latitude: 40°13'32.5"N, Longitude: 77°54'5.1"W), 12) install and maintain a 30.0-foot crossing with 8.0-inch PVC pipe under an Unnamed Tributary to Blacklog Creek (CWF, MF) (Latitude: 40°13'29.1"N, Longitude: 77°54'05"W), 13) install and maintain a 15.0-foot crossing with 8.0-inch PVC pipe under an Unnamed Tributary to Blacklog Creek (CWF, MF) (Latitude: 40°13'12.9"N, Longitude: 77°54'12.5"W), 14) install and maintain a 10.0-foot crossing with 8.0-inch PVC pipe under an Unnamed Tributary to Blacklog Creek (CWF, MF) (Latitude: 40°13'09"N, Longitude: 77°54'12.3"W), 15) install and maintain a 10.0-foot crossing with 8.0-inch PVC pipe under an Unnamed Tributary to Blacklog Creek (CWF, MF) (Latitude: 40°12'56.2"N, Longitude: 77°54'12.3"W), 16) install and maintain a 30.0-foot crossing with 3.0-inch PVC pipe under an Unnamed Tributary to Aughwick Creek (TSF, MF) (Latitude: 40°13'1.3"N, Longitude: 77°54'38.9"W), 17) install and maintain a 20.0-foot crossing with 3.0-inch PVC pipe under an Unnamed Tributary to Aughwick Creek (TSF, MF) (Latitude: 40°12'59.2"N, Longitude: 77°54'46.6"W), 18) install and maintain a 20.0-foot crossing with 3.0-inch PVC pipe under an Unnamed Tributary to Aughwick Creek (TSF, MF) (Latitude: 40°12'58.9"N, Longitude: 77°54'51.2"W), 19) install and maintain a 20.0-foot crossing with 3.0-inch PVC pipe under an Unnamed Tributary to Aughwick Creek (TSF, MF) (Latitude: 40°12'57.8"N, Longitude: 77°55'01"W), 20) install and maintain a 10.0-foot crossing with 8.0-inch PVC pipe under an Unnamed Tributary to Aughwick Creek (TSF, MF) (Latitude: 40°12'53.2"N, Longitude: 77°55'34.9"W), 21) install and maintain a 115.0-foot crossing with 3.0-inch PVC pipe under Aughwick Creek (TSF, MF) (Latitude: 40°12'56.9"N, Longitude: 77°55'31.4"W), 22) install and maintain a 110.0-foot crossing with 8.0-inch PVC pipe under Aughwick Creek (TSF, MF) (Latitude: 40°12'53.2"N, Longitude: 77°55'34.9"W), 23) install and maintain two 50.0-foot crossings with 8.0-inch and 3.0-inch PVC pipe under Three Springs Creek (CWF, MF) (Latitude: 40°12'48"N, Longitude: 77°55'34.2"W), 24) construct and maintain a pump station placing fill within the floodway of Three Springs Creek (CWF, MF) on the left side with average dimensions of 7.5 feet wide, 107.0 feet long, and 3.0 feet high with an area of 0.02 acre, 25) placing fill within the floodplain of Three Springs Creek (CWF, MF) and Aughwick Creek (TSF, MF) on the left side with average dimensions of 15.0 feet wide, 184.0 feet long, and 3.0 feet high with an area of 0.06 acre, 26) install and maintain 50.0 linear feet of R-4 riprap streambank stabilization in and along Jordan Run (CWF, MF) (Latitude: 40°14'21"N, Longitude: 77°54'02"W), 27) install and maintain 30.0 linear feet of R-4

riprap streambank stabilization in and along Jordan Run (CWF, MF) (Latitude: 40°13'42"N, Longitude: 77°54'03"W), 28) install and maintain 15.0 linear feet of R-4 riprap streambank stabilization in and along Jordan Run (CWF, MF) (Latitude: 40°13'43"N, Longitude: 77°54'03"W), 29) install and maintain 15.0 linear feet of R-4 riprap streambank stabilization in and along Jordan Run (CWF, MF) (Latitude: 40°13'43"N, Longitude: 77°54'3"W), 30) install and maintain 10.0 linear feet of R-4 riprap streambank stabilization in and along Jordan Run (CWF, MF) (Latitude: 40°13'33"N; Longitude: 77°54'05"W), and 31) install and maintain 10.0 linear feet of R-4 riprap streambank stabilization in and along Jordan Run (CWF, MF) (Latitude: 40°13'33"N, Longitude: 77°54'05"W), all for the purpose of providing public sewage to residences and businesses. The project is located along State Routes 994 and 475, Orbisonia, PA Quadrangle; Latitude: 40°12'49.2"N, Longitude: 77°55'36.9"W) in Cromwell Township and Rockhill Furnace Borough, Huntingdon County. The amount of permanent wetland impact is considered a de minimus impact of 0.01 acre and wetland replacement is not required.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E49-327. Randall Kramm, 7480 Paradise Road, Milton, PA 17847-8071. Muddy Run Stabilization/Fencing Project in Turbot Township, **Northumberland County**, ACOE Baltimore District (Milton, PA Quadrangle N: 41.048870 inches; W: -76.7905280 inches).

The applicant proposes to complete a bank stabilization project within existing pasture ground. The improvements will consist of the installation of four stabilized agricultural stream crossings, 450 linear feet of bank stabilization (laying back the slopes) within the middle pasture along the left bank, 605 linear feet of bank stabilization (laying back the slopes and riprap toe) along three outside meander bends (one right bank and two left bank). Additional work will include fencing placed outside the floodway to maintain the new improved banks and vegetation areas. Overall, this project intends on improving well over 1000 linear feet of Muddy Run, which carries a water quality designation of Warm Water Fishery. This project does not impact any wetlands.

E49-328. Jody L. Cromley, 95 Terry's Lane, Watsonstown, PA 17777. Cromley Bank Stabilization, in Turbot Township, **Northumberland County**, ACOE Baltimore District (Milton, PA Quadrangle N: 41°3'14.3"; W: -76°47'0.3").

This permit authorizes the construction, operation and maintenance of a bank stabilization project along 1,366 linear feet of Muddy Run, Warm Water Fishery in Turbot Township, Northumberland County. The work is categorized into three work areas of the upper pasture, middle pasture, and lower pasture. The upper pasture will stabilize 250 linear feet by means of regrading the stream banks to a 1:3 slope and placing R-5 riprap at the bed tie in elevation, to an elevation 1.5 feet up the bank with remaining bank vegetated. This pasture will also receive one stabilized stream crossing in accordance with the standards presented in the general permit number six authorization. These crossings will have eight inches of ASHTO No. 4 stone and four inches of ASHTO 2B along

the entire wearing surface. Additionally, within the floodplain, the applicant will install 1,063 linear feet of stream bank fencing to restrict livestock access to the stream. The middle pasture will stabilize 536 linear feet by means of regrading the stream banks to a 1:3 slope and placing R-5 riprap at the bed tie in elevation, to an elevation 1.5 feet up the bank with remaining bank vegetated. This pasture will receive 9-rock cross vanes constructed in accordance with the standards presented in the general permit number one authorization. This pasture will also receive two stabilized stream crossings in accordance with the standards presented in the general permit number six authorization. These crossings will have eight inches of ASHTO No. 4 stone and four inches of ASHTO 2B along the entire wearing surface. Additionally, within the floodplain, the applicant will install 2,006 linear feet of stream bank fencing to restrict livestock access to the stream. The lower pasture will stabilize 580 linear feet by means of regrading the stream banks to a 1:3 slope and placing R-5 riprap at the bed tie in elevation, to an elevation 1.5 feet up the bank with remaining bank vegetated. This pasture will also receive one stabilized stream crossing in accordance with the standards presented in the general permit number six authorization. These crossings will have eight inches of ASHTO No. 4 stone and four inches of ASHTO 2B along the entire wearing surface. Additionally, within the floodplain, the applicant will install 1,384 linear feet of stream bank fencing to restrict livestock access to the stream. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E59-517 Pennsylvania Department of Transportation, Engineering District 3-0, PO Box 218 Montoursville, PA 17754-0218. S.R. 0015 Section 144 Slope Stabilization adjacent to the Tioga River, Tioga Township, **Tioga County**, ACOE Baltimore District (Mansfield, PA Quadrangle N: 41° 52' 21"; W: -77° 07' 11").

