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# PENNSYLVANIA BULLETIN

Volume 41

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Pages 2829—2922

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Affairs

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Department of Environmental Protection

Department of Health

Department of Public Welfare

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Fish and Boat Commission

Game Commission

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State Conservation Commission

State Registration Board for Professional

Engineers, Land Surveyors and Geologists

Susquehanna River Basin Commission

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

**No. 439, June 2011**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART II. INTERNAL OPERATING PROCEDURES

[ 210 PA. CODE CH. 63 ]

#### Amendment of Internal Operating Procedures of the Supreme Court; No. 365 Judicial Administra- tion Doc.

##### Order

*Per Curiam*

And Now, this 18th day of May, 2011, *It Is Ordered* that the Internal Operating Procedures of the Supreme Court are amended as set forth in the following form.

##### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART II. INTERNAL OPERATING PROCEDURES

##### CHAPTER 63. INTERNAL OPERATING PROCEDURES OF THE SUPREME COURT

#### § 63.4. Opinions.

##### A. Circulation Schedule.

1. *Preparation of Opinions.* Preparation of opinions and responses to circulating opinions shall be given the highest priority. The justice to whom the drafting of an opinion has been assigned shall, absent extraordinary circumstances, circulate a proposed opinion to all members of the Court, with contemporaneous notice to the prothonotary's office, within ninety (90) days of the assignment **or within forty-five (45) days of the assignment of a Children's Fast Track appeal.**

2. *Concurrences and Dissents.* Concurrences and dissents shall be circulated to all members of the Court within forty (40) days of the date on which votes on the proposed majority opinions are due. **For Children's Fast Track appeals, concurrences and dissents shall be circulated to all members of the Court within twenty (20) days of the date on which votes on the proposed majority opinions are due.** Such concurrences and dissents shall be placed on the next available voting list following their circulation to the Court. The prothonotary's office shall receive contemporaneous notice of concurrences or dissents.

3. *Voting.* Consideration of proposed opinions shall occur at a regularly scheduled opinion conference, either by written vote, or via telephone conference call. Lists of circulating opinions shall be supplied to the members of the Court and the prothonotary by the office of the Chief Justice on a regularly scheduled list date. The list date shall be set for the first Monday of every month, or, if that date is a holiday, on the Tuesday following the Monday holiday. The cases listed shall include all opinions submitted for the Court's consideration as of ten (10) days prior to the list date.

a. *Written Votes.* Written votes on listed cases shall be returned to the Chief Justice's office on the fifth business day following publication of the list. Within two (2) business days following submission of written votes, the office of the Chief Justice will circulate to all justices a compilation of all votes received. Within two (2) days after receipt of the compilation, the office of the Chief Justice

must be advised of any correction to the voting list results. On the next business day, the fifth day following the voting conference, the office of the Chief Justice shall issue a confidential list to the prothonotary of all cases which are ready to be filed together with the votes of the justices. No case will appear on the confidential list unless all votes are recorded. Notice of the forthcoming filings shall be posted, by case name and number only, in the office(s) of the prothonotary, and the prothonotary will docket opinions consistent with the information received.

(*Court Note:* For the purpose of this section, the office of the prothonotary shall include all three district offices.)

b. *Telephone Conferences.* Any justice may request that any case be held for telephone conference by making such request in writing to the office of the Chief Justice with notice to all other justices and the prothonotary after receipt of the monthly voting list. The list will also indicate a date certain on which a telephone conference will be held for any cases so designated. Cases may be held for discussion to take place at the next scheduled court conference following oral argument by a vote of three justices.

c. *Hold.* Cases may be placed on Hold for twenty (20) day periods, **or ten (10) day periods for Children's Fast Track appeals**, following circulation of a letter to the members of the Court and to the prothonotary explaining the reasons for the hold, e.g., a forthcoming opinion in a pending case, or preparation of dissent or concurrence. In instances where the hold relates to preparation of a dissent or concurrence, the hold period shall commence on the original due date for the dissent or concurrence, that is, the fortieth day after votes are due on vote listed cases **or the twentieth day for Children's Fast Track appeals.** In no event shall circulation of a dissent or concurrence occur beyond sixty (60) days from the date votes are due on vote listed cases **or thirty (30) days for Children's Fast Track appeals.** If, within **thirty (30) days for Children's Fast Track appeals or sixty (60) days for all other cases** of the date votes are due on majority opinions no dissent or concurrence has been placed in circulation, the case will be put down, and the dissenting or concurring justice will be noted as not having participated in the decision of the case.

d. *Reassignment.* When a concurrence or dissent garners a majority of votes, the case shall be reassigned to the author of the concurrence or dissent, whose majority opinion shall then be forthcoming within thirty (30) days of the reassignment, **or, for Children's Fast Track appeals, within fifteen (15) days.**

4. *Monitoring.* The prothonotary shall provide the Court with a monthly table, **or for Children's Fast Track appeals a semimonthly table**, showing the name, docket number, journal number, assignment, assignment date and circulation date of all argued and submitted cases. All argued and submitted cases which are open for more than one hundred fifty (150) days, **or for Children's Fast Track appeals which are open for more than seventy-five (75) days**, and all petitions for reargument which are open for a period of more than forty-five (45) days **or, for Children's Fast Track appeals that are open for a period of more than twenty-one (21) days**, shall be separately listed.

5. **Notwithstanding any contrary procedures set forth above, justices shall give priority in both**

**circulation of and voting on proposed decisions in Children’s Fast Track appeals.**

*B. Labeling.*

1. *Majority.* An opinion will be labeled “Opinion” when a majority of the Court joins the opinion.

Proposed majority opinions that involve multiple, complex issues which the Justice believes may garner disparate votes should be divided into sections. See, e.g., *Phillips v. Cricket Lighters*, 841 A.2d 1000 (Pa. 2003). If there is a split on an opinion that has been divided into sections, the author of the lead opinion will be responsible for preparing a short introductory explanatory statement regarding the breakdown of votes.

2. *Concurrences and Dissents.* An opinion is a “concurring opinion” when it agrees with the result of the lead opinion. A Justice who agrees with the result of the lead opinion, but does not agree with the rationale supporting the lead opinion, in whole or in part, may write a separate “concurring opinion.” An opinion is a “dissenting opinion” when it disagrees with the result of the lead opinion. An opinion is “concurring and dissenting opinion” only when there is more than one result and the Justice agrees with one or more of the results, but not the other(s). Alternatively, a Justice may choose to “concur in result” or “dissent” without writing a separate opinion.

*C. Reargument Petitions.*

1. *Assignment.* Upon receipt of a petition for reargument of an order of the Court disposing of an appeal, the prothonotary shall direct the petition to the author of the majority opinion. If the appeal was resolved without opinion, the petition will be directed to the office of the Chief Justice to be assigned to the most senior member of the majority. In the event that the appeal was resolved by an equally divided Court, the petition shall be assigned to the author of the opinion in support of affirmance.

2. *Circulation.* The justice to whom the reargument petition was assigned shall circulate to all members of the Court a recommended disposition of the petition within fourteen (14) days of the assignment or within seven (7) days of the date of assignment for Children’s Fast Track appeals. A justice who disagrees with the recommended disposition shall circulate a counter recommendation within fourteen (14) days of the original recommendation or seven (7) days for Children’s Fast Track appeals. A vote of the majority is required to grant reargument.

§ 63.5. Allocatur.

\* \* \* \* \*

*B. Assignment.*

1. Petitions for allowance of appeal shall be assigned to individual justices by the prothonotary’s office on a rotating basis for preparation of an allocatur report. Allocatur reports are to be circulated within sixty (60) days of the receipt of such an assignment with notice to the prothonotary’s office that the report is in circulation. The proposed disposition date shall not be greater than [ thirty (30) ] sixty (60) days from the date of circulation.

2. Holds may be placed on petitions for allowance of appeal only upon written notice to the members of the Court and the prothonotary as to the reasons for the hold, e.g., the existence of another petition from another district presenting the same question. No hold may be

placed on a petition without the existence of a terminus, e.g., the issuance of an opinion on a petition presenting the same question. A hold for the purpose of preparing a counter report shall not exceed thirty (30) days; only by vote of the majority can a hold be extended beyond thirty (30) days, but in no event shall a hold exceed ninety (90) days.

3. Petitions from the same district presenting the same question shall be consolidated; petitions from different districts presenting the same question may be consolidated at the discretion of the Court. Where a hold results from the existence of another petition presenting the same issue, the parties shall be notified of the hold and the case which will determine the issue.

**4. Notwithstanding any contrary procedures set forth above, allocatur reports in Children’s Fast Track appeals are to be circulated within thirty (30) days of the receipt of the assignment with notice to the prothonotary’s office that the report is in circulation, and the proposed disposition date shall not be greater than thirty (30) days from the date of circulation. A hold for purposes of preparing a counter report in a Children’s Fast Track appeal shall not exceed fifteen (15) days; only by vote of the majority can a hold be extended beyond fifteen (15) days, but in no event shall a hold exceed forty-five (45) days.**

\* \* \* \* \*

§ 63.6. Motions, Miscellaneous Petitions and Applications for Relief.

\* \* \* \* \*

*B. Disposition.* The Chief Justice will prepare memoranda setting forth the positions of the parties, and a recommended disposition. Vote proposals shall be circulated within thirty (30) days from the date of assignment, and shall contain a proposed disposition date no greater than thirty (30) days from the date of circulation, except for Children’s Fast Track cases, in which vote proposals must be circulated within fifteen (15) days from the date the answer is filed or due to be filed, whichever occurs first, and the proposed disposition shall be no greater than fifteen (15) days from the date of circulation.\* A vote of the majority of those participating is required to implement the proposed disposition.

\* For purposes of this section, a “Children’s Fast Track case” is any case involving an order regarding dependency, termination of parental rights, adoptions, custody or paternity. See 42 Pa.C.S. § 6301 et seq.; 23 Pa.C.S. § 2511 et seq.; 23 Pa.C.S. § 2101 et seq.; 23 Pa.C.S. § 5301 et seq.; 23 Pa.C.S. § 5102 et seq.

Every motion shall be decided within sixty (60) days, or thirty (30) days for Children’s Fast Track cases. Orders disposing of motions shall include the names of any justices who did not participate in the consideration or decision of the matter. Procedural motions, e.g., requests for extension of time, requests to exceed page limits, and to proceed in forma pauperis, are to be disposed of by the prothonotary’s office after screening by the deputy prothonotary.

\* \* \* \* \*

[Pa.B. Doc. No. 11-931. Filed for public inspection June 3, 2011, 9:00 a.m.]

# Title 237—JUVENILE RULES

## PART I. RULES

[ 237 PA. CODE CHS. 1, 11, 12 AND 18 ]

**Order Amending Rules 120, 1120, 1202, and 1800 and Adoption of New Rule 195 of the Rules of Juvenile Court Procedure; No. 532 Supreme Court Rules Doc.**

### Order

*Per Curiam*

And Now, this 20th day of May, 2011, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 41 Pa.B. 8 (January 1, 2011), in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 8, No. 3, January 14, 2011), and on the Supreme Court's web-page, and an Explanatory Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 120, 1120, 1202, and 1800 and adoption of New Rule 195 of the Rules of Juvenile Court Procedure are approved in the following form.

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

### Annex A

#### TITLE 237. JUVENILE RULES

##### PART I. RULES

##### Subpart A. DELINQUENCY MATTERS

##### CHAPTER 1. GENERAL PROVISIONS

##### PART A. BUSINESS OF COURTS

##### Rule 120. Definitions.

\* \* \* \* \*

**JUVENILE PROBATION OFFICER** is a person who has been appointed by the court or employed by a county's juvenile probation office, and who has been properly commissioned by being sworn in as an officer of the court to exercise the powers and duties set forth in Rule 195, the Juvenile Act, and the Child Protective Services Law.

\* \* \* \* \*

##### Comment

\* \* \* \* \*

"Health care" includes, but is not limited to, routine physical check-ups and examinations; emergency health care; surgeries; exploratory testing; psychological exams, counseling, therapy and treatment programs; drug and alcohol treatment; support groups; routine eye examinations and procedures; teeth cleanings, fluoride treatments, fillings, preventative dental treatments, root canals, and other dental surgeries; and any other examination or treatment relating to any physical, mental, and dental needs of the juvenile.

A "juvenile probation officer" is an officer of the court. "Properly commissioned" as used in the definition of a juvenile probation officer includes the swearing in under oath or affirmation and receipt of a document, certificate, or order of the court memorializing the authority conferred upon the juvenile probation officer by the court.

A properly commissioned juvenile probation officer is vested with all the powers and duties set forth in 42 Pa.C.S. § 6304, and the power to take a child into protective custody as a duly authorized officer of the court pursuant to 42 Pa.C.S. § 6324 unless the President Judge has limited such authority pursuant to Rule 195. See also 23 Pa.C.S. § 6315.