PA DOT Engineering District 3-0 proposes to stabilize a slope failure adjacent to the Tioga River at the Tioga Reservoir in Tioga Township, Tioga County. The project includes the placement of approximately 6,000 cubic yards of fill in the floodway to act as a counter berm to stabilize the slope and the excavation of approximately 6,000 cubic yards of material to offset the fill. Approximately 360 ft. of stormwater drainage will be relocated at the toe of slope. Approximately 460 driven steel piles will be driven in the footprint of the old SR 0015 roadway. Tioga River is classified as a Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards. The project will not result in any wetland impacts. The project will not require mitigation.

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E30-242. Greene County Board of Commissioners, Greene County Office Building, 3rd Floor, 93 East High Street, Waynesburg, PA 15370, Jefferson and Morgan Townships, **Greene County** ACOE Pittsburgh District

Applicant has been given consent to remove the County Bridge No. 99 and to construct and maintain a bridge having two normal clear spans of 62.5 feet each and an underclearance of 16.49 feet across South Fork Tenmile Creek (WWF) and to construct, maintain and remove a

temporary causeway and access road, located on T-860 (Bridge Street) in Jefferson and Morgan Townships, Greene County (Mather, PA Quadrangle; N: 17.1 inches; W: 6.9 inches; Latitude: 39° 58' 9"; Longitude: 80° 02' 57").

ENVIRONMENTAL ASSESSMENTS

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

EA36-030: Millcreek Preservation Association, Farm and Home Center, 1383 Arcadia Road, Room 200, Lancaster, Pennsylvania 17601, in East Lampeter Township, **Lancaster County**, ACOE Baltimore District

To construct and maintain of a stream restoration project including 1) 3,600.00 feet of streambank grading; 2) 3,600.0 feet of rock toe protection; 3) three cross rock vanes; 4) two log vanes; 5) seven rock vanes; 6) two mudsills; and 7.) 300.0 feet of bankfull bench construction. The project is located near the intersection of Windy Hill Road and Strasburg Pike (Leola, PA Quadrangle, Latitude 40°01'19.3"N, Longitude: 76°14'8.97"W) in East Lampeter Township, Lancaster County. No wetlands will be impacted by this project.

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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701

ESCP # 4112801(1)
Applicant Name Transcontinental Gas Pipe Line Co, LLC
Contact Person Allen Smith
Address 2800 Post Oak Blvd Ste 900
City, State, Zip Houston TX 77056
County Lycoming
Township(s) Penn & Wolf Townships
Receiving Stream(s) and Classification(s) Gregs Run,
UNT to Gregs Run, UNT to Mill Race & Pine Run,
all CWF-MF; Muncy Creek, TSF-MF

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX13-115-0040
Applicant Name Susquehanna Gathering Company 1, LLC
Contact Person John Miller
Address P. O. Box 839, 1299 Oliver Road
City, State, Zip New Milford, PA 18834
County Susquehanna County
Township(s) Great Bend and New Milford Townships
Receiving Stream(s) and Classification(s) UNT to Deacon Brook (CWF/MF)

ESCGP-1 # ESX13-015-0025
Applicant Name Angelina Gathering Company, LLC
Contact Person Danny Spaulding
Address 2350 N. Sam Houston Pkwy, Suite 125
City, State, Zip Houston, TX 77032
County Bradford County
Township(s) Wyalusing Township
Receiving Stream(s) and Classification(s) Susquehanna River (WWF/MF);
Secondary: UNT to Susquehanna River

ESCGP-1 # ESX13-015-0026
Applicant Name EOG Resources, Inc.
Contact Person Greg Shaffer
Address 191 Beaver Drive
City, State, Zip Dubois, PA 15801
County Bradford County
Township(s) Springfield Township
Receiving Stream(s) and Classification(s) UNT to Leonard Creek/Leonard Creek (TSF);
Secondary: Sugar Creek

ESCGP-1 # ESX13-081-0020
Applicant Name EXCO Resources (PA), LLC
Contact Person Brian Rushe
Address 3000 Ericsson Drive, Suite 200
City, State, Zip Warrendale, PA 15086
County Lycoming County
Township(s) Gamble Township
Receiving Stream(s) and Classification(s) Fisher Hollow, Trib to Mill Creek/Mill Creek (All WWF)

ESCGP-1 # ESX13-117-0014
Applicant Name SWEPI LP
Contact Person H. James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga County
Township(s) Richmond Township
Receiving Stream(s) and Classification(s) North Elk Run & Slate Run (CWF/MF);
Secondary: Tioga River

ESCGP-1 # ESX13-117-0010
Applicant Name SWEPI LP
Contact Person H. James Sewell
Address 190 Thorn Hill Road
City, State, Zip Warrendale, PA 15086
County Tioga County
Township(s) Sullivan Township
Receiving Stream(s) and Classification(s) Corey Creek, UNT Elk Run (CWF/MF) (TSF);
Secondary: Tioga River

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
0063108001-4	MarkWest Liberty Midstream & Resources, LLC 601 Technology Drive Suite 300 Canonsburg, PA 15317	Washington Greene	Washington: Chartiers Township, Mount Pleasant Township, Canton Township, Hopewell Township, Buffalo Township, Blaine Township, Donegal Township, and West Finley Township Greene: Richhill Township	UNTs to Brush Run (HQ-WWF), Brush Run (HQ-WWF), UNTs to Chartiers Creek (WWF), UNTS to Georges Run (WWF), Georges Run (WWF), UNTs to Chartiers Run (WWF), UNTs to Spottedtail Run (WWF), UNTs to Robinson Fork (WWF) UNTs to Beham Run (WWF), Blockhouse Run (WWF), UNTs to Blockhouse Run (WWF), UNTs to Bonar Creek (HQ-WWF), Bonar Creek (HQ-WWF), Dutch Fork (HQ-WWF), UNTs to Buck Run (HQ-WWF), UNTs to Buffalo Creek (HQ-WWF), Buffalo Creek (HQ-WWF), UNTs to Wolf Run (HQ-WWF), Westland Run (WWF), Enlow Fork (TSF)
0063138002	Williams Ohio Valley Midstream 2000 Cliffmine Road Coraopolis, PA 15275	Washington	East Finley Township, West Finley Township, Buffalo Township, Canton Township, Chartiers Township	Robinson Fork (WWF), Buffalo Creek (HQ-WWF), Chartiers Creek (WWF)
0063138006	NiSource/Columbia Gas Transmission, LLC. 5151 San Felipe Suite 2500 Houston, TX 77056	Washington Greene	Greene: Washington Township, Morgan Township Washington: Amwell Township, West Bethlehem Township	Craig Run (WWF), UNT to Hainer Run (TSF), UNT to Little Tenmile Creek (TSF), UNT Paterson Run (TSF)

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-1 #ESX12-019-0135A—Major Modification—Wack Pipeline

Applicant MarkWest Liberty Bluestone LLC

Contact Rick Lowry

Address 601 Technology Drive, Suite 300

City Canonsburg State PA Zip Code 15317

County Butler Township(s) Lancaster(s)

Receiving Stream(s) and Classification(s) UNT to Yellow Creek/Yellow Creek CWF

OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

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 which 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483.

Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335

Well Permit #: 115-21240-00-00

Well Farm Name RosiemarSUS 2H

Applicant Name: Chesapeake Appalachia, LLC.

Contact Person: Mr. Eric Haskins

Address: 101 N. Main Street, Athens, PA 18810-1707

County: Susquehanna

Municipality Auburn Township:

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Auburn Center, Nick Creek

Well Permit #: 123-47205-00-00
 Well Farm Name Bialczak Lease 1933
 Applicant Name: Catalyst Energy, Inc.
 Contact Person: Mr. R. John Cass
 Address: 424 S. 27th Street, Suite 304, Pittsburgh,
 PA 15203
 County: Warren
 Municipality Brokenstraw Township:
 Name of Stream, Spring, Body of Water as identified on
 the most current 7 1/2 minute topographic quadrangle
 map of the United States Geologic Survey subject to the
 Section 3215(b)(4) waiver: Sugar Grove, Matthew's Run

Well Permit #: 083-56022-00-00
 Well Farm Name Niver Lot 388 43
 Applicant Name: Howard Drilling, Inc.
 Contact Person: Judith A. Saf
 Address: 11 Bridge St. Bldg 4, Mt. Jewett, PA 16740
 County: McKean
 Municipality Wetmore Township:
 Name of Stream, Spring, Body of Water as identified on
 the most current 7 1/2 minute topographic quadrangle
 map of the United States Geologic Survey subject to the
 Section 3215(b)(4) waiver: Ludlow, Tionesta Creek

*Southwest District Oil and Gas Operations, Program
 Manager, 400 Waterfront Drive Pittsburgh, PA 15222-4745*

Well Permit #: 059-26116-00-01
 Well Farm Name: Miller Unit 76H
 Applicant Name: Chevron Appalachia, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive Smithfield, PA 15478
 County: Greene
 Municipality Name/City, Borough, Township: Dunkard
 Name of Stream, Spring, Body of Water as identified on
 the most current 7 1/2 minute topographic quadrangle
 map of the United States Geologic Survey subject to the
 Section 3215(b)(4) waiver: Unnamed Tributary to
 Meadow Run

SPECIAL NOTICES

Facility Qualification Requests

In accordance with PA Act 101 and 25 Pa. Code Chapter 272, the County of Cambria is seeking waste disposal capacity for municipal waste (MSW) for a minimum of five (5) years, with an option to extend capacity an additional five (5) years, for a total of ten (10) years.

Cambria County is hereby soliciting responses in order to qualify facilities that could provide all, or some of the processing/disposal capacity for the county generated MSW, beginning on or after August 1, 2013. Copies of Cambria County's Facility Qualification Request (FQR) may be obtained from the Cambria County Solid Waste Authority, P. O. Box 445, 507 Manor Drive, Ebensburg, PA 15931.

Electronic forms are available by e-mailing Kris Howdyshell at: khowdyshell@co.cambria.pa.us or by calling 814-472-2109.

All responses must be made on the Submittal Form and in accordance with the Instructions to Respondents provided in the FQR. The respondent must submit the original and two (2) copies to the above address by 2:00 p.m. EST on May 17, 2013.

Cambria County reserves the right to reject any or all responses.

Alternative Disposal of Radioactive Material Request

Under the requirements of 10 CFR 20.2002, which is incorporated by reference at 25 Pa. Code § 215.1(e), the U.S. Environmental Protection Agency (EPA) has submitted a request to the Department of Environmental Protection (Department) for approval to dispose at an unlicensed hazardous waste landfill in Idaho the waste material and demolition debris from the Safety Light Corporation Superfund Site (SLC Site) in Bloomsburg, Columbia County, PA. The landfill is permitted to receive low concentrations of certain radioactive materials if the material is approved for disposal by the appropriate regulatory body. In the case of material covered by a radioactive materials license, such material must be exempted from the license. The buildings at the SLC Site will be demolished by EPA as part of an ongoing remediation project at the SLC Site when funding becomes available. EPA believes the waste and debris from the SLC Site contain minimum levels of radioactive contamination and is acceptable for disposal at a hazardous waste landfill. This disposal request requires both Department and Nuclear Regulatory Commission approval.

The Department has performed a technical review of EPA's request and has concluded that the material addressed in the request is suitable for exemption from the license's disposal requirements. EPA's request under 10 C.F.R. 20.2002 for disposal of materials from the SLC Site is available for public review and comment. The Department will accept written comments on EPA's request until June 10, 2013. Comments should be submitted to Director, Bureau of Radiation Protection, Rachel Carson State Office Building, P. O. Box 8469, Harrisburg, PA 17105 or RA-EPDecommissioning@pa.gov. Following the public comment period, the Department will review and address any comments received prior to making a final determination to approve EPA's request.

For additional information concerning EPA's request, individuals may contact the Bureau of Radiation Protection at (717) 787-2480 or RA-EPDecommissioning@pa.gov. Persons in need of accommodations as provided in the Americans With Disabilities Act of 1990 should contact the Department directly at (717) 787-2480 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Notice of Suspension of Certification to Perform Radon-Related Activities in Pennsylvania

On April 23, 2013, the Pennsylvania Department of Environmental Protection (Department), under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and the regulations promulgated thereunder at 25 Pa. Code § 240.203(b), suspended Zachary Keller's certification to perform radon-related activities in Pennsylvania. The Department suspended Mr. Keller's radon mitigation individual certification #2883 for his failure to submit the required 45-day reporting and late reporting fee in violation of 25 Pa. Code § 240.303(a), 25 Pa. Code Ch. 240 Appendix A, and 25 Pa. Code § 240.203(a)(3). Copies of Mr. Keller's Suspension are available from Kelley Oberdick, Department of Environmental Protection, 400 Market Street, 13th Floor, Harrisburg, PA 17101, (717) 783-3594.

Name
Zachary Keller

Address
402 King Street
East Stroudsburg, PA 18301-1207

Type of Radon Certification
Mitigation individual

Environmental Good Samaritan Act

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

The Environmental Good Samaritan Act (27 Pa.C.S. §§ 8001—8114), provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department of Environmental Protection (Department).

The following project proposal has been received by the Department. A copy of the proposal is available for inspection at the Knox District Mining Office, 310 Best Avenue, Knox, PA 16232.

Written comments or objections may be submitted by any person or any office or head of any federal, state, or local government agency or authority to the Department at the same address within 30 days of this publication.

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

EGS24004. Toby Creek Watershed Association, Inc. (P. O. Box 247, Brockway, PA 15824) A project to abate mine drainage pollution in Horton Township, **Elk County** affecting 7.0 acres. Receiving streams: Brandy Camp Creek, classified for the following uses: CWF. There are no potable surface water intakes within 10 miles downstream. Project proposal received: April 19, 2013.

[Pa.B. Doc. No. 13-876. Filed for public inspection May 10, 2013, 9:00 a.m.]

Citizens Advisory Council Meeting Change

A meeting of the Citizens Advisory Council was scheduled to be held on Wednesday, May 22, 2013, at 11 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The time of the meeting has been changed to 10 a.m.

Questions concerning the schedule or agenda items can be directed to Marjorie Hughes at (717) 787-4527 or mahughes@pa.gov. The schedule, an agenda for the meeting and notices of meeting changes will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Marjorie Hughes at (717) 787-4527 or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-877. Filed for public inspection May 10, 2013, 9:00 a.m.]

Clean Air Interstate Rule; Final 2013 Allocation of Remaining 2012 Vintage Nitrogen Oxides Allowances Set Aside to Offset Sulfur Dioxide Emissions from Qualifying Units

In accordance with 25 Pa. Code § 145.212(f)(2) and (5) (relating to CAIR NO_x allowance allocations) to qualifying resources and units exempted by section 405(g)(6)(A) of the Clean Air Act (42 U.S.C.A. § 7651d(g)(6)(A)), the Department of Environmental Protection (Department) is providing notice of the final issuance of the remaining 2012 vintage Clean Air Interstate Rule (CAIR) nitrogen oxides (NO_x) allowances set aside for the owners or operators of qualifying fossil fuel-fired units that did not receive any sulfur dioxide (SO₂) allowances under the United States Environmental Protection Agency's (EPA) Acid Rain Program.

Notice of a 30-day public comment period on the proposal was published at 43 Pa.B. 1659 (March 23, 2013). The public comment period offered the public an opportunity to review the information and data to ensure the information was correct. No comments were received.

The Commonwealth's CAIR NO_x Annual Trading Program budget contained 99,049 CAIR NO_x allowances for 2012, of which 97,761 were allocated to CAIR units at 40 Pa.B. 297 (January 9, 2010). The remaining 1,288 CAIR NO_x allowances, 1.3% of the CAIR NO_x Annual Trading Program budget for 2012 were set aside for CAIR SO₂ units for the purpose of offsetting SO₂ emissions. These units were exempted under the Federal Acid Rain Program provisions in section 405(g)(6)(A) of the Clean Air Act and therefore did not receive SO₂ allowances, yet are subject to the CAIR SO₂ Trading Program. The Department received three requests for allocations of CAIR NO_x allowances by the January 31, 2013, regulatory deadline, and finalized those 226 NO_x allowance allocations at 43 Pa.B. 1659, leaving 1,062 CAIR NO_x allowances.