\* \* \* \* \*

**Official Note:** Rule 120 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. **Amended May 20, 2011, effective July 1, 2011.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the amendments to Rule 120 published with the Court's Order at 41 Pa.B. 2839 (June 4, 2011).**

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

#### PART (D)(2). JUVENILE PROBATION OFFICERS

Rule

195. Powers, Duties, and Training of a Juvenile Probation Officer.

##### Rule 195. Powers, Duties, and Training of a Juvenile Probation Officer.

*A. Powers and Duties of a Juvenile Probation Officer.* Subject to any limitation imposed by the court, a juvenile probation officer shall:

- 1) take children, juveniles, and minors into custody pursuant to:
  - a) the Juvenile Act, 42 Pa.C.S. §§ 6304 and 6324;
  - b) the Child Protective Services Law (CPSL), 23 Pa.C.S. § 6301 *et seq.*;
  - c) a bench warrant as set forth in Rules 140, 141, and 1140; or
  - d) Rule 1202;
- 2) authorize detention or shelter care for a juvenile, and the shelter care of a child, pursuant to 42 Pa.C.S. §§ 6304, 6325, or 6331;
- 3) receive and examine written allegations unless the District Attorney has elected to receive and approve all written allegations pursuant to Rule 231(B);
- 4) make appropriate referrals for informal adjustment, consent decree, or other diversionary programs;
- 5) file petitions if diversionary programs are not appropriate unless the District Attorney has elected to file all petitions pursuant to Rule 330(A);
- 6) make investigations, reports, including social studies pursuant to Rule 513, and recommendations to the court;

7) make appropriate referrals to private and public agencies, psychological or psychiatric providers, drug and alcohol facilities or programs, or any other necessary treatments or programs;

8) communicate to the court and parties, and facilitate any special needs, including health and education, of the juvenile;

9) supervise and assist a juvenile placed on probation or a child under the court's protective supervision or care;

10) search the person and property of juveniles pursuant to 42 Pa.C.S. § 6304(a.1);

11) regularly oversee and visit juveniles in placement facilities;

12) report suspected child abuse pursuant to 23 Pa.C.S. § 6311; and

13) perform any other functions as designated by the court.

*B. Limitations on powers and duties.* The President Judge of each judicial district may limit the power and duties of its juvenile probation officers by local rule.

*C. Training.* No later than January 1, 2012 or within 180 days after being appointed or employed, a juvenile probation officer shall be trained on:

- 1) the Juvenile Act;
- 2) the Pennsylvania Rules of Juvenile Court Procedure;
- 3) the Child Protective Services Law (CPSL); and
- 4) any local procedures.

#### Comment

Pursuant to paragraph (A)(1), a juvenile probation officer has the authority to take children, juveniles, and minors into custody pursuant to the Juvenile Act, the CPSL, a bench warrant, or Rule 1202. 23 Pa.C.S. § 6301 *et seq.* and 42 Pa.C.S. § 6301 *et seq.*

When a juvenile is under the court's supervision, the juvenile probation officer may take a juvenile into custody pursuant to the Juvenile Act, 42 Pa.C.S. §§ 6304(a)(3) and (5) and 6324(1) through (5), and bench warrants as set forth in Rules 140, 141, and 1140.

When a child, juvenile, or minor is not under the court's supervision, the juvenile probation officer, as a duly authorized officer, may take a child, juvenile, or minor into custody pursuant to the Child Protective Services Law (CPSL), 23 Pa.C.S. § 6315 and the Juvenile Act, 42 Pa.C.S. §§ 6304 (a)(3) and (5) and 6324(1), (3), and (4).

A properly commissioned juvenile probation officer is vested with all the powers and duties as set forth in 42 Pa.C.S. § 6304 and the power to take a child into protective custody as a duly authorized officer of the court pursuant to 42 Pa.C.S. § 6324 unless the President Judge has limited such authority pursuant to paragraph (B).

The President Judge may adopt a local rule, pursuant to the procedures of Rule 121, limiting the authority granted by the commission to juvenile probation officers. In determining whether to limit the authority of juvenile probation officers, the President Judge should consider the training and experience necessary to perform the various duties as provided in this rule. For example, the President Judge may choose to prohibit juvenile probation officers from taking a child into protective custody who is believed to be in imminent danger from his or her

surroundings, but who is not under the court's supervision as a delinquent or dependent child. *See* 42 Pa.C.S. § 6324.

In situations when a juvenile probation officer takes a child into protective custody who is in imminent danger from his or her surroundings pursuant to 42 Pa.C.S. § 6325, 23 Pa.C.S. § 6315, and Rule 1202, the juvenile probation officer should take the appropriate steps to ensure the child's safety, immediately contact the county agency, and document for the county agency the circumstances which necessitated protective custody. *See* Rule 1202 and its Comment.

The juvenile probation officer may also supervise or assist a child placed in his or her protective supervision or care by the court. *See* 42 Pa.C.S. § 6304.

Pursuant to paragraph (A)(3), the juvenile probation officer is to receive written allegations from local law enforcement agencies to determine if a case may proceed to juvenile court. However, pursuant to Rule 231(B), the District Attorney of any county may require initial receipt and approval of written allegations before a delinquency proceeding may be commenced. *See* Rule 231(B).

Pursuant to paragraph (A)(6) and (7), the juvenile probation officer is to prepare reports compiling the juvenile's information for the court and make the necessary referrals to programs supported by a need revealed during the investigation.

Pursuant to paragraph (A)(8), the juvenile probation officer is to communicate the information to all parties before approaching the court. *See* Rule 136 for *ex parte* communication.

Pursuant to paragraph (A)(11), the juvenile probation officer is to oversee all juveniles ordered to placement facilities. Juvenile probation officers should visit all juveniles in placement facilities on a regular basis to determine if: 1) the juvenile is receiving the appropriate treatment; and 2) the facility is meeting the needs of the child. The Juvenile Court Judges' Commission Standards Governing Aftercare Services recommend that all juveniles be visited on a monthly basis. The juvenile probation officer is to report any irregularities or controversies to the court and all parties as soon as they are made known to the juvenile probation officer.

Pursuant to paragraph (A)(13), a juvenile probation officer may perform any other function designated by the court to carry out the purposes of the Juvenile Act.

Pursuant to paragraph (C), the juvenile probation officer is to be trained in the Juvenile Act, the Pennsylvania Rules of Juvenile Court Procedure, the CPSL, and any local procedures. The training is to occur within 180 days of the juvenile probation officer's appointment or employment. It is best practice for juvenile probation officers to receive training within the first ninety days of employment. It is also best practice that juvenile probation officers receive specialized training and educational updates on a continuing basis.

Specialized training for juvenile probation officers should include delinquency and dependency procedures and areas that address their duties as officers of the court.

**Official Note:** Rule 195 adopted May 20, 2011, effective July 1, 2011.

*Committee Explanatory Reports:*

**Final Report explaining the provisions of Rule 195 published with the Court's Order at 41 Pa.B. 2839 (June 4, 2011).**

**Subpart B. DEPENDENCY MATTERS  
CHAPTER 11. GENERAL PROVISIONS  
PART A. BUSINESS OF COURTS**

**Rule 1120. Definitions.**

\* \* \* \* \*

**JUVENILE PROBATION OFFICER** is a person who has been appointed by the court or employed by a county's juvenile probation office, and who has been properly commissioned by being sworn in as an officer of the court to exercise the powers and duties set forth in Rule 195, the Juvenile Act, and the Child Protective Services Law.

\* \* \* \* \*

**Comment**

\* \* \* \* \*

"Health care" includes, but is not limited to, routine physical check-ups and examinations; emergency health care; surgeries; exploratory testing; psychological exams, counseling, therapy and treatment programs; drug and alcohol treatment; support groups; routine eye examinations and procedures; teeth cleanings, fluoride treatments, fillings, preventative dental treatments, root canals, and other dental surgeries; and any other examination or treatment relating to any physical, mental, and dental needs of the child.

A "juvenile probation officer" is an officer of the court. "Properly commissioned" as used in the definition of a juvenile probation officer includes the swearing in under oath or affirmation and receipt of a document, certificate, or order of the court memorializing the authority conferred upon the juvenile probation officer by the court.

A properly commissioned juvenile probation officer is vested with all the powers and duties set forth in 42 Pa.C.S. § 6304, and the power to take a child into protective custody as a duly authorized officer of the court pursuant to 42 Pa.C.S. § 6324 unless the President Judge has limited such authority pursuant to Rule 195. *See also* 23 Pa.C.S. § 6315.

\* \* \* \* \*

**Official Note:** Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the amendments to Rule 1120 published with the Court's Order at 41 Pa.B. 2839 (June 4, 2011).**

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

**PART A. COMMENCING PROCEEDINGS**

**Rule 1202. Procedures for Protective Custody by a Police Officer, Juvenile Probation Officer, and County Agency.**

A. *Protective custody.*

1) *No court order.*

a) A police officer or a juvenile probation officer may take a child into protective custody pursuant to Rule 1200 if there are reasonable grounds to believe that the child is suffering from illness or injury or is in imminent danger from the surroundings and removal is necessary.

b) Without unnecessary delay, but no more than twenty-four hours after a child is taken into custody, an application for a protective custody order shall be made to provide temporary emergency supervision of a child pending a hearing pursuant to Rule 1242. The president judge of each judicial district shall ensure that a judge is available twenty-four hours a day, every day of the year to accept and decide actions brought by the county agency within the twenty-four hour period.

2) *Court order.*

a) A police officer, juvenile probation officer, or county agency may obtain a protective custody order removing a child from the home pursuant to Rule 1210 if the court finds that remaining in the home is contrary to the welfare and the best interests of the child.

\* \* \* \* \*

**Comment**

A properly commissioned juvenile probation officer has the authority to take a child into protective custody as a duly authorized officer of the court pursuant to 42 Pa.C.S. § 6324 unless the President Judge has limited such authority pursuant to Rule 195. *See also* 23 Pa.C.S. § 6315.

Under paragraph (A)(1)(a) & (A)(2)(a), the police officer's or juvenile probation officer's duty is to protect the child and remove the child safely. A police officer or juvenile probation officer may bring the child to the county agency for supervision of the child pending a court order that should be given immediately. The police officer's [ duty is enforcement and removal ] or juvenile probation officer's duty is to take a child into protective custody if there are reasonable grounds to believe that the child is suffering from illness or injury or is in imminent danger from his or her surroundings, and that protective custody is necessary, whereas the county agency's duty is to supervise the child and find an appropriate placement for the child when necessary. Only a police officer or juvenile probation officer may take custody of the child without a court order. *See* Rule 1800 for suspension of 42 Pa.C.S. § 6324, which provides that law enforcement officers may take a child into custody. [ *See Rule 1120 for definition of police officer, which may include a probation officer exercising their power of arrest when authorized by law.* ]

\* \* \* \* \*

**Official Note:** Rule 1202 adopted August 21, 2006, effective February 1, 2007. Amended May 20, 2011, effective July 1, 2011.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the amendments to Rule 1202 published with the Court's Order at 41 Pa.B. 2839 (June 4, 2011).**

## CHAPTER 18. SUSPENSIONS

**Rule 1800. Suspensions of Acts of Assembly.**

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

\* \* \* \* \*

6) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6324, which authorizes law enforcement officers to take a child into custody, is suspended only insofar as the Act is inconsistent with Rule 1202, which provides for police officers **and juvenile probation officers** taking a child into custody.

\* \* \* \* \*

**Official Note:** Rule 1800 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009; amended September 16, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011. **Amended May 20, 2011, effective July 1, 2011.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Final Report explaining the amendments to Rule 1800 published with the Court's Order at 41 Pa.B. 2839 (June 4, 2011).**

## EXPLANATORY REPORT

May 2011

*Introduction*

The Supreme Court of Pennsylvania has adopted the modifications to Rules 120, 1120, 1202, and 1800 and New Rule 195 with this Recommendation. These changes are effective July 1, 2011.

*Background*

These rule modifications address the scope of the juvenile probation officer's authority, as well as, their duties and training.

It has been brought to the Committee's attention that in some judicial districts, juvenile probation officers are "duly authorized officers" as used in the Juvenile Act, 42 Pa.C.S. § 6324 while in other judicial districts, juvenile probation officers are not viewed as "duly authorized officers."

To provide clarity and a uniform procedure, these rule modifications clarify that juvenile probation officers are duly authorized officers of the court as that term is used in the Juvenile Act, 42 Pa.C.S. § 6324. The modifications also allow the President Judge of each judicial district to determine whether to limit a juvenile probation officer's authority in his or her judicial district. The modifications also mandate minimum training requirements for all juvenile probation officers.

*Rules 120 and 1120*

A new definition for "juvenile probation officer" is being added to the Rules. The Comment to this rule further clarifies the definition and outlines the juvenile probation officer's commission.

A President Judge may determine to limit the authority of its juvenile probation officers by local rule. For example, the President Judge may limit the authority of new juvenile probation officers or those who have not otherwise completed the required training.

The current practice in some counties that allows juvenile probation officers to take alleged dependent children into custody may continue to be utilized if the President Judge has not limited the authority of the juvenile probation officer.

*Rule 195*

This new rule sets forth the powers, duties, and training of juvenile probation officers.

Pursuant to paragraph (A) and its Comment, juvenile probation officers shall have the authority to take children, juveniles, and minors into custody pursuant to the Juvenile Act, Child Protective Services Law (CPSL), bench warrants, and Rule 1202. It also addresses other powers and duties of juvenile probation officers.

The President Judge may grant the Administrative Judge authority to decide whether to limit juvenile probation officers' authority. However, only the President Judge of each judicial district may enact a local rule to limit the authority of the probation officer pursuant to paragraph (B). See Rules 121 and 1121 for promulgation of local rules.

Paragraph (C) requires juvenile probation officers, no later than one hundred eighty days after being appointed or employed, to be trained on the Juvenile Act, Rules of Juvenile Court Procedure, the CPSL, and local procedures. This is the minimum requirement. However, the Committee believes that the juvenile probation officer should be trained on a continuing basis in all areas of delinquency and dependency practice and law, including specialized training as funding permits.

It is best practice to have all juvenile probation officers trained within the first ninety days of employment; however, this may not be feasible in some judicial districts. As quality educational and training opportunities become more widely available, all juvenile probation officers should be encouraged to attend.

*Rule 1202*

The rule now provides authority for juvenile probation officers to take a child into protective custody as duly authorized officer of the court. See 42 Pa.C.S. § 6324.

The Comment clarifies that the juvenile probation officer's authority is equivalent to a police officer's duty when removing a child from the home. The juvenile probation officer's duty is to protect the child and remove the child safely. The juvenile probation officer must transport the child to the county agency. The county agency will then supervise the child and immediately identify an appropriate placement when necessary.

*Rule 1800*

Because of the modifications to Rule 1202 *supra*, Rule 1800 was revised accordingly.

[Pa.B. Doc. No. 11-932. Filed for public inspection June 3, 2011, 9:00 a.m.]

# Title 255—LOCAL COURT RULES

## BUTLER COUNTY

### Divorce Master Fees; Ms D#11-40109

#### Administrative Order of Court

*And Now*, this 13th day of May, 2011, it is hereby ordered and decreed that the Administrative Order of Court entered on the 1st day of February, 2007, related to Divorce Master Fees is herewith vacated.

It is further ordered that effective July 1, 2011, that Divorce Masters in Butler County, Pennsylvania shall be paid by the hour at the rate of \$135.00 per hour with a minimum fee of \$600.00 per case.

It is finally ordered that if a party in a divorce action moves for the appointment of a Master the moving party shall deposit with the Prothonotary of Butler County the sum of \$600.00 to accompany the motion requesting appointment. If a Master is appointed by the Court following a judicial conciliation the parties shall deposit with the Prothonotary of Butler County a minimum \$600.00, or such larger sum, in the time frame and pro-rata shares as directed by the Court.

*By the Court*

THOMAS J. DOERR,  
*President Judge*

[Pa.B. Doc. No. 11-933. Filed for public inspection June 3, 2011, 9:00 a.m.]

## FRANKLIN AND FULTON COUNTIES

### In the Matter of the Adoption of Local Rules of Criminal Procedure; Misc. Doc. CA-28-AD-15-2011

May 19th, 2011, *It Is Hereby Ordered* that the following Rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, Criminal Division, are amended, rescinded or adopted as indicated this date, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Local Rule of Criminal Procedure 1000 is amended and is now re-numbered as Local Rule of Criminal Procedure 538.

Local Rule of Criminal Procedure 539 is adopted.

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

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

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

3. Provide one (1) certified copy of the local rule changes to the Supreme Court of Pennsylvania Criminal Procedural Rules Committee.

4. Publish a copy of the local rule changes as required on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

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

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

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

*By the Court*

DOUGLAS W. HERMAN,  
*President Judge*

### Local Rule of Criminal Procedure 39th Judicial District Rule of Criminal Procedure 538

Pursuant to Section 1725.5 of the Judicial Code that the Clerk of Courts shall assess in addition to any other fines, penalties or costs imposed by law, \$150.00 Booking Center Fund Fee against any person who is processed at any Booking Center in Franklin County on or after December 1, 2010 if the person is:

1. placed on probation without verdict pursuant to section 17 of the act of April 14, 1972 (P. L. 233, No. 64), known as The Controlled Substance, Drug, Device or Cosmetic Act; or

2. receives Accelerated Rehabilitative Disposition for, pleads guilty to or nolo contendere to or is convicted of a crime under the following:

a. 18 Pa.C.S. § 106(a) (relating to classes of offenses)

b. 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under the influence)

c. 75 Pa.C.S. § 3802 (relating to driving under the influence of alcohol or controlled substance)

d. A violation of The Controlled Substance, Drug, Device and Cosmetic Act.

The Booking Center Fee shall be paid to Franklin County Clerk of Courts or the Payment Division of the Franklin County Adult Probation Department and deposited into a special booking center fund established by the Franklin County Criminal Justice Advisory Board. Moneys in the fund shall be disbursed, pursuant to procedures promulgated by the Franklin County Criminal Justice Advisory Board and used solely for the implementation of a "County-wide Booking Center Plan" and the start-up, operation or maintenance of the regional booking centers.

### Local Rule of Criminal Procedure 39th Judicial District Rule of Criminal Procedure 539

(A) In all cases in which a person has been charged with an offense of a third degree misdemeanor or greater, the person shall be required to appear at the Franklin County Central Booking Center (CBC) located in the Franklin County Jail, 1804 Opportunity Avenue, Chambersburg, PA, to be fingerprinted and photographed prior to the date of his or her preliminary hearing.

(B) Pursuant to 18 Pa.C.S. 9112, an arresting authority shall be responsible for taking the fingerprints of persons arrested for misdemeanors, felonies or summary offenses which become misdemeanors on a second arrest after conviction of a summary offense. The Central Booking



Center shall serve as a designated fingerprinting site for all arresting authorities in Franklin County.

(C)

a. In cases in which a person has been arraigned at the office of a Magisterial District Judge and fails to post bond, the person shall be fingerprinted and photographed at the CBC subsequent to his or her commitment at the Franklin County Jail.

b. In cases in which a person has been arrested during night, weekend or holiday hours, unless the charges proceed by summons, the person shall be taken directly to the CBC for a video arraignment and booking procedure before being committed to the Franklin County Jail or being released on bond.

c. In cases which proceed by summons or for offenses under 18 Pa.C.S.A. § 3929 (relating to retail theft), the person shall receive an order at the time of his or her preliminary hearing from the Magisterial District Judge to report within the date of the order to the CBC to be fingerprinted and photographed. The requirement to appear at the CBC to be fingerprinted and photographed as ordered shall be made a condition of bond.

d. In cases of private felony and misdemeanor prosecutions, the person may only be fingerprinted and photographed after conviction of the alleged offense. An order shall issue from the Court of Common Pleas after such conviction directing the Person to report to the CBC to be fingerprinted and photographed.

[Pa.B. Doc. No. 11-934. Filed for public inspection June 3, 2011, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF CHIROPRACTIC [ 49 PA. CODE CH. 5 ] Continuing Education Violations

The State Board of Chiropractic (Board) amends § 5.77 (relating to failure to meet continuing education requirements) to read as set forth in Annex A.

#### *Description and Need for the Rulemaking*

Section 507(a) of the Chiropractic Practice Act (act) (63 P. S. § 625.507(a)) requires each licensee to complete at least 24 hours of continuing education during each biennial renewal period. Under section 506(a)(13) of the act (63 P. S. § 625.506(a)(13)), the Board may take disciplinary action against a licensee who fails to perform any statutory obligation placed upon a licensed chiropractor. Section 703 of the act (63 P. S. § 625.703) authorizes the Board to levy a civil penalty of up to \$1,000 on a licensee who violates any provision of the act. Disciplinary actions for failing to complete the continuing education requirement in a timely manner invariably result in the licensee being required to pay a civil penalty proportionate to the amount of deficiency and to make up the deficiency promptly. Accordingly, the Board proposed to utilize the more streamlined procedures under section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)), wherein the Commissioner of Professional and Occupational Affairs, after consultation with licensing boards in the Bureau of Professional and Occupational Affairs (BPOA), may promulgate a schedule of civil penalties for violations of the acts or regulations of these licensing boards.

The Board proposed permitting a licensee to renew despite not having completed the required amount of continuing education. However, the licensee would be required to pay a civil penalty by citation in § 43b.22 (related to schedule of civil penalties—chiropractors) and to make up the deficient hours of continuing education and to provide proof to the Board within 6 months of the beginning of the renewal cycle. A licensee who does not do so will be subject to discipline under section 506(a)(9) of the act, which authorizes the Board to discipline a licensee for violating a regulation of the Board. Second and subsequent violations of failing to complete all required continuing education will be subject to formal action.

#### *Summary of Comments and Responses to Proposed Rulemaking*

The Board published notice of proposed rulemaking at 39 Pa.B. 5594 (September 26, 2009) with a 30-day public comment period. The Board did not receive written comments from the public. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of its review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). The Board did not receive comment from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

In developing this final-form rulemaking, the Board envisioned a scheme of enforcement by which a licensee who did not complete the required amount of continuing education would be able to renew the license but would have to pay a civil penalty under an Act 48 schedule based upon the amount of deficiency and to make up the entire deficiency within 6 months. It was intended that all professional licensing boards within the BPOA that require continuing education would use a similar enforcement scheme. However, due to subsequently-raised concerns about statutory authority to renew the license of one who acknowledges not having completed the required amount of continuing education, the Board ultimately has abandoned this scheme. Instead, completion of the required amount of continuing education will remain a condition of renewal and a licensee who acknowledges not having completed the required amount of continuing education will not be renewed. Those licensees who are discovered, such as through the postrenewal random audit, to have failed to complete the required amount of continuing education will be subject to imposition of a proportionate civil penalty by means of a citation and will be required to make up the deficiency. However, because it will take time to complete the post-renewal audit process, the time limitation by which the deficiency shall be cured will not be determined by the renewal date, but by the date disciplinary action is initiated by the issuance of a citation. Because continuing education is required to maintain competence, the failure to complete continuing education is not a violation if the licensee no longer practices until the continuing education deficiency is cured. Therefore, the Board has also provided in § 5.77(d) that a licensee who permits the license to expire and then ceases practice until completing the required amount of continuing education and then reactivates the license upon a demonstration that the deficiency has been cured should not be subject to disciplinary action for failing to initially complete the required amount of continuing education. A licensee who did not renew and continued to practice, despite having failed to complete the required continuing education, would be subject to disciplinary action both for failing to complete continuing education (under this subsection) and for practicing while the license was lapsed (under § 5.17(g) (relating to biennial registration; unregistered status and inactive status; failure to renew; address of record)).

The HPLC first requested an explanation for the jeopardy of a licensee who has not completed continuing education having to certify on the biennial renewal form that the licensee has complied with the mandatory continuing education requirements. As previously discussed, the Board will not renew the license of a licensee who has acknowledged failing to complete the required amount of continuing education. The HPLC also questioned whether a licensee who falsely states on the renewal form that the licensee has completed the continuing education requirement would be disciplined for practicing fraud or deceit in obtaining a license to practice chiropractic. A licensee who makes a false statement would be discovered through the audit process. A prosecuting attorney would have discretion to bring formal disciplinary action in deviation from application of the Act 48 schedule due to the licensee's apparent deceitful act, charging both the failure to complete continuing education and obtaining the license by deceit. The Board would determine an appropriate sanction, possibly including a reprimand or suspension as well as a civil penalty, for any violation that is proved. But, in

the exercise of prosecutorial discretion, the prosecuting attorney alternatively could choose only to issue the appropriate citation, such as when the licensee in good faith believed that the licensee had complied with the continuing education requirement.

The HPLC next requested an explanation as to how a licensee would make up a continuing education deficiency after renewing, but shall provide proof of attendance at continuing education courses during the previous biennial renewal period. In drafting this provision, it was the Board's intention to refer to the continuing education requirement of the previous biennium, not attendance during the previous biennium. The Board revised this provision to phrase this more clearly and to explicitly acknowledge that continuing education may be completed in the current biennium, subject to the limitation of § 5.77(b) that attendance at continuing education to reactivate an unregistered license cannot be applied to the requirement for the current biennium.

Finally, because when published as proposed the Board intended to renew the license of a licensee who had not completed the required amount of continuing education subject to imposition of a civil penalty via citation and the obligation to make up the deficiency within 6 months, the HPLC asked how the Board will monitor the grace period during which a licensee shall make up a deficiency in continuing education. As previously discussed, the Board has chosen to abandon this method of enforcement. Instead, the Board will continue the current practice under which a licensee shall verify that the licensee has complied with the continuing education requirements. If the licensee does not verify completion, the Board will not renew the license and, without license renewal, there is not a grace period to monitor. However, as past audits have demonstrated, some licensees who have verified compliance will not have actually completed the required amount of continuing education. As previously discussed, these licensees will be subject to citation and the obligation to cure the deficiency within 6 months of issuance of the citation. Because legal proceedings have begun, the legal office will track cited licensees for submission of proof of completion of the required amount of continuing education.

IRRC shared the concerns expressed by the HPLC as previously described. IRRC correctly noted that the only reference to continuing education in § 5.14 (relating to certification to use adjunctive procedures) concerns initial qualification to be certified to use adjunctive procedures, not any ongoing continuing education requirement. Accordingly, the Board has revised § 5.77(d) to omit the reference to § 5.14.

#### *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will not have an adverse fiscal impact on the Commonwealth, its political subdivisions or the private sector. The final-form rulemaking will not impose additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

#### *Effective Date*

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

#### *Statutory Authority*

This rulemaking is authorized by section 302(3) of the act (63 P.S. § 625.302(3)) and sections 506(a)(9) and 507(a) of the act.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 11, 2009, the Board submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 5594, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC 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 Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

On September 3, 2010, the Board delivered final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on September 21, 2010, the final-form rulemaking was approved by the HPLC. On October 6, 2010, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 7, 2010, and disapproved the final-form rulemaking. As described in its disapproval order, IRRC disapproved the rulemaking because it concluded that the Board does not have statutory authority to renew the license of a licensee who acknowledged failing to complete the required amount of continuing education, as previously intended.

In response to IRRC's disapproval, the Board revised the final-form rulemaking to remove the provisions for renewal despite failure to complete required continuing education, resulting in the final-form rulemaking as discussed previously. The Board delivered the revised final-form rulemaking, together with the supporting report required by section 7(c) of the Regulatory Review Act (71 P.S. § 745.7(c)), to IRRC, the HPLC and the SCP/PLC on November 24, 2010.

Under section 7(d) of the Regulatory Review Act, on March 1, 2011, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 7(c.1) of the Regulatory Review Act, IRRC met on December 16, 2010, and approved the final-form rulemaking.

#### *Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200, st-chiro@state.pa.us.

#### *Findings*

The Board finds that:

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

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

(3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 39 Pa.B. 5594.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

*Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 5, are amended by amending § 5.77 to read as set forth in Annex A.

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

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

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

KATHLEEN G. MCCONNELL, DC,  
*Chairperson*

*(Editor's Note:* See 41 Pa.B. 2856 (June 4, 2011) for the BPOA's final-form rulemaking relating to this final-form rulemaking.)

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 118 (January 1, 2011).)