In accordance with 25 Pa. Code § 145.212(f)(5), the Department has considered written requests from the owners and operators of qualifying units, received after January 31, 2013, for these remaining 1,062 vintage 2012 CAIR NO_x allowances. On a prorated basis, the Department is allocating these allowances on a ratio of 1 CAIR NO_x allowance to every 8 tons of SO₂ emitted by the unit in 2012, minus any excess CAIR NO_x allowances already allocated to the unit for the 2012 control period that were not used to cover NO_x emissions for the 2012 control period. The result is the allocation of an additional 318 CAIR NO_x allowances.

The table that follows identifies the facility from which the Department received a request after January 31, 2013, and to whom additional CAIR NO_x allowances were granted. The table lists the Facility name, ORIS number and Unit identification number, if applicable, and number of CAIR NO_x allowances allocated.

Facility Name	ORIS #	Unit ID	# of NO _x Allowances
A/C Power Colver Operations	10143	AABO1	318

On April 30, 2013, the EPA was notified to make the final allocation.

Owners and operators of qualifying units should be aware that CAIR NO_x allowances do not constitute property rights, and that actions at the Federal or State level, including possible further court proceedings in *EME Homer City Generation, L.P. v EPA*, D.C. Cir. 11-1302, could affect these allocations, once final.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to 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 may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Questions concerning this notice should be directed to Randy Bordner, Chief, Stationary Source Section, Bureau of Air Quality, (717) 772-3921. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-878. Filed for public inspection May 10, 2013, 9:00 a.m.]

Clean Air Interstate Rule; Final 2017 Annual and Ozone Season CAIR Nitrogen Oxides Allowance Allocations; Final 2017 New Unit Allowance Allocations; Final Redistribution of 2011 Allowances for Certain Facilities; and Extension of CAIR Nitrogen Oxides Set Aside Program for Offset-ting Sulfur Dioxide Emissions

In accordance with 25 Pa. Code §§ 145.211(d) and 145.221(d) (relating to timing requirements for CAIR NO_x allowance allocations; and timing requirements for CAIR NO_x Ozone Season allowance allocations), the Depart-

ment of Environmental Protection (Department) is providing notice of finalization of the 2017 annual and ozone season Clean Air Interstate Rule (CAIR) nitrogen oxides (NO_x) allowance allocations, final 2017 new unit allowance allocations, final redistribution of 2011 allowances for certain facilities and extension of the CAIR NO_x set aside program for sulfur dioxide (SO₂) emissions. Notice of the proposed allocations of 2017 allowances, the final redistribution of 2011 allowances and the extension was published at 43 Pa.B. 1640 (March 23, 2013). No comments were received and no changes to the final allocations were made.

The Commonwealth's 2017 NO_x budget for the annual CAIR program contains 82,541 NO_x allowances; 81,358 NO_x allowances are allocated. A remaining 1,073 (1.3% of the annual CAIR program budget) NO_x allowances are set aside for future allocation as described as follows. Notice of proposal for 110 vintage year 2017 allowances to new units was published at 43 Pa.B. 1153 (February 23, 2013). No comments were received and no changes to the final new unit allocations were made.

In this notice, the Department is finalizing the extension of the set aside program described in 25 Pa. Code § 145.212(f)(2)—(4) (relating to CAIR NO_x allowance allocations) to include a set aside of 2017 vintage year CAIR NO_x allowances. The Department is maintaining the 1.3% set aside for future allocation of additional CAIR NO_x allowances to offset SO₂ emissions to units exempted by section 405(g)(6)(A) of the Clean Air Act (42 U.S.C.A. § 7651d(g)(6)(A)). This extension is appropriate in light of the continued implementation of the CAIR program that resulted from the court vacating the Federal Cross State Air Pollution Rule (CSAPR) on August 21, 2012, in *EME Homer City Generation, L.P. v EPA*, D.C. Cir. 11-1302. The CSAPR was the United States Environmental Protection Agency's intended replacement for the CAIR rule. The allocation of additional NO_x allowances to offset SO₂ emissions may be extended after a 30-day public comment period provided in accordance with 25 Pa. Code § 145.212(f)(5). The comment period ended on April 22, 2013, and no comments were received.

The Commonwealth's NO_x budget for the ozone season CAIR program contains 35,143 NO_x allowances; 35,086 CAIR ozone season NO_x allowances are allocated. Notice of proposal for 57 allowances to new units was published at 43 Pa.B. 1153. No comments were received and no changes to the final allocations were made.

The Commonwealth's CAIR NO_x Annual Trading Program budget contained 99,049 CAIR NO_x allowances for 2011; 97,761 CAIR NO_x allowances were allocated at 40 Pa.B. 297 (January 9, 2010). The remaining 1,288 CAIR NO_x allowances for 2011 or 1.3% of the Commonwealth's annual 2011 CAIR NO_x budget were set aside for allocation to units exempted under the Federal Acid Rain Program provisions in section 405(g)(6)(A) of the Clean Air Act. These Acid Rain exempted units did not receive SO₂ allowances under the Acid Rain Program, but are subject to the CAIR SO₂ trading program. In 2012 a total of 1,174 of the 1,288 allowances were requested by the owners or operators of these exempted units and the Department published notice of the final NO_x for SO₂ allocations March 3, 2012, and May 12, 2012. See 42 Pa.B. 1185 (March 3, 2012) and 42 Pa.B. 2536 (May 12, 2012).

The Department is finalizing the distribution of the remaining 114 unutilized 2011 allowances from the 1.3% set aside back to the regular CAIR units in accordance with 25 Pa. Code § 145.212(f)(4), which requires the

unutilized allowances to be allocated to the units under 25 Pa. Code § 145.212(c) during the next allocation cycle.

For each new unit receiving a CAIR NO_x allocation, Table 1 lists the following information: facility name; county; ORIS code; unit ID; 2012 annual NO_x emission; 2012 ozone season NO_x emission; operation date; 2017 annual new unit allowance allocation; and 2017 new unit ozone season allowance allocation.

For each CAIR unit and qualifying resource that is being allocated 2017 NO_x allowances, Tables 2 and 3 list the following: facility name; county; ORIS code; unit ID; either the gross loading, steam loading, useful thermal energy and/or total heat energy of steam, converted heat input from the base year, and 2017 annual allowance allocation or 2017 ozone season allowance allocation.

Table 4 lists each CAIR unit and qualifying resource that is being allocated vintage 2011 NO_x allowances from the 114 allowances that remained after the 2012 allocation to the units exempted from the Acid Rain Program.

Owners and operators of units should be aware that CAIR NO_x allowances and CAIR NO_x Ozone Season allowances do not constitute property rights, and that actions at the Federal or State level, including possible court action in *EME Homer City Generation, L.P. v EPA*, D.C. Cir. 11-1302, could affect these allocations, once final.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), to the Environ-

mental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Questions concerning this notice should be directed to Randy Bordner at (717) 772-3921. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

Table 4: 3rd Revised Final Vintage 2011 Annual CAIR NO_x Allowances

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>3rd Revised Total 2011 CAIR NO_x Allowance Allocation: Added Remaining 114 Set Aside Allocations</i>	<i>Additional to 2012 Published Totals</i>
AES Beaver Valley LLC	10676	32	302	0
AES Beaver Valley LLC	10676	33	301	0
AES Beaver Valley LLC	10676	34	294	0
AES Beaver Valley LLC	10676	35	151	0
AES Ironwood	55337	1	144	0
AES Ironwood	55337	2	142	1
Allegheny Energy Hunlock Unit 4	56397	4	39	0
Allegheny Energy Unit 1 and Unit 2	55196	1	33	1
Allegheny Energy Unit 1 and Unit 2	55196	2	32	0
Allegheny Energy Unit 8 and Unit 9	55377	8	21	0
Allegheny Energy Unit 8 and Unit 9	55377	9	21	0
Allegheny Energy Units 3, 4 & 5	55710	3	26	0
Allegheny Energy Units 3, 4 & 5	55710	4	30	0
Armstrong Energy Ltd Part	55347	1	24	0
Armstrong Energy Ltd Part	55347	2	32	0

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>3rd Revised Total 2011 CAIR NO_x Allowance Allocation: Added Remaining 114 Set Aside Allocations</i>	<i>Additional to 2012 Published Totals</i>
Armstrong Energy Ltd Part	55347	3	22	0
Armstrong Energy Ltd Part	55347	4	32	0
Armstrong Power Station	3178	1	731	0
Armstrong Power Station	3178	2	751	1
Bethlehem Power Plant	55690	1	155	0
Bethlehem Power Plant	55690	2	155	0
Bethlehem Power Plant	55690	3	151	1
Bethlehem Power Plant	55690	5	95	0
Bethlehem Power Plant	55690	6	106	0
Bethlehem Power Plant	55690	7	102	0
Bruce Mansfield	6094	1	3651	4
Bruce Mansfield	6094	2	4880	5
Bruce Mansfield	6094	3	4998	6
Brunner Island	3140	1	1679	1
Brunner Island	3140	2	1721	2
Brunner Island	3140	3	3887	4
Brunot Island Power Station	3096	2A	2	0
Brunot Island Power Station	3096	2B	2	0
Brunot Island Power Station	3096	3	3	0
Cambria Cogen	10641	1	342	0
Cambria Cogen	10641	2	342	0
Chambersburg Units 12 and 13	55654	12	50	0
Chambersburg Units 12 and 13	55654	13	48	0
Cheswick	8226	1	2047	3
Colver Power Project	10143	AAB01	622	0
Conemaugh	3118	1	4389	5
Conemaugh	3118	2	4959	6
Cromby	3159	1	530	0
Cromby	3159	2	192	1
Croydon Generating Station	8012	11	0	0
Croydon Generating Station	8012	12	4	0
Croydon Generating Station	8012	21	3	0
Croydon Generating Station	8012	22	7	0
Croydon Generating Station	8012	31	5	0
Croydon Generating Station	8012	32	1	0
Croydon Generating Station	8012	41	4	0
Croydon Generating Station	8012	42	5	0
Ebensburg Power Company	10603	31	489	0
Eddystone Generating Station	3161	1	1073	1
Eddystone Generating Station	3161	2	1194	1
Eddystone Generating Station	3161	3	264	1
Eddystone Generating Station	3161	4	278	0
Elrama	3098	1	228	0
Elrama	3098	2	266	0
Elrama	3098	3	221	0

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>3rd Revised Total 2011 CAIR NO_x Allowance Allocation: Added Remaining 114 Set Aside Allocations</i>	<i>Additional to 2012 Published Totals</i>
Elrama	3098	4	515	1
FPL Energy Marcus Hook, LP	55801	1	196	0
FPL Energy Marcus Hook, LP	55801	2	209	0
FPL Energy Marcus Hook, LP	55801	3	207	1
Fairless Energy, LLC	55298	1A	336	0
Fairless Energy, LLC	55298	1B	354	1
Fairless Energy, LLC	55298	2A	325	0
Fairless Energy, LLC	55298	2B	288	1
Fairless Hills Generating Station	7701	PHBLR3	0	0
Fairless Hills Generating Station	7701	PHBLR4	41	0
Fairless Hills Generating Station	7701	PHBLR5	91	1
Fayette Energy Facility	55516	CTG1	96	0
Fayette Energy Facility	55516	CTG2	95	1
G F Weaton	50130	34	211	1
G F Weaton	50130	35	197	1
Gilberton Power Company	10113	31	348	0
Gilberton Power Company	10113	32	346	1
Grays Ferry Cogen Partnership	54785	2	226	0
Grays Ferry Cogen Partnership	54785	25	207	0
Handsome Lake Energy	55233	EU-1A	5	0
Handsome Lake Energy	55233	EU-1B	5	0
Handsome Lake Energy	55233	EU-2A	6	0
Handsome Lake Energy	55233	EU-2B	6	0
Handsome Lake Energy	55233	EU-3A	4	0
Handsome Lake Energy	55233	EU-3B	5	0
Handsome Lake Energy	55233	EU-4A	5	0
Handsome Lake Energy	55233	EU-4B	6	0
Handsome Lake Energy	55233	EU-5A	5	0
Handsome Lake Energy	55233	EU-5B	5	0
Hatfields Ferry Power Station	3179	1	1513	2
Hatfields Ferry Power Station	3179	2	2377	3
Hatfields Ferry Power Station	3179	3	2321	3
Homer City	3122	1	3079	3
Homer City	3122	2	3484	4
Homer City	3122	3	3303	3
Hunlock Power Station	3176	6	181	1
Hunterstown Combined Cycle	55976	CT101	102	0
Hunterstown Combined Cycle	55976	CT201	77	0
Hunterstown Combined Cycle	55976	CT301	105	0
Keystone	3136	1	4906	6
Keystone	3136	2	4795	5
Liberty Electric Power Plant	55231	1	81	0
Liberty Electric Power Plant	55231	2	83	0

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>3rd Revised Total 2011 CAIR NO_x Allowance Allocation: Added Remaining 114 Set Aside Allocations</i>	<i>Additional to 2012 Published Totals</i>
Lower Mount Bethel Energy	55667	CT01	221	0
Lower Mount Bethel Energy	55667	CT02	241	0
Martins Creek	3148	1	313	0
Martins Creek	3148	2	228	1
Martins Creek	3148	3	865	1
Martins Creek	3148	4	699	1
Martins Creek	3148	AUX4B	0	0
Mitchell Power Station	3181	1	1	0
Mitchell Power Station	3181	2	1	0
Mitchell Power Station	3181	3	0	0
Mitchell Power Station	3181	33	1254	2
Montour	3149	1	3559	4
Montour	3149	2	3868	5
Mountain	3111	31	2	0
Mountain	3111	32	2	0
Mt. Carmel Cogeneration	10343	SG-101	218	1
New Castle	3138	3	276	0
New Castle	3138	4	293	0
New Castle	3138	5	397	1
North East Cogeneration Plant	54571	1	11	0
North East Cogeneration Plant	54571	2	6	0
Northampton Generating Plant	50888	NGC01	613	1
Northeastern Power Company	50039	31	236	0
Ontelaunee Energy Center	55193	CT1	233	0
Ontelaunee Energy Center	55193	CT2	256	0
Panther Creek Energy Facility	50776	1	246	1
Panther Creek Energy Facility	50776	2	246	1
Piney Creek Power Plant	54144	31	203	1
Portland	3113	1	587	1
Portland	3113	2	977	1
Portland	3113	5	33	0
Richmond	3168	91	2	0
Richmond	3168	92	2	0
Schuylkill	3169	1	81	0
Scrubgrass Generating Plant	50974	1	254	0
Scrubgrass Generating Plant	50974	2	257	0
Seward	3130	1	1115	1
Seward	3130	2	1095	1
Shawville	3131	1	531	0
Shawville	3131	2	452	1
Shawville	3131	3	703	1
Shawville	3131	4	681	1
St. Nicholas Cogeneration Project	54634	1	683	1
Sunbury	3152	1A	161	0

<i>Facility Name</i>	<i>ORIS Code</i>	<i>Unit ID</i>	<i>3rd Revised Total 2011 CAIR NO_x Allowance Allocation: Added Remaining 114 Set Aside Allocations</i>	<i>Additional to 2012 Published Totals</i>
Sunbury	3152	1B	169	1
Sunbury	3152	2A	171	0
Sunbury	3152	2B	181	0
Sunbury	3152	3	281	0
Sunbury	3152	4	270	0
Titus	3115	1	316	0
Titus	3115	2	306	1
Titus	3115	3	309	1
Tolna	3116	31	3	0
Tolna	3116	32	3	0
Trigen Energy—Schuylkill	50607	23	64	0
Trigen Energy—Schuylkill	50607	24	51	0
Trigen Energy—Schuylkill	50607	26	68	0
WPS Westwood Generation, LLC	50611	31	178	0
Warren	3132	5	0	0
Wheelabrator—Frackville	50879	GEN1	364	0
Williams Generation Co (Hazleton)	10870	TURB2	4	0
Williams Generation Co (Hazleton)	10870	TURB3	4	0
Williams Generation Co (Hazleton)	10870	TURB4	4	0
Williams Generation Co (Hazleton)	10870	TURBIN	2	0
Total			97,875	114

[Pa.B. Doc. No. 13-879. Filed for public inspection May 10, 2013, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Proposed Plan for the Disposition of Common-wealth Property

The Department of General Services (Department), under The Administrative Code of 1929 (71 P. S. §§ 51—732), has published the proposed 2013 real property disposition plan for review by the public and approval of the General Assembly. The proposed plan is available for review on the Department's web site at www.dgs.state.pa.us.