**Fiscal Note:** Fiscal Note 16A-4318 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 5. STATE BOARD OF CHIROPRACTIC**

**Subchapter G. CONTINUING EDUCATION**

**§ 5.77. Failure to meet continuing education requirements.**

(a) Unless granted a waiver, a licensee who fails to satisfy continuing education requirements for a biennial registration period will have his license classified as unregistered and will be prohibited from practicing chiropractic until the licensee satisfies continuing education requirements and renews registration in accordance with § 5.18 (relating to reporting of other licenses, certifies or authorizations to practice, disciplinary sanctions and criminal dispositions).

(b) A licensee attending a continuing education course to reinstate an unregistered license will not have the same credit hours applied toward the continuing education requirement for the next biennial registration period.

(c) A licensee is not required to satisfy continuing education requirements for a biennial period in which a license has been classified as inactive and the licensee has not practiced in this Commonwealth for the entire biennial period.

(d) Unless otherwise excused by the act or this chapter, a licensee who fails to complete the minimum required amount of continuing education during the applicable renewal period is subject to discipline under § 43b.22 (relating to schedule of civil penalties—chiropractors). Within 6 months after the issuance of a citation under § 43b.22 for failing to complete the required amount of continuing education, the licensee shall make up the deficiency and provide proof of attendance at continuing education courses as necessary to satisfy the require-

ments in section 507 of the act (63 P. S. § 625.507) for the previous biennial registration period. The additional continuing education may be completed during the current biennial registration period, subject to the limitation of subsection (b). In addition to any civil penalty assessed under this subsection, failure to provide the Board with proof of the required amount of continuing education within 6 months after the issuance of a citation under § 43b.22 for failing to complete the required amount of continuing education shall subject the licensee to disciplinary action under section 506(a)(9) of the act (63 P. S. § 625.506(a)(9)). Failure to complete all of the required amount of continuing education within 6 months after the issuance of a citation under § 43b.22 for failing to complete the required amount of continuing education shall subject the licensee to disciplinary action under section 506(a)(13) of the act. This subsection does not apply to a licensee who permitted the license to expire at the conclusion of the biennial renewal period for which the licensee did not complete the required amount of continuing education and did not practice the profession prior to reactivating that license under § 5.17(j) (relating to biennial registration; unregistered status and inactive status; failure to renew; address of record) upon a demonstration that the licensee subsequently completed all required deficient continuing education.

[Pa.B. Doc. No. 11-935. Filed for public inspection June 3, 2011, 9:00 a.m.]

**STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS**  
**[ 49 PA. CODE CH. 37 ]**  
**Continuing Education**

The State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) amends §§ 37.1 and 37.18 (relating to definitions; and reactivation of licensure status) and adds §§ 37.19 and 37.111 (relating to biennial renewal of licensure status; and continuing education) to read as set forth in Annex A.

*Description and Need for the Final-Form Rulemaking*

The act of November 29, 2006 (P. L. 1534, No. 170) (Act 170) added section 4.5 of the Engineer, Land Surveyor and Geologist Registration Law (act) (63 P. S. § 151.5) to direct the Board to promulgate regulations establishing requirements of continuing education to be fulfilled by its licensees. Beginning with the renewal period designated by regulation, each licensee would be required to complete 24 hours of mandatory continuing education during each biennial renewal period as a condition of license renewal. A licensee in the first biennium of licensure would be exempt from the continuing education and, upon written request demonstrating good cause to do so, the Board could waive all or a portion of the requirements for a licensee who was unable to complete the requirements due to serious illness, military service or other demonstrated hardship. A licensee seeking to reactivate an expired license would be required to show proof of compliance for the preceding biennium. Finally, the Board would be responsible to approve all courses, locations, instructors and providers of mandatory continuing education, but credit could not be awarded for courses in practice building or office management.

The Board published a proposed rulemaking at 39 Pa.B. 2218 (May 2, 2009) to implement Act 170. After the proposed rulemaking was published, the act was again amended. The act of May 12, 2010 (P. L. 192, No. 25) (Act 25) deleted the existing provisions of the act addressing continuing education. In their place, Act 25 provided requirements for continuing education modeled upon the model law and rules of the National Council of Examiners in Engineering and Surveying, the National group of state licensing boards for engineers and land surveyors. Under section 4.5(c) of the act as amended by Act 25, each licensee shall now complete at least 24 professional development hours (PDH) of continuing education during each biennial renewal cycle and up to 12 PDH units may be carried forward into the subsequent renewal period. Continuing education should maintain, improve or expand skills and knowledge obtained prior to initial licensure, including law and ethics applicable to the profession, or develop new and relevant skills and knowledge. Credit may not be awarded for courses in practice building or office management. Continuing education may be earned for successful completion of college courses relevant to professional practice; completion of continuing education courses relevant to professional practice; completion of correspondence, televised, videotaped and other short courses or tutorials relevant to professional practice; completion of seminars, employer-sponsored courses, workshops or professional or technical presentations made at meetings, conventions or conferences relevant to professional practice; teaching, presenting or instructing the previously-identified activities; authoring published papers, articles or books relevant to professional practice; or obtaining patents relevant to professional practice. Section 4.5(d) of the act provides a conversion of hours of activity into PDH units and also provides that a licensee teaching those activities would earn double the amount of credit normally available to participants. The Board may not require courses to be preapproved, but does have final authority regarding approval of courses, credit, PDH value for courses and other methods of earning credit under section 4.5(e) of the act. The Board will accept credit earned in another jurisdiction for an activity that otherwise complies. The licensee is responsible to maintain records to support credits claimed, including a log of activities and attendance verification records such as completion certificates under section 4.5(f) of the act. Under section 4.5(g) of the act, a licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year is exempt from completing continuing education during that year. The Board may grant an exemption to a licensee who is unable to complete the required continuing education due to physical disability, illness or other extenuating circumstances. In addition, a licensee in the first renewal cycle of licensure is not required to complete continuing education. A licensee seeking to reactivate an inactive license shall obtain all delinquent PDH units, up to a maximum of the biennial renewal requirement under section 4.5(h) of the act. Finally, section 5 of Act 25 requires licensees to first complete the continuing education requirements during the 2009-2011 biennium.

Based upon this statutory change and consideration of the comments received regarding the rulemaking as originally proposed, the Board has substantially amended the final-form rulemaking. The Board concluded that it should not review and approve any continuing education courses or providers and deleted references to course or provider approvals. With minor exceptions as discussed as

follows, this final-form rulemaking retains only the mechanism of enforcement of the continuing education requirement.

*Summary of Comments and Responses to Proposed Rulemaking*

The Board published a proposed rulemaking at 39 Pa.B. 2218 with a 30-day public comment period. The Board received numerous comments from a variety of members of the public. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of its review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). The Board did not receive any comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

The public comments raised many questions about particular courses, providers and the method of approving courses and providers, as well as determination of hours of credit. Because under Act 25 the Board will not be approving courses or providers and because the amended act addresses the questions of what activity format and content are acceptable, the Board believes these comments are moot. Except as discussed as follows with regard to comments from the HPLC and IRRC, the public commenters did not otherwise address the procedural portions of the proposed rulemaking.

Though these requirements are not strictly procedural enforcement provisions, the Board has retained the requirement in proposed § 37.113(b) that credit may not be given for any activity in practice building or office management as provided in section 4.5(e) of the act and the requirement in proposed § 37.113(c) that a licensee may not receive credit for attending a course more than once or participating more than once in another specific activity during the same biennium. These provisions have been moved into § 37.111(a) and (b), respectively.

In its comments, the HPLC noted that Act 170 required the Board to promulgate regulations within 18 months. The Board acknowledges that this was not accomplished. The HPLC further advised the Board that the HPLC was currently working on legislation that would amend the continuing education requirements to be more consistent with current National standards of the specific profession than was the proposed rulemaking. Act 25 was the result of that effort. The HPLC and IRRC suggested that in § 37.1 the definition of “hour of continuing education” use a standard of 50 minutes, rather than 60 minutes, to be consistent with this National standard. Because section 2(t) of the act (63 P. S. § 149(t)) now defines a PDH to be 50 minutes of instruction or presentation relevant to professional practice, the Board deleted the proposed definition of “hour of continuing education” and instead has added to § 37.1 the statutory definition of PDH. Similarly, the HPLC suggested that the Board revise its proposed rulemaking to permit carryover of credits. Because section 4.5(c) of the act now permits a licensee to carryover up to 12 PDH units, the Board has also deleted this previously proposed restriction.

In developing its continuing education regulations, the Board envisioned a scheme of enforcement by which a licensee who did not complete the required amount of continuing education would be able to renew the license, but would have to pay a civil penalty under an Act 48 schedule based upon the amount of deficiency and to make up the entire deficiency within 6 months. It was intended that all professional licensing boards within the

Bureau of Professional and Occupational Affairs (BPOA) that require continuing education would use a similar enforcement scheme. However, due to subsequently-raised concerns about statutory authority to renew the license of one who acknowledges not having completed the required amount of continuing education, the Board ultimately has abandoned this scheme. Instead, completion of the required amount of continuing education will be a condition of renewal and a licensee who acknowledges not having completed the required amount of continuing education will not be renewed. Accordingly, the Board revised proposed § 37.19(b)(5) to delete the opportunity for a licensee who has not completed the required amount of continuing education to renew and acknowledge being subject to the sanctions of § 37.111(d).

The HPLC requested information on how the Board will monitor the 6-month period in proposed § 37.111(d) during which a licensee shall make up a deficiency in continuing education. As provided in renumbered § 37.111(f), the Board will audit licensees to verify compliance. If the licensee timely provides documentation showing that the licensee satisfied the continuing education requirement within the 6-month period, the licensee would be subject to a civil penalty based on the number of delinquent PDH units. If the licensee does not provide the documentation or does not complete all 24 PDH units of continuing education by the end of the 6-month period, the matter will be forwarded to the professional compliance office and the prosecution division to initiate formal disciplinary action.

While addressing these comments, the Board considered its audit process in more detail. In doing so, the Board realized that its regulations do not impose any specific obligation upon a licensee to comply with the audit. Accordingly, the Board added § 37.111(f) to retain the notice proposed in § 37.112(c) that the Board will audit licensees to verify compliance with the continuing education requirements and to also require a licensee who is being audited to fully respond to an audit request within 30 days or another time period specified in the audit request.

The HPLC and IRRC questioned what is considered to be a certified record of continuing education as that term is used in proposed §§ 37.112(a) and 37.114(a). Because section 4.5(f) of the act requires licensees to maintain a log of continuing education activities and attendance verification records such as completion certificates, the Board deleted these proposed regulatory provisions. The Board added § 37.111(g) to repeat the statutory requirement that the licensee maintain records of continuing education for 5 years and to provide that the Board may infer from the failure to maintain records that the licensee did not complete continuing education. Obviously, this will require licensees to maintain records that substantiate compliance with the continuing education requirements and demonstrate that the licensee has earned specific amounts of credit in specific activities for which continuing education credit may be earned. The HPLC also requested an explanation of how the Board will implement proposed § 37.115(g) that would permit a licensee who attended a nonapproved course to seek approval. As the Board will not be approving courses, it has deleted this provision.

IRRC pointed to the Board's estimate that the regulated community may have costs on the order of \$18.6 million per year to complete continuing education and questioned the Board's statement that compliance with the rulemaking should not have an adverse fiscal impact

and will not impose additional paperwork requirements on the Commonwealth or the private sector. The Board's estimate was of the costs for licensees to complete continuing education as mandated by section 4.5 of the act. That obligation was imposed by the General Assembly through Act 170 and subsequently Act 25. The proposed rulemaking imposed minimal additional costs. The statement that compliance should not have an adverse fiscal impact was intended to address the impact of the Board's method of enforcement established by the proposed rulemaking, which should not impose additional burden on those licensees who comply. The recordkeeping requirement in this final-form rulemaking, which requires licensees to keep records for at least 5 years, should not impose fiscal or administrative burden beyond that already imposed by Act 25 to maintain records of completion.

IRRC also pointed to the Board's estimate that licensees would be required to comply with the continuing education requirements during the 2009-2011 renewal cycle and asked whether, if the rulemaking was not final by September 2009, the Board will modify the compliance date and notify licensees. Section 5 of Act 25 now requires licensees to complete continuing education during the 2009-2011 renewal cycle. There is not a provision to wait until regulations are promulgated. In May 2010, the Board notified its licensees of this requirement, both by direct mail and by e-mail. Additionally, in its newsletters beginning in July 2010, the Board reminded licensees that the continuing education requirements are already in effect. Additionally, to provide licensees with as much advance notice as possible, as provided in § 37.111(d), for the first renewal cycle only, the Board will not impose disciplinary sanction on a licensee who, though failing to complete the required amount of continuing education during the 2009-2011 biennium, fully makes up the deficiency within 6 months, that is by April 1, 2012. Additionally, because as drafted they included the same standard, IRRC suggested combining the two separate statements of the continuing education obligation for the 2009-2011 and 2011-2013 renewal cycles into one provision. The Board originally did this to allow that the regulation might not be final prior to the beginning of the 2009-2011 cycle and could easily revise it to phase in the continuing education requirement. Because by statute the full obligation begins with the 2009-2011 cycle, the Board followed IRRC's suggestion and combined these two provisions into one.

IRRC questioned whether the term "criminal charges" as used in § 37.19(c)(4) requiring a licensee renewing a license to disclose any criminal charges would include misdemeanors and summary offenses. Because 18 Pa.C.S. § 9124(b) (relating to use of records by licensing agencies) prohibits the Board from imposing a disciplinary sanction based upon a summary offense, the Board did not intend this term to include summary offenses. However, because the Board may impose a disciplinary sanction based upon a misdemeanor conviction, the Board does intend misdemeanor charges to be included, as well as felony charges. Accordingly, the Board revised § 37.19(c)(4) to refer specifically to misdemeanors and felonies to enhance clarity.