Individuals who wish to comment on the proposed plan should do so in writing to Bradley Swartz, Department of General Services, Bureau of Real Estate, 505 North Office Building, Harrisburg, PA 17125, within 30 days from the date of this notice.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 13-880. Filed for public inspection May 10, 2013, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Request 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):

St. Luke's Villa
80 East Northampton Street
Wilkes-Barre, PA 18701
FAC ID 600602

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-881. Filed for public inspection May 10, 2013, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Public Hearing for the Child Care Development Fund State Plan

The Office of Child Development and Early Learning will hold a hearing on June 3, 2013, to provide the public an opportunity to comment on the Commonwealth's draft State Plan required by the Federal Child Care Development Fund.

Interested persons are invited to attend the public hearing scheduled to begin at 2:30 p.m. on June 3, 2013, at 333 Market Street, Harrisburg, PA 17126 in Heritage A Conference Room located on the lobby floor.

A draft version of the State Plan will be available online at least 1 week prior to the public hearing. To view or print a copy of the plan visit <http://www.dpw.state.pa.us/forchildren/childcareearlylearning/index.htm>. Instructions for providing written comments will also be posted on the web site.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,
Acting Secretary

[Pa.B. Doc. No. 13-882. Filed for public inspection May 10, 2013, 9:00 a.m.]

DEPARTMENT OF REVENUE

Mega Millions® Terminal-Based Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 875.4 (relating to notice of terminal-based lottery game rules), the Secretary of Revenue hereby provides public notice of changes to the Mega Millions® terminal-based lottery game rules that were published at 40 Pa.B. 676 (January 30, 2010); and amended at 40 Pa.B. 5263 (September 11, 2010), 40 Pa.B. 6846 (November 27, 2010), 41 Pa.B. 2778 (May 28, 2011) and 42 Pa.B. 621 (January 28, 2012).

This amendment adds a definition for MUSL Board and further provides for the calculation of the jackpot category prize.

Additionally, this amendment provides for using the prize reserve accounts for indemnifying the MUSL Mega Millions® Product Group Members and the Mega Millions® Lotteries in the payment of prizes.

This amendment also specifies how MUSL Mega Millions® Product Group Members may fund their portion of the Liability Cap and further provides for the sources of funds to be used to pay Megaplier® prizes.

These changes will be effective on the publication date of this Notice.

The correct version of this document is as follows, with ellipses referring to the existing text as it appeared at 40 Pa.B. 676—681, 40 Pa.B. 5263—5264, 40 Pa.B. 6846—6847, 41 Pa.B. 2778—2779 and 42 Pa.B. 621:

* * * * *

2. *Definitions:* The following words and terms, when used in this notice, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

MUSL Board—The governing body of MUSL that is comprised of the chief executive officer of each MUSL member lottery.

* * * * *

7. *Prizes available to be won and determination of prize winners:*

* * * * *

(b) Determinations of the Mega Millions® prize winners for tickets correctly matching, in the same play, the winning numbers selected by the Mega Millions® drawing officials are:

(1) Holders of tickets upon which the player's five numbers selected from the field of numbers 1 through 56 and the player's one number selected from the field of numbers 1 through 46 matches the Mega Millions® winning numbers, in a single play, for the drawing in which the ticket is entered, shall be the winner of the jackpot category prize. Prize money allocated to the jackpot category prize will be divided into as many shares as there are winning jackpot category prize plays as provided in this section.

(i) Prior to each drawing, the Mega Millions® Lotteries shall determine the annuity jackpot category prize amount to be advertised. The advertised annuity jackpot category prize amount, as determined by the Mega Millions® Lotteries, shall be estimated and established based upon sales and the annuity factor established for the drawing.

(ii) If the sales support an annuity jackpot category prize that is at least \$1 million higher than the advertised annuity jackpot category prize, as determined by the Mega Millions® Lotteries, the resulting annuity jackpot category prize will be the cash equivalent of the highest fully funded million, based on actual sales and the annuity factor established for the draw date. If the sales support an annuity jackpot category prize that is lower than the advertised annuity jackpot category prize amount, as determined by the Mega Millions® Lotteries, the resulting annuity jackpot category prize amount to be paid will be the highest fully funded million dollars, based on actual sales and the annuity factor established for the draw date. In no event, however, shall the annuity jackpot category prize paid be less than the advertised

annuity jackpot category prize of the immediately prior drawing in which there were no winning jackpot category prize plays.

* * * * *

(c) An amount up to five percent of a MUSL Mega Millions® Product Group member's sales shall be placed in trust in one or more prize reserve accounts held by the MUSL Mega Millions® Product Group at any time that the MUSL Mega Millions® Product Group member's share of the prize reserve account or accounts is below the amounts designated by the MUSL Mega Millions® Product Group. The MUSL Mega Millions® Product Group, with approval of the MUSL Finance and Audit Committee, may establish a maximum balance for the prize reserve account or accounts. The MUSL Mega Millions® Product Group may determine to expend all or a portion of the funds in the accounts for the purpose of indemnifying the MUSL Mega Millions® Product Group Members and the Mega Millions® Lotteries in the payment of prizes to be made by the participating lotteries, subject to the approval of the MUSL Board and for the payment of prizes in the game subject to the approval of the MUSL Finance and Audit Committee. The shares of a member of the MUSL Mega Millions® Product Group may be adjusted with refunds to the member from the prize reserve account or accounts as may be needed to maintain the approved maximum balance and shares of the MUSL Mega Millions® Product Group member. Any amount remaining in a prize reserve account at the end of this game shall be carried forward to a replacement prize reserve account or expended in a manner as directed by the MUSL Mega Millions® Product Group in accordance with jurisdiction law.

(d) Should total prize liability for all lotteries selling the Mega Millions® game, exclusive of jackpot category prize rollover from previous drawings, exceed the Liability Cap, the second through fifth category prizes shall be paid on a pari-mutuel basis, provided, however, that in no event shall the pari-mutuel prize be greater than the fixed prize. The amount to be used for the allocation of such pari-mutuel prizes shall be the Liability Cap less the amount paid for the jackpot category prize and the sixth through ninth category prizes. To fund their portion of the Liability Cap, the MUSL Mega Millions® Product Group Members may utilize: (i) the amount allocated to the set prizes, including any Megaplier® prizes, and carried forward from previous draws, if any, and (ii) an amount from the prize reserve accounts. The California Lottery is excluded from this calculation for the second through ninth category prizes.

* * * * *

10. *Megaplier® promotion.*

* * * * *

(h) If the total of the Mega Millions® set prizes, as determined in section 7(b) and the Megaplier® prizes, as determined in this section, awarded in a drawing exceeds the percentage of the sales allocated to the Mega Millions® set prizes and the Megaplier® prizes, then the amount needed to fund the Mega Millions® set prizes and the Megaplier® prizes awarded shall be drawn from the following sources, in the following order: (i) the amount allocated to the set prizes, including Megaplier® prize amounts, and carried forward from previous draws, if any; (ii) an amount from the reserve accounts not to exceed the lesser of 300% of draw sales or 50% of draw sales plus \$50 million. If, after these sources are depleted, there are not sufficient funds to pay the second through

the ninth category prizes awarded, including the Megaplier® prizes, then the second through fifth category prize levels shall become a parimutuel prize, as set out in section 7(d). The funds dedicated to the payment of Mega Millions® set prizes and the Megaplier® prizes shall be combined in the rare instance when the set prizes are paid on a parimutuel basis, so that the Megaplier® will remain in effect for all prize levels. The second category prize may be reduced as announced by the Mega Millions Product Group.

* * * * *

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 13-883. Filed for public inspection May 10, 2013, 9:00 a.m.]