IRRC also asked why the Board included the phrase "as directed by the Board" in proposed § 37.111(b) when indicating that continuing education may sometimes be credited to a renewal cycle other than the one in which the continuing education was actually earned. This phrase was intended to allow the Board to order a licensee who did not complete continuing education on time to do so at the time of the subsequent disciplinary

action and have those hours be applied to the requirement for the earlier renewal cycle. To aid clarity, the Board revised this portion of proposed § 37.111(b) to read “as otherwise ordered by the Board in a disciplinary action.” Additionally, because section 4.5(c) of the act now permits carry-over of up to 12 PDH units into the next cycle, the Board also revised § 37.111(b) to include an exception for continuing education credits “carried over from the prior biennium as permitted by section 4.5(c) of the act (63 P. S. § 151.5(c)).” Further, because § 37.111(d) is no longer premised upon a licensee who did not complete the required amount of continuing education being permitted to renew subject to paying a civil penalty and making up the deficiency, the Board revised the references to that subsection in § 37.111(b) as “to correct a deficiency as required under subsection (d)” rather than “as permitted by subsection (d).”

Because when published as proposed the Board intended to renew the license of a licensee who had not completed the required amount of continuing education subject to imposition of a civil penalty by means of a citation and the obligation to make up the deficiency within 6 months, IRRRC also requested the Board to explain the status of a license while the licensee is making up continuing education deficiency. Because the Board now will not renew the license if the licensee acknowledges not completing the required amount of continuing education, this concern is limited to those licensees who report having completed continuing education but have not actually done so. As the license has been renewed in reliance upon the licensee’s representation that continuing education has been completed, that license is current and in good standing to the same extent as if the licensee had fully completed the continuing education requirement on time and will remain so unless the Board takes disciplinary action to suspend the license for failure to complete the required amount of continuing education on time and subsequent failure to make up the deficiency. While the audit process will begin upon notice following renewal, the time taken to audit the licensee and determine the amount of deficiency might result in the citation not issued and due until more than 6 months after the beginning of the renewal cycle—the previously-proposed 6-month period in which to cure the deficiency. Accordingly, the Board revised this provision to set the time limitation by which the deficiency must be cured not by the renewal date, but by the date disciplinary action is initiated by the issuance of a citation. Because continuing education is required to maintain competence, the failure to complete continuing education is not a violation if the licensee no longer practices until the continuing education deficiency is cured. Therefore, the Board also provided in § 37.111(d) that a licensee who permits the license to expire and then ceases practice until completing the required amount of continuing education and then reactivates the license upon a demonstration that the deficiency has been cured should not be subject to disciplinary action for failing to initially complete the required amount of continuing education. A licensee who did not renew and continued to practice, despite having failed to complete the required continuing education, would be subject to disciplinary action both for failing to complete continuing education (under this subsection) and for practicing while the license was lapsed under § 37.18(3).

IRRC raised a concern about the clarity of proposed § 37.111(e) for waiver and suggested explicitly providing that waiver is for serious illness, military service or other demonstrated hardship as provided in section 4.5(g) of the act. Because that statutory section has been replaced, the

Board has taken this suggestion and applied it with revised § 37.111(e) to use the new statutory language—“physical disability, illness or other extenuating circumstances.” Moreover, the Board revised this provision to require the licensee to explain why the licensee is not able to complete continuing education on time and why a waiver will not harm the public interest. Although the proposed rulemaking would require a licensee seeking a waiver to request it at least 90 days before the end of the renewal cycle, the Board is concerned that this is not truly workable for a licensee who plans to complete continuing education near the end of the renewal cycle but is interrupted by disability, illness or other extenuating circumstances. Instead, the Board simply provided that it might take up to 90 days to rule upon a request, giving the licensee who chooses to take the risk of interruption better notice of the consequences.

IRRC suggested that the Board clarify in its final-form rulemaking its position on distance learning activities in proposed § 37.114. Because the Board will not be approving courses, it has deleted this section. Because the statutory language does not provide a basis to categorically disallow online or other distance learning and instead section 4.5(c)(3) of the act specifically authorizes correspondence, televised, videotaped or other short courses or tutorials relevant to professional practice, the Board will permit licensees to complete continuing education in this manner. IRRRC also suggested actions to improve the clarity of proposed § 37.115. Because the Board will not be approving courses, it has also deleted this section.

IRRC also suggested revising the definition of “practice building” in § 37.1 to be gender neutral. The Board used the word “himself” as to a land surveyor because it was quoting the language of section 2(d) of the act and again used the same word in an equivalent provision for an engineer or geologist, though there was not a similar statutory provision. In response to IRRRC’s comment, the Board amended the provision to be gender neutral by using the term “the licensee” when referring to a licensed land surveyor, engineer or geologist. The Board added a definition for the open-ended term “office management” to § 37.1 to include mechanical office and business skills, such as typing, speed writing, preparation of advertising copy, development of sales promotion devices, word processing, calculator and computer operation, and internal operations and procedures that do not have a professional interest. Office management does not include the use of technology in delivering engineering, land surveying or geologic services.

Finally, under section 5 of Act 25, licensees shall begin to comply with the continuing education requirement during the 2009-2011 biennial renewal cycle. Because Act 25 did not become effective until July 11, 2010, approximately 8 1/2 months into the 24-month 2009-2011 renewal cycle, the Board concluded that it should give licensees additional time to complete the requirements for the 2009-2011 cycle. The Board determined that for the first cycle with mandatory continuing education, licensees who make up the deficiency in full within the first 6 months will not be subject to a civil penalty. Accordingly, § 37.111(c) both provides that the continuing education requirements will first take effect during the October 1, 2009, through September 30, 2011, biennial renewal cycle and also that a licensee who, by April 1, 2012, makes up all the deficiency in continuing education will not be subject to disciplinary action for failing to complete the required continuing education by September 30, 2011.

Because the Board will not renew the license when the licensee acknowledges not completing the required amount of continuing education, the Board normally would ask on the renewal form whether the licensee has completed the required amount of continuing education. Because the Board is extending the time period to complete the continuing education for the initial period, for the 2011-2013 renewal cycle the Board will ask whether the licensee has completed the required amount of continuing education or will complete it by April 1, 2012. This will not extend the time period to complete continuing education during the second renewal cycle; a total of 48 PDH shall be completed between October 1, 2009, and September 30, 2013.

#### *Fiscal Impact and Paperwork Requirements*

The continuing education requirements of the act as added by Act 25 require licensees to complete continuing education and maintain records and require the Board to audit licensees and take action when appropriate. Beyond the fiscal impact of the statutory requirements, the final-form rulemaking will have a minimal fiscal impact on the regulated community in the nature of administrative costs of records retention and audit compliance. The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions and will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### *Effective Date*

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

#### *Statutory Authority*

The final rulemaking is authorized under section 4.4 of the act (63 P. S. § 151.4).

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 22, 2009, the Board submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 2218, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC 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 Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

On September 3, 2010, the Board delivered the final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 21, 2010, the final-form rulemaking was approved by the HPLC. On October 6, 2010, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 7, 2010, and disapproved the final-form rulemaking. As described in its disapproval order, IRRC disapproved the rulemaking primarily because it concluded that the Board did not have statutory authority to renew the license of a licensee who acknowledged failing to complete the required amount of continuing education, as previously intended.

In response to IRRC's disapproval, the Board revised the final-form rulemaking to remove the provisions for renewal despite failure to complete required continuing education, resulting in the form as previously discussed.

The Board did not otherwise revise the rulemaking in response to IRRC's disapproval order. The Board delivered the revised final-form rulemaking, together with the supporting report required by section 7(c) of the Regulatory Review Act (71 P. S. § 745.7(c)), to IRRC, the HPLC and the SCP/PLC on November 24, 2010.

Under section 7(d) of the Regulatory Review Act, on March 1, 2011, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 7(c.1) of the Regulatory Review Act, IRRC met on December 16, 2010, and approved the final-form rulemaking.

#### *Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7049, [st-engineer@state.pa.us](mailto:st-engineer@state.pa.us).

#### *Findings*

The Board finds that:

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

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

(3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 39 Pa.B. 2218.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

#### *Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 37, are amended by amending §§ 37.1 and 37.18 and adding §§ 37.19 and 37.111 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

ROBERT C. GRUBIC, P.E.,  
*President*

*(Editor's Note: The proposal to amend § 37.17 and to add §§ 37.112—37.115 included in the proposed rulemaking published at 39 Pa.B. 2218 has been withdrawn by the Board.)*

*(Editor's Note: See 41 Pa.B. 2853 (June 4, 2011) for the BPOA's final-form rulemaking relating to this final-form rulemaking.)*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 118 (January 1, 2011).)*

**Fiscal Note:** Fiscal Note 16A-4710 remains valid for the final adoption of the subject regulations.



## Annex A

## TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

## PART I. DEPARTMENT OF STATE

## Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

## CHAPTER 37. STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

## GENERAL PROVISIONS

## § 37.1. Definitions.

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

\* \* \* \* \*

*Hearing examiner*—An individual appointed by the Board, with the approval of the Governor, to conduct hearings as may be required under the act in accordance with the act and this chapter.

*Office management*—

(i) The term includes mechanical office and business skills, such as typing, speed writing, preparation of advertising copy, development of sales promotion devices, word processing, calculator and computer operation, and internal operations and procedures that do not have a professional interest.

(ii) The term does not include the use of technology in delivering engineering, land surveying or geologic services.

*PDH*—*Professional development hour*—Fifty minutes of instruction or presentation relevant to professional practice as defined in section 2 of the act (63 P. S. § 149).

*Practice building*—

(i) Marketing or any other activity that has as its primary purpose increasing the business volume or revenue of a licensee or employer and does not involve the practice of engineering, land surveying or geology as defined in section 2 of the act.

(ii) The term includes procuring or offering to procure land surveying work for the licensee or others and managing or conducting as managers, proprietors or agents any place of business from which land surveying work is solicited, performed or practiced as included in the definition of “practice of land surveying” in section 2(d) of the act. This term includes procuring or offering to procure engineering or geologic work for the licensee or others and managing or conducting as managers, proprietors or agents any place of business from which engineering or geologic work is solicited, performed or practiced.

(iii) The term does not include education in a professional area merely because it would expand the licensee’s skills enabling the licensee to practice in an additional area.

*Professional geological work*—The performance of geological service or work, including technical completeness reviews or inspections of unfinalized work product, that requires the utilization, application and interpretation of fundamental and practical principles of the geological sciences in the practice of geology. The term does not include routine sampling, laboratory work or geological drafting.

\* \* \* \* \*

## QUALIFICATIONS FOR LICENSURE

## § 37.18. Reactivation of licensure status.

A licensed engineer, land surveyor or geologist who has allowed his licensure status to lapse by failing to register biennially with the Board may apply to the Board for reactivation of licensure status by satisfying the requirements of paragraph (1) on forms provided by the Board.

(1) A licensee applying for reactivation of licensure status is required to pay the current registration fee and submit a reactivation application verifying the period of time in which the licensee did not practice in this Commonwealth. Unless excused by the Board for good cause under section 4.5(g) of the act (63 P. S. § 151.5(g)), the Board will not reactivate any license until all delinquent continuing education, not to exceed 24 PDH, has been completed. Notwithstanding the general requirement in § 37.111(b) (relating to continuing education), an applicant for reactivation of an inactive license may complete this required continuing education during the biennial renewal period for which reactivation is sought. Completion of this previously-delinquent continuing education is in addition to the continuing education required for the biennium during which the license is reactivated.

(2) A licensee who seeks to reactivate his licensure status will not be assessed a late renewal fee for the preceding biennial registration periods in which the licensee did not engage in practice in this Commonwealth.

(3) With the exception of individuals who are engaged in the practice of engineering, land surveying or geology in a field which is exempt from licensure under section 5 of the act (63 P. S. § 152), a licensee whose licensure status has lapsed due to the failure to register biennially with the Board, is prohibited from the practice of engineering, land surveying or geology as applicable in this Commonwealth unless the licensure status is reactivated. If a licensee, who is not exempt from licensure, engages in practice in this Commonwealth during a period in which the licensee’s registration is not renewed, the licensee is required to pay a late fee of \$5 for each month or part of a month beyond the date specified for renewal, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225), in addition to the prescribed biennial renewal fee. The payment of a late fee does not preclude the Board from taking disciplinary action against a licensee for practicing the profession of engineering, land surveying or geology as applicable in this Commonwealth without a current license.

## § 37.19. Biennial renewal of licensure status.

(a) A licensee shall register each biennial period to retain the right to practice in this Commonwealth. Initial registration shall automatically occur when a license is issued. Registration for a biennial period shall expire on September 30 of every odd numbered year.

(b) When a licensee changes the mailing address of record, the licensee shall notify the Board in writing within 10 days thereafter. Notice of renewal will be forwarded to the licensee’s last known address on file with the Board. Failure of the Board to send or of the licensee to receive a biennial registration application does not relieve the licensee of the biennial registration responsibility.

(c) A licensee applying for biennial license renewal shall:

(1) Complete and submit the renewal application, including payment of the biennial renewal fee in § 37.17 (relating to schedule of fees).

(2) Disclose any license to practice engineering, land surveying or geology in another state, territory, possession or country.

(3) Disclose any disciplinary action taken or pending before the appropriate licensing authority in another jurisdiction since the most recent application for renewal. A licensee shall disclose disciplinary action in another jurisdiction whether or not the licensee holds an active license to practice in the other jurisdiction.

(4) Disclose any pending felony or misdemeanor criminal charges and any finding or verdict of guilt, admission of guilt, plea of nolo contendere or other criminal conviction since the most recent application for renewal.

(5) Verify that the licensee has complied with the continuing education requirements mandated under section 4.5 of the act (63 P. S. § 151.5) during the biennial period immediately preceding the period for which renewal is sought in accordance with § 37.111 (relating to continuing education).

**CONTINUING EDUCATION**

**§ 37.111. Continuing education.**

(a) During each biennial renewal period, a licensee shall complete 24 PDH units of continuing education. A licensee who holds more than one license from the Board shall complete the required amount of continuing education to renew each license. A licensee who completes a continuing education activity applicable to more than one class of license may apply the credit to each license held by the licensee for which the course is applicable. Continuing education credit will not be given for a course in practice building or office management.

(b) Except as necessary to comply with § 37.18(1) (relating to reactivation of licensure status), carried over from the prior biennium as permitted by section 4.5(c) of the act (63 P. S. § 151.5(c)), to correct a deficiency as required under subsection (d) or as otherwise ordered by the Board in a disciplinary action, continuing education may satisfy the requirement of subsection (a) only for the biennium during which it was completed. A PDH unit may not be used to satisfy the requirement of subsection (a) for more than one biennium. Unless otherwise excused by the Board, continuing education completed to reactivate the license as provided in § 37.18(1), to correct a deficiency as required under subsection (d) or as otherwise ordered by the Board in a disciplinary action is in addition to the continuing education requirement for the biennium during which that activity is completed. A licensee may not receive credit for more than one presentation of a particular course or other specific activity in a given renewal period.

(c) The requirement of subsection (a) will first take effect during the October 1, 2009, through September 30, 2011, biennial renewal period. A licensee who corrects all deficiencies in continuing education during the 2009-2011 renewal cycle by April 1, 2012, will not have a disciplinary sanction imposed as provided in subsection (d) for having failed to complete the required amount of continuing education by September 30, 2011.

(d) Unless otherwise excused by the act or this chapter, failure to complete the minimum required amount of continuing education during the applicable renewal period will subject the licensee to discipline under section 11(b) of the act (63 P. S. § 158(b)) in accordance with the schedule of civil penalties in § 43b.13a (relating to schedule of civil penalties—engineers, land surveyors and geologists). Within 6 months after the issuance of a

citation under § 43b.13a for failure to complete the required amount of continuing education, the licensee shall make up the deficiency and provide proof of the entire required amount of continuing education in section 4.5(f) of the act. In addition to any civil penalty assessed under this subsection, failure to complete the required amount of continuing education and to provide the Board with proof of completion of the required amount of continuing education within 6 months after the issuance of a citation under § 43b.13a for failure to complete the required amount of continuing education shall subject the licensee to disciplinary action under section 4(g) of the act (63 P. S. § 151(g)). This subsection does not apply to a licensee who permitted the license to expire at the conclusion of the biennial renewal period for which the licensee did not complete the required amount of continuing education and did not practice the profession prior to reactivating that license under § 37.18(1) upon a demonstration that the licensee subsequently completed all required deficient continuing education.

(e) A licensee seeking exemption from the continuing education requirements as provided in section 4.5(g)(1)(II) of the act based upon physical disability, illness or other extenuating circumstances shall submit the request with all supporting documentation to the Board. The request must explain why the licensee is not able to complete mandatory continuing education on time and why exempting the licensee will not harm the public interest. The Board may take up to 90 days to rule upon a request for exemption. An exemption may include extending the deadline by which the required continuing education must be completed. The Board will consider a request for exemption from a licensee who has renewed the license, but a request for exemption may not be used to avoid a disciplinary sanction under subsection (d).

(f) The Board will audit licensees to verify compliance with continuing education requirements. A licensee who is being audited shall fully respond to each request for information within 30 days of the request or other time specified in the request.

(g) Each licensee shall maintain records verifying completion of continuing education for 5 years after completion of the activity. In any audit or disciplinary proceeding, the Board may infer from a licensee's failure to maintain records as provided in this subsection that the licensee did not complete the required continuing education.

[Pa.B. Doc. No. 11-936. Filed for public inspection June 3, 2011, 9:00 a.m.]

**BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**[ 49 PA. CODE CH. 43b ]**

**Schedule of Civil Penalties Engineers, Land Surveyors and Geologists**

The Commissioner of Professional and Occupational Affairs (Commissioner) amends § 43b.13a (relating to schedule of civil penalties—engineers, land surveyors and geologists) to read as set forth in Annex A.

*Description and Need for the Rulemaking*

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes agents of the Bureau of Professional and Occupational Affairs (Bureau) to issue citations and impose civil penalties under sched-

ules adopted by the Commissioner in consultation with the Bureau's licensing boards. It further provides that any penalty will not exceed the sum of \$1,000 per violation. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive an Act 48 citation have the right to a hearing and retain their due process right of appeal prior to the imposition of discipline. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts, with approximately 30% of all sanctions imposed by the licensing boards being accomplished through the Act 48 citation process. The State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) has had an Act 48 schedule of civil penalties since 2001. See 31 Pa.B. 1227 (March 3, 2001).

Section 4.5(a) of the Engineer, Land Surveyor and Geologist Registration Law (act) (63 P.S. § 151.5(a)) requires licensees to complete 24 hours of mandatory continuing education during each biennial renewal period as a condition of license renewal. Through a separate final-form rulemaking (16A-4710), the Board is adopting regulations to implement the mandatory continuing education requirements. As is being done for other licensing boards with continuing education requirements, the Commissioner is adopting in this final-form rulemaking a civil penalty schedule for violation of the continuing education requirements for licensees of the Board because the Commissioner and Board believe the Act 48 citation process will be a much more efficient method of handling violations while still ensuring licensees due process. Payment of the civil penalty does not relieve a licensee of the obligation to complete the required amount of mandatory continuing education. Under a separate final-form rulemaking, the Board is requiring a licensee who fails to complete the required amount of mandatory continuing education during the biennial renewal period to complete the required continuing education during the next 6 months. Failure to complete the required continuing education by that deadline will subject the licensee to formal disciplinary action.

The Commissioner, in consultation with the Board, determined that a first offense violation of failing to complete the required amount of mandatory continuing education during the biennial renewal period would be subject to a civil penalty of \$50 for each hour that the licensee is deficient, up to a maximum of \$1,000. Second and subsequent offenses would not be subject to an Act 48 citation but rather would proceed through the formal disciplinary process. The Board's final-form rulemaking requires that the licensee also make up the deficiency within 6 months or face formal disciplinary action.

#### *Summary of Comments and Responses to Proposed Rulemaking*

The Commissioner published a notice of proposed rulemaking at 39 Pa.B. 2206 (May 2, 2009) with a 30-day public comment period. The Board did not receive written comments from the public. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of its review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1—745.12). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

The HPLC noted that the act of November 29, 2006 (P.L. 1534, No. 170) (Act 170), which first added mandatory continuing education, required the Board to promulgate regulations implementing the continuing education requirement within 18 months of its effective date, that is, by July 28, 2008. The Board acknowledges that this date was not met. Subsequently, the act of May 12, 2010 (P.L. 192, No. 25) (Act 25) repealed this provision in Act 170. Instead, under section 5 of Act 25, licensees shall begin to comply with the continuing education requirement during the 2009-2011 biennial renewal cycle. Because the Act 25 amendments did not become effective until July 11, 2010, approximately 8 1/2 months into the 24-month 2009-2011 renewal cycle, the Board concluded that it should give licensees additional time to complete the requirements for the 2009-2011 cycle. As previously referenced and explained in greater detail in the Board's final-form rulemaking, licensees who have not completed the continuing education requirement by the end of the renewal period will be subject to citation for a civil penalty based upon the amount of deficiency and be required to make up the entire deficiency within 6 months; this does not apply to a licensee who permits the license to expire and makes up the deficiency prior to reactivating the license upon documentation of making up that deficiency. The Board determined that for the first cycle with mandatory continuing education, licensees who make up the deficiency in full within the first 6 months will not be subject to a civil penalty.

IRRC requested an explanation of how the proposed amount of civil penalty was determined. Under section 5(a) of Act 48, the maximum civil penalty that the Board may impose by citation for a violation of the act or Board regulations is \$1,000. To provide a significant deterrence against failing to complete continuing education in a timely manner, the Board concluded that this maximum amount is an appropriate civil penalty for a licensee who completes none of the mandatory continuing education. Those whose deficiency is less should be assessed a proportionately lesser civil penalty. Because 24 hours of continuing education are required, the Board calculated that the scheduled civil penalty should be \$1,000 divided by 24 hours, rounded up to \$50 per hour.

While addressing the previous questions, as well as other questions raised by the HPLC and IRRC in regard to the Board's rulemaking, the Board considered its audit process in more detail. In doing so, the Board realized that its regulations do not impose specific obligation upon a licensee to comply with the audit. Accordingly, in § 37.111(f) (relating to continuing education), the Board requires a licensee to respond to an audit request within 30 days or another time period specified in the audit request. The Commissioner, in consultation with the Board, added this violation to the schedule of civil penalties. The schedule provides a first violation civil penalty of \$100, increased to \$250 for a second violation and \$500 for a third violation and formal action for subsequent violations. The Board envisions that a licensee who fails to comply with an audit request will be given a citation and another audit request. The process may be repeated until the licensee's fourth refusal demonstrates that the Board should consider whether to suspend the licensee's license or impose other discipline for failure to provide proof of continuing education.

#### *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth, its political subdivisions or the private sector. The final-form rulemaking will not

impose additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

*Effective Date*

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

*Statutory Authority*

This rulemaking is authorized by section 5(a) of Act 48.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 22, 2009, the Board submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 2206, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC 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 Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

On September 3, 2010, the Board delivered final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 21, 2010, the final-form rulemaking was approved by the HPLC. On October 6, 2010, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 7, 2010, and disapproved the final-form rulemaking.

The Board did not revise the final-form rulemaking in response to IRRC's disapproval. The Board redelivered the final-form rulemaking, together with the supporting report required by section 7(b) of the Regulatory Review Act (71 P. S. § 745.7(b)), to IRRC, the HPLC and the SCP/PLC on November 24, 2010.

Under section 7(d) of the Regulatory Review Act, on March 1, 2011, the final-form rulemaking was approved by the HPLC and the SCP/PLC. section 7(c.1) of the Regulatory Review Act, IRRC met on December 16, 2010, and approved the final-form rulemaking.

*Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7049, st-engineer@state.pa.us.

*Findings*

The Commissioner finds that:

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

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

(3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 39 Pa.B. 2206.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the authorizing acts set forth in this preamble.

*Order*

The Commissioner, acting under Act 48, orders that:

(a) The regulations of the Commissioner, 49 Pa. Code Chapter 43b, are amended by amending § 43b.13a to read as set forth in Annex A.

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

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

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

KATIE TRUE,  
*Acting Commissioner*

*(Editor's Note:* See 41 Pa.B. 2847 (June 4, 2011) for the Board's final-form rulemaking relating to this final-form rulemaking.)

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 118 (January 1, 2011).)

**Fiscal Note:** Fiscal Note 16-43 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL**

**§ 43b.13a. Schedule of civil penalties—engineers, land surveyors and geologists.**

**STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS AND GEOLOGISTS**

**Violation Under 63 P. S.**

Section 150(b)

**Title/Description**

Representing oneself as an engineer, land surveyor or geologist on sign, advertisement, letterhead or card, without being licensed or registered

**Penalties**

1st offense—\$1,000  
2nd offense—formal action

<b>Violation Under 63 P. S.</b>	<b>Title/Description</b>	<b>Penalties</b>
Section 151(e)	Biennial renewal—Practicing on a lapsed license or registration	1st offense— Up through 5 months—\$500 6 months through 1 year—\$1,000 over 1 year—formal action 2nd offense—formal action
Section 151.5(a)	Failure to complete the required amount of continuing education	First offense—\$50 per hour of deficiency, not to exceed \$1,000 Subsequent offense—formal action
<b>Violation Under 49 Pa. Code Chapter 37</b>		
<b>Section 37.111(f)</b>		
	Failure to respond to continuing education audit request within 30 days or other time period in audit request	First offense—\$100 Second offense—\$250 Third offense—\$500 Subsequent offense—formal action

[Pa.B. Doc. No. 11-937. Filed for public inspection June 3, 2011, 9:00 a.m.]

## BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

### [ 49 PA. CODE CH. 43b ]

#### Schedule of Civil Penalties—Chiropractors

The Commissioner of Professional and Occupational Affairs (Commissioner) adds § 43b.22 (relating to schedule of civil penalties—chiropractors) to read as set forth in Annex A.

#### *Description and Need for the Final-Form Rulemaking*

The act of July 2, 1993 (P.L. 345, No. 48) (Act 48) authorizes agents of the Bureau of Professional and Occupational Affairs (Bureau) to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's licensing boards. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive an Act 48 citation have the right to a hearing and retain their due process right of appeal prior to the imposition of discipline. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts, with approximately 30% of all sanctions imposed by the licensing boards being accomplished through the Act 48 citation process. The State Board of Chiropractic (Board) has not previously had an Act 48 schedule of civil penalties.

Section 507(a) of the Chiropractic Practice Act (act) (63 P.S. § 625.507(a)) requires a licensed chiropractor to complete at least 24 hours of continuing education during each biennial renewal cycle. The Board's regulations in Chapter 5, Subchapter G (relating to continuing education) implement required continuing education. With the current regulatory scheme, a failure to comply with the continuing education requirements could lead to formal disciplinary action. Also, section 501(b) of the act (63 P.S. § 625.501(b)) requires a licensee to renew the license every 2 years. Under § 5.17(g) (relating to biennial registration; unregistered status and inactive status; failure to renew; address of record) of the Board's regulations, a licensee who has not renewed may not continue to practice while that license remains lapsed. As is being done for other licensing boards, the Commissioner proposed a civil penalty schedule for violation of the continu-

ing education requirements for licensees of the Board and practice on a lapsed license because the Commissioner and the Board believe the Act 48 citation process will be a much more efficient method of handling violations while still ensuring licensees retain their right to due process of law.