Pennsylvania I Heart Cash Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania I Heart Cash.

2. *Price:* The price of a Pennsylvania I Heart Cash instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania I Heart Cash instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTY), 14 (FORTY), 15 (FIFTY), 16 (SIXTY), 17 (SEVENTY), 18 (EIGHTY), 19 (NINETY) and 20 (TWENTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTY), 14 (FORTY), 15 (FIFTY), 16 (SIXTY), 17 (SEVENTY), 18 (EIGHTY), 19 (NINETY), 20 (TWENTY) and a Heart (HEART) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "Prize" areas are: \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20.⁰⁰ (TWENTY), \$40.⁰⁰ (FORTY), \$80.⁰⁰ (EIGHTY), \$100 (ONE HUN), \$300 (THR HUN), \$600 (SIX HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$40, \$80, \$100, \$300, \$600, \$1,000 and \$25,000. The player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 13,200,000 tickets will be printed for the Pennsylvania I Heart Cash instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$600 (SIX HUN) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$600.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Heart (HEART) symbol and a prize symbol of \$600 (SIX HUN) appears to the right of the Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$600.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$300 (THR HUN) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Heart (HEART) symbol and a prize symbol of \$300 (THR HUN) appears to the right of the Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$300.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Heart (HEART) symbol and a prize symbol of \$100 (ONE HUN) appears to the right of the Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$80⁰⁰ (EIGHTY) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Heart (HEART) symbol and a prize symbol of \$80⁰⁰ (EIGHTY) appears to the right of the Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$80.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Heart (HEART) symbol and a prize symbol of \$40⁰⁰ (FORTY) appears to the right of the Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Heart (HEART) symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears to the right of the Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Heart (HEART) symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears to the right of the Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Heart (HEART) symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears to the right of the Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Heart (HEART) symbol and a prize symbol of \$4⁰⁰ (FOR DOL) appears to the right of the Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$4.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Heart (HEART) symbol and a prize symbol of \$2⁰⁰ (TWO DOL) appears to the right of the Heart (HEART) symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers Match
Either Winning Number, Win Prize
Shown To The Right Of The
Matching Number. Win With:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,200,000 Tickets</i>
\$2 w/ HEART	\$2	13.64	968,000
\$2	\$2	30	440,000
\$2 × 2	\$4	75	176,000
\$4 w/ HEART	\$4	37.50	352,000
\$4	\$4	75	176,000
\$5 w/ HEART	\$5	50	264,000
\$5	\$5	150	88,000
\$2 × 5	\$10	375	35,200
\$5 × 2	\$10	750	17,600
\$10 w/ HEART	\$10	250	52,800
\$10	\$10	500	26,400
\$5 × 4	\$20	750	17,600
\$10 × 2	\$20	750	17,600
\$20 w/ HEART	\$20	375	35,200
\$20	\$20	750	17,600
\$10 × 4	\$40	2,182	6,050
\$20 × 2	\$40	2,182	6,050
(\$5 w/ HEART) × 8	\$40	1,000	13,200
\$40 w/ HEART	\$40	1,043	12,650
\$40	\$40	2,182	6,050
\$20 × 4	\$80	3,000	4,400
(\$10 w/ HEART) × 8	\$80	2,000	6,600
\$80 w/ HEART	\$80	2,000	6,600
\$80	\$80	3,000	4,400
\$20 × 5	\$100	8,000	1,650
(\$10 × 6) + (\$20 × 2)	\$100	8,000	1,650
(\$40 × 2) + \$20	\$100	8,000	1,650
\$100 w/ HEART	\$100	6,000	2,200
\$100	\$100	8,000	1,650
\$100 × 3	\$300	40,000	330
(\$40 × 7) + \$20	\$300	40,000	330
\$300 w/ HEART	\$300	17,143	770
\$300	\$300	40,000	330
(\$80 × 7) + \$40	\$600	120,000	110
\$600 w/ HEART	\$600	20,000	660
\$600	\$600	120,000	110
\$1,000	\$1,000	30,000	440
\$25,000	\$25,000	660,000	20

Reveal a "HEART" (HEART) symbol, win prize shown to the right of it automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania I Heart Cash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania I Heart Cash, prize money from winning Pennsylvania I Heart Cash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania I Heart Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania I Heart Cash or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 13-884. Filed for public inspection May 10, 2013, 9:00 a.m.]

DEPARTMENT OF STATE

Bureau of Corporations and Charitable Organizations; Official Forms

The Department of State's Bureau of Corporations and Charitable Organizations (Bureau) published notices at 42 Pa.B. 7215 (November 24, 2012) and 42 Pa.B. 7869 (December 29, 2012) of the Bureau's intent to amend the forms and instructions currently in 19 Pa. Code Appendix

B (relating to official forms) to provide for new and revised forms and instructions for benefit corporations. The forms and instructions, which do not constitute agency regulations, were subject to the opportunity for public comment under section 201 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1201). The Bureau did not receive any comments during any of the intervening 30-day public comment periods. Therefore, the new

and amended forms and instructions are being codified and added to 19 Pa. Code Appendix B as they were published at 42 Pa.B. 7215 and 42 Pa.B. 7869.

CAROL AICHELE,
Secretary

[Pa.B. Doc. No. 13-885. Filed for public inspection May 10, 2013, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Proposed Changes to List; July 2013

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on July 15 and 16, 2013, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Adams	Birch Run	Long Pine Run Reservoir	Headwaters to mouth
Adams	Hosack Run	Conococheague Creek	Headwaters to mouth
Cambria	Emeigh Run	West Branch Susquehanna River	Headwaters to mouth
Cambria	UNT to Bradley Run	Bradley Run	Headwaters to mouth
Cameron	Barrs Run (Stone Quarry Hollow)	Bennett Branch Sinnemahoning Creek	Headwaters to mouth
Cameron	Hicks Run	Bennett Branch Sinnemahoning Creek	Headwaters to mouth
Centre	UNT to Pine Creek	Pine Creek	Headwaters to mouth
Clarion	Little Hefren Run	Toms Run	Headwaters to mouth
Clearfield	Bear Run	Anderson Creek	Headwaters to mouth
Clearfield	Erick Hollow	Wilson Run	Headwaters to mouth
Clearfield	Fenton Run	Bigler Run	Headwaters to mouth
Clearfield	Kratzer Run	Anderson Creek	Headwaters to mouth
Clearfield	Little Saunders Run	Saunders Run	Headwaters to mouth
Clearfield	Matley Hollow	Bennett Branch Sinnemahoning Creek	Headwaters to mouth
Clearfield	Pray Run	Laurel Run	Headwaters to mouth
Clearfield	Saunders Run	Laurel Run	Headwaters to mouth
Clinton	UNT to Fishing Creek	Fishing Creek	Headwaters to mouth
Elk	Gregg Run	Millstone Creek	Headwaters to mouth
Elk	Jimmy Run	Bennett Branch Sinnemahoning Creek	Headwaters to mouth
Elk	Lake City Run	Clarion River	Headwaters to mouth
Elk	Laurel Run	East Branch Millstone Creek	Headwaters to mouth
Elk	Mahood Run	Clarion River	Headwaters to mouth
Elk	Paige Run	Red Run	Headwaters to mouth
Elk	Shaffer Draft Run	Bell Draft	Headwaters to mouth
Forest	Brush Creek	West Branch Millstone Creek	Headwaters to mouth
Forest	Dry Run	West Branch Millstone Creek	Headwaters to mouth
Forest	Shippen Run	Clarion River	Headwaters to mouth
Forest	Shippen Run	West Branch Millstone Creek	Headwaters to mouth
Forest	Henry Run	Clarion River	Headwaters to mouth