The Commissioner, in consultation with the Board, proposed for a first offense violation of failing to complete the required amount of mandatory continuing education during the biennial renewal period a civil penalty \$50 for each credit hour that the licensee is deficient, up to a maximum of \$1,000. Second and subsequent offenses would not be subject to an Act 48 citation but rather would proceed through the formal disciplinary process. A separate final-form rulemaking (16A-4318) published by the Board requires that licensees also make up the deficiency within 6 months or face formal disciplinary action.

Because failure to renew a license might be an attempt to avoid the continuing education or malpractice insurance requirements, use of an Act 48 citation for lapsed license practice will be limited to those first-time offenders who are in compliance with the continuing education requirements. The Commissioner therefore also proposed for a first offense violation of practicing on a lapsed license while in compliance with continuing education and professional liability insurance requirements a civil penalty of \$250 for practicing less than 6 months, \$500 for practicing 6 to 12 months and \$1,000 for practicing 12 to 24 months. Second and subsequent offenses, as well as those for more than the biennial renewal period of 24 months, would not be subject to an Act 48 citation but rather would proceed through the formal disciplinary process.

#### *Summary of Comments and Responses to Proposed Rulemaking*

The Board published notice of proposed rulemaking at 39 Pa.B. 5580 (September 26, 2009) with a 30-day public comment period. The Board did not receive written comments from the public. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of its review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1—745.12). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

The HPLC first questioned how the amounts of the civil penalties were determined to assure that the goals are achieved. The maximum civil penalty that the Board may impose for a violation of the act or Board regulations is \$1,000. To provide a significant deterrence against failing to complete continuing education in a timely manner, the Board concluded that this maximum amount is an appropriate civil penalty for a licensee who completes none of the required continuing education. Those whose deficiency is less should be assessed a proportionately lesser civil penalty. Because 24 hours of continuing education are required, the Board calculated that the scheduled civil penalty should be \$1,000 divided by 24 hours, rounded up to \$50 per hour. Similarly, the Board concluded that a licensee who practices for most of a renewal cycle on a lapsed license should also be levied the maximum civil penalty of \$1,000, with lesser periods of lapsed license practice being assessed a proportionately lesser civil penalty. These scheduled civil penalties are consistent with those historically imposed by the Board.

Because when published as proposed the Board intended to renew the license of a licensee who had not completed the required amount of continuing education subject to imposition of a civil penalty by means of a citation and the obligation to make up the deficiency within 6 months, the HPLC also requested an explanation for the jeopardy of a licensee who has not completed continuing education having to certify on the biennial renewal form that the licensee has complied with the mandatory continuing education requirements. Similarly, the HPLC asked how the Board will monitor the grace period during which a licensee shall make up a deficiency in continuing education. The Board chose to abandon this method of enforcement. Instead, the Board will continue the current practice under which a licensee shall verify that the licensee has complied with the continuing education requirements. If the licensee does not verify completion, the Board will not renew the license and without license renewal, there is not a grace period to monitor. However, as past audits have demonstrated, some licensees who have verified compliance may not have actually completed the required amount of continuing education. These licensees will be subject to citation and the obligation to cure the deficiency within 6 months of issuance of the citation. Because legal proceedings have begun, the legal office will track cited licensees for submission of proof of completion of the required amount of continuing education.

The HPLC next requested an explanation for choosing not to include on the schedule a second offense of practice on a lapsed license in compliance with continuing education and professional liability insurance requirements. The Board chose to retain formal action as the means to address these repeat offenders who should have learned from the experience of the first Act 48 citation to renew the license timely or cease practice. The Board notes that the State Board of Barber Examiners (§ 43b.4), the State Board of Cosmetology (§ 43b.5), the State Board of Funeral Directors (§ 43b.6), the State Real Estate Commission (§ 43b.8), the State Board of Accountancy (§ 43b.10), the State Registration Board for Professional Engineers, Land Surveyors and Geologists (§ 43b.13a), the State Board of Dentistry (§ 43b.14a), the State Board of Certified Real Estate Appraisers (§ 43b.15), the State Board of Examiners in Speech-Language and Hearing (§ 43b.16), the State Board of Examiners of Nursing Home Administrators (§ 43b.17) and the State Board of Nursing (§ 43b.18a) all provide for formal action for a second offense violation of practice on a lapsed license.

The State Board of Auctioneer Examiners (§ 43b.12a) first provides for formal action for a third offense violation of practice on a lapsed license. The State Board of Pharmacy (§§ 43b.7 and 43b.7a), the State Architects Licensure Board (§ 43b.11a), the State Board of Occupational Therapy Education and Licensure (§ 43b.19) and the State Board of Veterinary Medicine (§ 43b.21) include practice on a lapsed license in their schedules of civil penalties but do not distinguish among first or any subsequent offenses. No other licensing board within the Bureau provides for an Act 48 citation for a second lapsed license practice offense. The State Board of Vehicle Manufacturers, Dealers and Salespersons (§ 43b.9) and the State Board of Medicine (§ 43b.20) do not include practice on a lapsed license on their schedules of civil penalties, therefore, even first offenses are subject to formal action.

IRRC shared the concerns expressed by the HPLC as previously described.

#### *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth, its political subdivisions or the private sector. The final-form rulemaking will not impose additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

#### *Effective Date*

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

#### *Statutory Authority*

This rulemaking is authorized by section 5(a) of Act 48 (63 P. S. § 2205(a)).

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 11, 2009, the Board submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 5580, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC 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 Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

On September 3, 2010, the Board delivered final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 21, 2010, the final-form rulemaking was approved by the HPLC. On October 6, 2010, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 7, 2010, and disapproved the final-form rulemaking.

The Board did not revise the final-form rulemaking in response to IRRC's disapproval. The Board redelivered the final-form rulemaking, together with the supporting report required by section 7(b) of the Regulatory Review Act (71 P. S. § 745.7(b)), to IRRC, the HPLC and the SCP/PLC on November 24, 2010.

Under section 7(d) of the Regulatory Review Act, on March 1, 2011, the final-form rulemaking was approved by the HPLC and the SCP/PLC. Under section 7(c.1) of the Regulatory Review Act, IRRC met on December 16, 2010, and approved the final-form rulemaking.

*Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200, st-chiro@state.pa.us.

*Findings*

The Commissioner finds that:

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

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

(3) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

*Order*

The Commissioner, acting under Act 48, orders that:

(a) The regulations of the Commissioner, 49 Pa. Code Chapter 43b, are amended by adding § 43b.22 to read as set forth in Annex A.

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

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

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

KATIE TRUE,  
*Acting Commissioner*

*(Editor's Note:* See 41 Pa.B. 2845 (June 4, 2011) for the Board's final-form rulemaking relating to this final-form rulemaking.)

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 41 Pa.B. 118 (January 1, 2011).)

**Fiscal Note:** Fiscal Note 16-44 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND VOCATIONAL AFFAIRS**

**CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL**

**§ 43b.22. Schedule of civil penalties—chiropractors.**

**STATE BOARD OF CHIROPRACTIC**

**Violation Under 63 P. S.**

Section 625.507(a)

**Title/Description**

Failure to timely complete the required amount of continuing education

**Penalties**

First offense—\$50 per hour of deficiency, not to exceed \$1,000  
Subsequent offense—formal action

**Violation Under 49 Pa. Code Chapter 5**

Section 5.17(g)

**Title/Description**

Practice on a lapsed license in compliance with continuing education and malpractice insurance requirements—first offense

**Penalties**

Less than 6 months—\$250  
6 months to 12 months—\$500  
12 months to 24 months—\$1,000

[Pa.B. Doc. No. 11-938. Filed for public inspection June 3, 2011, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 17, 2011.

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

### BANKING INSTITUTIONS

#### Interim Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-10-2011	PWMG Trust Holdings, Inc. Hershey Dauphin County  PWMG Trust Holdings, Inc. is a proposed Pennsylvania state-chartered interim trust company.	Effective
5-10-2011	PWMG Trust Merger Sub, Inc. Hershey Dauphin County  PWMG Trust Merger Sub, Inc. is a proposed Pennsylvania state-chartered interim trust company. The purpose of PWMG Trust Merger Sub, Inc. is to merge with Hershey Trust Company, Hershey.	Effective
5-10-2011	PWMG Bank and Trust, Inc. Hershey Dauphin County  PWMG Bank and Trust, Inc. is a proposed Pennsylvania state-chartered interim bank and trust company. The purpose of PWMG Bank and Trust, Inc. is to merge with The Bryn Mawr Trust Company, Bryn Mawr.	Effective

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-6-2011	Donegal Financial Services Corporation Marietta Lancaster County  Application for approval to acquire 100% of Union National Financial Corporation, Lancaster, and thereby indirectly acquire 100% of Union National Community Bank, Lancaster.	Effective
5-10-2011	Bryn Mawr Bank Corporation Bryn Mawr Montgomery County  Application for approval to acquire 100% of PWMG Bank and Trust, Inc., Hershey	Effective

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-10-2011	Hershey Trust Company Hershey Dauphin County  Application for approval to merge PWMG Trust Merger Sub, Inc., Hershey, with and into Hershey Trust Company, Hershey.	Effective



<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-10-2011	The Bryn Mawr Trust Company Bryn Mawr Montgomery County	Effective
Application for approval to merge PWMG Bank and Trust, Inc., Hershey, with and into The Bryn Mawr Trust Company, Bryn Mawr.		

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-6-2011	Susquehanna Bank Lititz Lancaster County	203 International Drive Hunt Valley Baltimore, MD	Opened

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-2-2011	Royal Asian Bank Philadelphia Philadelphia County	<i>To:</i> 154-04 Northern Boulevard Flushing, Queens Queens County, NY  <i>From:</i> 136-52 39th Avenue Flushing, Queens Queens County, NY	Effective
5-9-2011	Susquehanna Bank Lititz Lancaster County	<i>To:</i> 204 Hepburn Street Williamsport Lycoming County  <i>From:</i> 329 Pine Street, Williamsport Lycoming County	Effective
5-13-2011	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 822 Welsh Road Maple Glen Montgomery County  <i>From:</i> 874 Welsh Road Maple Glen Montgomery County	Filed
5-13-2011	Northwest Savings Bank Warren Warren County	<i>To:</i> 105 Petroleum Street Oil City Venango County  <i>From:</i> One East First Street Oil City Venango County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-6-2011	Susquehanna Bank Lititz Lancaster County	225 Williams Street Williamsport Lycoming County	Closed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

**Community Charter Conversions**

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-939. Filed for public inspection June 3, 2011, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0082945 (Sew)	Hamilton Township Glabview Acres 272 Mummerts Church Road Abbottstown, PA 17301	Adams County Hamilton Township	Conewago Creek / 7-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0114979 (Sewage)	Knoxville Borough STP 115 S East Street Knoxville, PA 16928	Tioga County Knoxville Borough	Cowanessque River (4-A)	Y
PA0114936 (Sewage)	BCI Municipal Authority WWTP 625 Cressview Street Irvona, PA 16656	Clearfield County Irvona Borough	Clearfield Creek (8-C)	Y
PA0112933 (Sewage)	Penns Creek Municipal Authority Wastewater Treatment Facility 207 Walnut Street Penns Creek, PA 17862	Snyder County Center Township	Penns Creek (6-A)	Y
PA0032352 (Sewage)	Hepburn-Lycoming Elementary School 355 Route 973 East Cogan Station, PA 17728-9345	Lycoming County Hepburn Township	Lycoming Creek (10-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0091341 (Sewage)	Moniteau Jr./Sr. High School 1810 West Sunbury Road West Sunbury, PA 16061	Butler County Cherry Township	Glade Dam Lake (South Branch Slippery Rock Creek) 20-C	Y

**II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications***Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**PA0050393**, Sewage, SIC Code 4952, **Worcester Township**, 1721 Valley Forge Road, P. O. Box 767 Worcester, PA 19490-0767. Facility Name: Valley Green STP. This existing facility is located in Worcester Township, **Montgomery 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), Zacharias Creek, is located in State Water Plan watershed 3E and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for 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>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD <sub>5</sub>	18.3	27.5	XXX	10.0	15.0	20.0
Total Suspended Solids	36.7	55.0	XXX	20.0	30.0	40.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1000
Ammonia-Nitrogen	3.7	5.5	XXX	Geo Mean 2.0	3.0	4.0
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	Report	Report
Total Phosphorus	1.1	XXX	XXX	0.61	XXX	1.0

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

1. Operator Notification
2. Average Weekly Definition
3. Adopt Remedial Measures
4. No Stormwater
5. Acquire Necessary Property Rights
6. Small Stream Discharge
7. Change of Ownership

8. Proper Sludge Disposal
9. Fecal Coliform Reporting
10. Laboratory Certification
11. I/I Requirement
12. Additional monitoring

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

The EPA Waiver is in effect.

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

**PA0065307**, SIC Code 4953, 562219, **Commonwealth Environmental Systems, L.P.**, 99 Commonwealth Road, Hegins, PA 17938. Facility Name: Commonwealth Environmental System Landfill. This proposed facility is located in Foster Township, **Schuylkill County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated leachate.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.09 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0	XXX	XXX	XXX
BOD <sub>5</sub>	7.5	7.5	XXX	10	20	25
Total Suspended Solids	7.5	7.5	XXX	10	20	25
Fecal Coliform (CFU/100 ml)				200		
	XXX	XXX	XXX	Geo Mean	XXX	1,000
Ammonia-Nitrogen	2.25	4.5	XXX	3.0	6.0	7.5
Total Aluminum	0.56	1.12	XXX	0.75	1.17	1.87
Total Boron	2.49	3.88	XXX	3.32	5.17	8.3
Total Copper	0.0016	0.0025	XXX	0.0021	0.0033	0.052
Dissolved Iron	0.225	0.345	XXX	0.30	0.46	0.75
Total Iron	1.125	1.75	XXX	1.5	2.34	3.75
Total Manganese	0.75	1.17	XXX	1.0	1.56	2.5
Total Zinc	0.016	0.026	XXX	0.022	0.035	0.055
Phenol	0.011	0.019	XXX	0.015	0.026	0.037
a-Terpineol	0.012	0.025	XXX	0.016	0.033	0.040
Benzoic Acid	0.053	0.09	XXX	0.071	0.12	0.17
p-Cresol	0.010	0.019	XXX	0.014	0.025	0.038

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

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

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

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

- Chemical additives
- Chesapeake Bay

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

The EPA Waiver is not in effect.