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Forest	Irwin Run	Coleman Run	Headwaters to mouth
Franklin	Cold Spring Run	Conococheague Creek	Headwaters downstream to backwaters of Guilford Township Water Authority impoundment
Franklin	Mountain Run	Conococheague Creek	Headwaters to mouth
Franklin	Raccoon Creek	Rocky Mountain Creek	Headwaters to mouth
Franklin	Red Run	West Branch Antietam Creek	Headwaters to mouth
Franklin	Rocky Mountain Creek	Conococheague Creek	Headwaters downstream to SR 0233 Bridge at River Mile 1.27
Huntingdon	Browns Gap Run	Aughwick Creek	Headwaters downstream to second Bridge above mouth
Huntingdon	Gifford Hollow Run	Blacklog Creek	Headwaters to mouth
Huntingdon	Old Womans Run	Aughwick Creek	Headwaters downstream to 1.0 km upstream of mouth
Huntingdon	Roaring Run	North Spring Branch	Headwaters to mouth
Huntingdon	Sugar Run	Aughwick Creek	Headwaters downstream to confluence with first Unnamed Tributary on the right descending bank
Jefferson	Johns Run	Callen Run	Headwaters to mouth
Jefferson	Tadler Run	Clarion River	Headwaters to mouth
Lycoming	Birch Run	Larrys Creek	Headwaters to mouth
Lycoming	Mud Run	First Fork Larrys Creek	Headwaters to mouth
Lycoming	Wendell Run	Larrys Creek	Headwaters to mouth
Lycoming	Wolf Run	Larrys Creek	Headwaters to mouth
Sullivan	Little Swamp Run	Swamp Run	Headwaters to mouth

The Commission also will consider the removal of the following streams or portions of streams from the list:

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Clearfield	Mud Run	Parker Lake	Headwaters to mouth
Elk	Dark Hollow Run	Dents Creek	Headwaters to mouth
Forest	Dry Run	West Branch Millstone Creek	Headwaters to mouth

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 13-886. Filed for public inspection May 10, 2013, 9:00 a.m.]

Proposed Changes to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on July 15 and 16, 2013.

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Brook Trout (kg/ha)</i>	<i>Brown Trout (kg/ha)</i>	<i>Rainbow Trout (kg/ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Cambria	Emeigh Run	02	Confluence with UNT at River Mile 1.1 to mouth	43.72	0.05	—	1.10	2012
Cambria	UNT to Bradley Run	01	Headwaters to mouth	40.82	7.81	—	1.86	2012
Centre	Council Run	01	Headwaters to mouth	56.34	—	—	3.20	2012
Centre	Laurel Run	01	Headwaters to mouth	40.83	1.88	—	1.42	2012
Centre	Roaring Run	02	2.0 kilometers upstream of Laurel Run downstream to the Sink at River Mile 1.36	25.16	35.11	—	4.15	2012
Centre	Rupp Hollow	01	Headwaters to mouth	5.74	57.72	—	3.29	2012
Centre	Salt Lick Run	01	Headwaters to mouth	53.51	—	—	1.93	2012
Centre	UNT to Pine Creek (Sand Hollow)	01	Headwaters to mouth	43.56	—	—	1.93	2012
Clearfield	UNT to Gifford Run (502392)	01	Headwaters to mouth	38.74	—	—	1.48	2012
Clinton	Little Greenlick Run	01	Headwaters to mouth	25.54	34.85	—	2.79	2012
Clinton	Mudlick Run	01	Headwaters to mouth	30.57	0.65	—	2.31	2012
Clinton	UNT to Fishing Creek (Carroll)	01	Headwaters to mouth	41.24	—	—	1.71	2012
Fayette	Middle Fork Laurel Run	01	Headwaters to mouth	31.99	0.04	0.22	3.50	2012
Fayette	Neals Run	01	Headwaters to mouth	36.41	3.71	—	2.76	2012
Tioga	Dyke Creek	01	Headwaters to mouth	47.81	—	—	2.07	2012
Warren	Bent Run	01	Headwaters to mouth	50.08	—	—	1.26	2012
Westmoreland	Pike Run	01	Headwaters to mouth	31.11	3.22	—	5.18	2012

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 13-887. Filed for public inspection May 10, 2013, 9:00 a.m.]

INSURANCE DEPARTMENT

Agency Contract Termination of Cornerstone Professional Liability Consultants, Inc. under Act 143; Professional Casualty Associates; Doc. No. AT13-04-018

A prereview telephone conference initiated by this office is scheduled for June 4, 2013, at 10 a.m. A date for the review of the agency contract termination shall be determined, if necessary, at the prereview telephone conference.

Motions preliminary to those at the review, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 20, 2013, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before June 3, 2013.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-888. Filed for public inspection May 10, 2013, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 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 Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Danna Nelson; file no. 13-114-137230; Hartford Insurance Company of Midwest; Doc. No. P13-04-016; May 29, 2013, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-889. Filed for public inspection May 10, 2013, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insured's 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 Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Barbara J. Niklaus; file no. 13-114-137916; State Farm Fire and Casualty Insurance Company; Doc. No. P13-04-014; May 30, 2013, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

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 at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-890. Filed for public inspection May 10, 2013, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Centre County, Wine & Spirits Store #1405 (Relocation), State College, PA

Lease expiration date: May 31, 2015

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 12,000 to 15,000 net useable square feet of new or existing retail commercial on North Atherton Street between Colonnade Boulevard and West Aaron Drive. Prefer food anchored strip with free parking and high visibility to North Atherton Street, State College, PA. Storeroom should have at least 70 feet of frontage and access for tractor trailer deliveries.

Proposals due: May 31, 2013, at 12 p.m.

Contact: Peter D. Keelan
(412) 491-8029
pdkeelan@gmail.com

JOSEPH E. BRION,
Chairperson

[Pa.B. Doc. No. 13-891. Filed for public inspection May 10, 2013, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 28, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for the transportation of household goods as described under the application.

A-2013-2345738. J Hink Enterprise, LLC (673 Chesapeake Court, Hermitage, PA 16148)—household good in use, for moves arranged by The Right Sort, LLC, between points in the Counties of Mercer and Lawrence, and from points in those counties, to points in Pennsylvania, and vice versa. *Attorney:* Dwight L. Koerber, Jr., 110 North South Street, P. O. Box 1320, Clearfield, PA 16830.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-892. Filed for public inspection May 10, 2013, 9:00 a.m.]

Telecommunications

A-2013-2360820. Verizon Pennsylvania, LLC and O1 Communications East, LLC. Joint petition of Verizon Pennsylvania, LLC and O1 Communications East, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and O1 Communications East, LLC, by its counsel, filed on April 25, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, LLC and O1 Communications East, LLC 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. 13-893. Filed for public inspection May 10, 2013, 9:00 a.m.]

Telecommunications Services

A-2013-2360870. TNCI Operating Company, LLC. Application of TNCI Operating Company, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territory of The United Telephone Company of Pennsylvania, d/b/a CenturyLink.

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 28, 2013. 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: TNCI Operating Company, LLC

Through and By Counsel: Michael Gruin, Stevens and Lee—Lawyers and Consultants, 17 North Second Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-894. Filed for public inspection May 10, 2013, 9:00 a.m.]

Water Service

A-2013-2360415. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval to offer, render, furnish or supply water service to the public in an additional portion of Valley Township, Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 28, 2013. 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: Pennsylvania American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-895. Filed for public inspection May 10, 2013, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-026.1, Pier 80 Roof Replacement, until 2 p.m. on Thursday, June 6, 2013. Information (including mandatory prebid information) can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 13-896. Filed for public inspection May 10, 2013, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-035.4, Pier 80 2nd Floor Lighting Replacement, until 2 p.m. on Thursday, June 6, 2013. Information (including mandatory prebid informa-

tion) can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 13-897. Filed for public inspection May 10, 2013, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-043.P, Roofing Materials, until 2 p.m. on Tuesday, May 21, 2013. Information concerning this project can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 13-898. Filed for public inspection May 10, 2013, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

June 26, 2013	Church S. Allison (D)	1 p.m.
	(Death Benefit)	

Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barb Book, Assistant to the Executive Director at (717) 720-4617 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 13-899. Filed for public inspection May 10, 2013, 9:00 a.m.]

STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.
Kristen Nichole Clark, RN; Doc. No. 0849-51-12;
File No. 11-51-05599**

On March 8, 2013, Kristen Nichole Clark, RN, license no. RN588676, of Kittanning, Armstrong County, was indefinitely suspended until she proves that she is fit and competent to continue the practice of nursing.

Individuals may obtain a copy of the order by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

ANN MICHELE COUGHLIN, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 13-900. Filed for public inspection May 10, 2013, 9:00 a.m.]