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

**PA0043443**, Sewage, SIC Code 4952, **Alexandria Borough & Porter Township Joint Sewer Authority Huntingdon County**, P O Box 113, Alexandria, PA 16611. Facility Name: Alexandria Borough Porter Township STP. This existing facility is located in Porter Township, **Huntingdon 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), Frankstown Branch Juniata River, is located in State Water Plan watershed 11-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.24 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	50	80	XXX	25	40	50
BOD <sub>5</sub>		Wkly Avg				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	60	90	XXX	30	45	60
Fecal Coliform (CFU/100 ml)		Wkly Avg				
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10,000
				Geo Mean		

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

Parameters	Mass (lbs)			Concentration (mg/l)	
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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.

**PA0081001**, Sewage, SIC Code 4952, **Saint Thomas Township Municipal Authority**, 6442 Lincoln Way West, St Thomas, PA 17252. Facility Name: St Thomas Township STP. This existing facility is located in Saint Thomas Township, **Franklin 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), Back Creek, is located in State Water Plan watershed 13-C and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.400 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>Weekly Average</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	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	83	133 Wkly Avg	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	100	150 Wkly Avg	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	20	XXX	XXX	6.0	XXX	12

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

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	7,306			
Net Total Phosphorus (Interim)	Report	Report			
Net Total Phosphorus (Final)	Report	974			

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2013. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2013.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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 not in effect.

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

**PA0228851**, CAFO 0213, **James Van Blarcom, Van Blarcom Farms**, 934 Besley Road, Columbia Cross Roads, PA 16914-7789.

This proposed facility is located in Columbia Township, **Bradford County**.

Description of Proposed Activity: Sow facility includes breeding and gestation barns, farrowing barns, gilt grower barns and manure storage ponds.

The receiving stream, Wolfe Creek- North Branch Sugar Creek, is in the State Water Plan Sugar and Towanda Creeks watershed 4C and is classified for: (TSF) Trout Stocking Fishery.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO permit is a non-discharge NPDES permit. Where applicable,

compliance with 40 CFR federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

In addition to the effluent limits, the permit contains the following major special conditions.

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

**PA0254398**, Sewage, SIC Code, **Simon Robbie**, 32 Meeting House Lane, Bradford Woods, PA 15015. Facility Name: Robbie SR STP. This proposed facility is located in Plum Borough, **Allegheny County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary of Plum Creek, is located in State Water Plan watershed 18-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	0.0005	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000

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.

**PA0025992**, Sewage, **McCandless Township Sanitary Authority Allegheny County**, 418 Arcadia Drive, Pittsburgh, PA 15237-5597. Facility Name: Longvue No 1 STP. This existing facility is located in McCandless 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), Little Pine Creek, is located in State Water Plan watershed 18-A 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 1.9 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)		Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Oct 31	317	475	XXX	20	30	40
Nov 1 - Apr 30	396	602	XXX	25	38	50
Total Suspended Solids	475	713	XXX	30	45	60
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	30	44	XXX	1.9	2.8	3.8
Nov 1 - Apr 30	44	66	XXX	2.8	4.2	5.6

The Authority will be permitted to discharge uncontaminated stormwater through Outfalls 101,102,103,104,105.and 106.

The EPA Waiver is not in effect.

**PA0092525**, Sewage, SIC Code 8051, **Scottdale Manor Rehabilitation Center, LLC**, 900 Porter Avenue, Scottdale, PA 15683. Facility Name: Scottdale Manor Rehabilitation Center STP. This existing facility is located in East Huntingdon Township, **Westmoreland County**.

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

The receiving stream(s), Unnamed Tributary of Jacobs Creek, 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 design flow of 0.00159 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly		
Flow (MGD)	0.00159	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.4	XXX	3.4
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000		
Geo Mean				Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	7.0	XXX	14.0
Nov 1 - Apr 30	XXX	XXX	XXX	21.0	XXX	42.0

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

The EPA Waiver is in effect.

**PA0254380**, Sewage, **Ursina Borough**, PO Box 55, Ursina, PA 15485. Facility Name: Ursina Borough STP. This proposed facility is located in Ursina Borough, **Somerset County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage.

The receiving stream(s), Laurel Hill Creek, is located in State Water Plan watershed 19-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 0.04 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Average Weekly	
Flow (MGD)	0.04	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
CBOD <sub>5</sub>						
May 1 - Oct 31	3.3	XXX	XXX	10	XXX	20
Nov 1 - Apr 30	6.7	XXX	XXX	20	XXX	40
Total Suspended Solids	3.3	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)				200		
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000		
Geo Mean				Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	1.0	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	3.0	XXX	XXX	9.0	XXX	18.0

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

The EPA Waiver is in effect.

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

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

**WQM Permit No. 2511401**, Sewerage, **Erie Sewer Authority c/o Knox, McLaughlin, Gornall & Sennett, P.C.**, 120 West 10th Street, Erie, PA 16501-1461. This proposed facility is located in City of Erie, **Erie County**.

Description of Proposed Action/Activity: Replacing the existing, three belt filter presses with three centrifuge dewatering units.



**IV. NPDES Applications for Stormwater Discharges from MS4****V. Applications for NPDES Waiver Stormwater Discharges from MS4****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

*Monroe County Conservation District: 8050 Running Valley Road, PA 18360, 570-629-3060*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024511005	Route 209 Bypass Assoc. LLC 355 Madison Ave. Morristown NJ 07960	Monroe County	Middle Smithfield Twp	Pond Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024804037(R)	Signature Homes by J.T. Maloney PO Box 9 Center Valley PA 18034	Northampton County	Forks Twp.	Bushkill Creek (HQ-CWF, MF)

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

<i>NPDES Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032810001(1)	Cumberland Valley Reg. Dev. Corp. (United Business Park) 100 Lincoln Way East, Suite A Chambersburg, PA 17201	Franklin	Southampton Twp.	Middle Spring Creek (HQ-CWF)

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

*Somerset County Conservation District, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814-445-4352)*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055611003	CSX Transportation, Inc. 500 Water Street J-275 Jacksonville, FL 32202	Somerset	Lower Turkeyfoot Township	Casselman River (WWF)
PAI055610004	CSX Transportation, Inc. 500 Water Street J-275 Jacksonville, FL 32202	Somerset	Upper Turkeyfoot Township	Casselman River (WWF)

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

PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

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

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

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Lukens Farm Daniel Lukens 7075 Old Stage Road McClure, PA 17841	Mifflin	0	341.42	Swine	NA	New

**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**

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

**Application No. 3911503**, Public Water Supply.  
Applicant **Hometown Li'l Wolf, LLC**  
[Township or Borough] North Whitehall Township  
**Lehigh County**

Responsible Official Stacy Howieson, Division Coordinator  
150 North Wachter Drive Suite 2800 Chicago, IL 60606  
Type of Facility Community Water System  
Consulting Engineer Michael E. Gable, PE  
Boucher & James, Inc.  
910 Rim Rock Road Stroudsburg, PA 18360  
570-629-0300  
Application Received Date May 6, 2011  
Description of Action Application for upgrading the existing community water system serving Hometown Li'l Wolf, LLC to include replacement of existing well pumps, finished water storage facilities, transmission main and booster pump system.

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

**Application No. 5211504**, Public Water Supply.

Applicant **Lake Wallenpaupack Estates**  
[Township or Borough] Greene Township  
**Pike County**  
Responsible Official Joe Bloomer, President  
Lake Wallenpaupack Estates  
POA  
104 Clubhouse Drive Greentown, PA 18426  
Type of Facility Community Water System  
Consulting Engineer Jacqueline A. Peleschak, PE  
Alfred Benesch & Company  
400 One Norwegian Plaza P. O. Box 1090 Pottsville, PA 17901  
570-622-4055  
Application Received Date May 10, 2011  
Description of Action Application for permitting of the currently unpermitted community water system serving Lake Wallenpaupack Estates.

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

**Application No. 3511506**, Public Water Supply.  
 Applicant **Finch Hill Water, Inc.**  
 [Township or Borough] Greenfield Township  
**Lackawanna County**  
 Responsible Official David D. Klepadlo, President  
 Type of Facility Community Water System  
 Consulting Engineer David D. Klepadlo, PE  
 David D. Klepadlo & Associates  
 1100 Oakmont Road  
 Clarks Summit, PA 18411  
 570-877-3828  
 Application Received Date April 1, 2011  
 Description of Action Application for installation of  
 equipment for removal of arsenic  
 and manganese.

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

**Permit No. 5611508**, Public Water Supply.  
 Applicant **Somerset County General  
 Authority**  
 300 North Center Avenue  
 Suite 500  
 Somerset, PA 15501  
 [Township or Borough] Somerset Township  
 Responsible Official Brad Cober, Chairman  
 Somerset County General  
 Authority  
 300 North Center Avenue  
 Suite 500  
 Somerset, PA 15501  
 Type of Facility Water system  
 Consulting Engineer Somerset Planning &  
 Engineering Services, LLC  
 222 West Main Street  
 Suite 100  
 Somerset, PA 15501  
 Application Received Date May 17, 2011  
 Description of Action Construction of the East  
 Somerset booster pump station.

**Permit No. 0211505**, Public Water Supply.  
 Applicant **Borough of Brackenridge**  
 1000 Brackenridge Avenue  
 Brackenridge, PA 15014  
 [Township or Borough] Brackenridge Borough  
 Responsible Official Ronald M. Dunlap, President of  
 Borough Council  
 Borough of Brackenridge  
 1000 Brackenridge Avenue  
 Brackenridge, PA 15014  
 Type of Facility Water system  
 Consulting Engineer Garvin Engineering and  
 Municipal Management  
 184 East Market Street  
 Blairsville, PA 15717  
 Application Received Date May 16, 2011

Description of Action Construction of an anhydrous  
 ammonia feed system  
 (chloramination) at the water  
 treatment plant.

#### 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. 3911504MA

Applicant **Mount Trexler Manor, Inc.**  
 [Township or Borough] Upper Saucon Township  
**Lehigh County**  
 Responsible Official Judith O. Yanacek,  
 Administrator  
 P. O. Box 1001  
 Limeport, PA 18060  
 Type of Facility Community Water System  
 Consulting Engineer Douglas P. Hunsinger, PE  
 Keystone Consulting  
 Engineers, Inc.  
 2870 Emrick Boulevard  
 Bethlehem, PA 18020  
 610-865-4555  
 Application Received Date May 12, 2011

Description of Action Application for modifications of  
 the existing community water  
 system to allow for compliance  
 with requirements of the  
 Groundwater Rule. Modifications  
 include installation of an orifice  
 plate on the well discharge line,  
 replacement of a section of  
 conveyance with larger diameter  
 line and installation of chlorine  
 monitoring equipment.

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

#### Application No. 5611507MA, Minor Amendment.

Applicant **Somerset County General  
 Authority**  
 300 North Center Avenue  
 Suite 500  
 Somerset, PA 15501  
 [Township or Borough] Somerset Township  
 Responsible Official Brad Cober, Chairman  
 Somerset County General  
 Authority  
 300 North Center Avenue  
 Suite 500  
 Somerset, PA 15501  
 Type of Facility Water system  
 Consulting Engineer Somerset Planning &  
 Engineering Services, LLC  
 222 West Main Street  
 Suite 100  
 Somerset, PA 15501

Application Received    May 17, 2011  
Date

Description of Action    Construction of the 1.0 MG East  
Somerset water storage tank.

### 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*

**WA4-1012, Water Allocations.** Center Township Water Authority, 224 Center Grange Road, Aliquippa, PA 15001, **Beaver County.** The applicant is requesting the right to withdraw 4.0 MG, peak day, from a proposed collector well located in the Ohio 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 remedia-

tion 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*

**Rohm & Haas Philadelphia Plant East Area 1, City of Philadelphia, Philadelphia County.** Geoffrey Arbogast, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Carl Coker, Rohm and Haas Chemical LLC, 500 Richard Street, Philadelphia, PA 19137 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Weekly* on March 2, 2011.

**Frohman Residence, Lower Makefield Township, Bucks County.** Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Robin Sigler, State Farm Insurance, P.O. Box 8061 Ballston Spa, NY 12020-8061 on behalf of Audrey Frohman, 377 Sherwood Drive, Yardley, PA 19067 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Bucks County Courier Times* on March 30, 2011.

**PECO Norristown MGP Site, Borough of Norristown, Montgomery County.** Matthias Ohr, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034, Keith Kowalski, PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA 19103, Gary Riehle, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Richard LaMont, T Lowe Enterprises, L.P., PO Box 7304, Audubon, PA 19407 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of pah's and other organics. The site is currently zoned industrial, and future use of the site is anticipated to be commercial.

**3101 Red Lion Road Site, City of Philadelphia, Philadelphia County.** Jeremy Bolyn, Environmental Maintenance Company, Inc, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Miles Gross, 3070 Bristol Pike, Bensalem, PA 19020 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of inorganic. The future use of the site will remain the same. A summary of the Notice to Intent to Remediate was reported to have been published in *The Bucks Courier Times* on January 12, 2011.

**Comfort Residence**, West Vincent Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Belinda Stevenson, Encompass Insurance, 151 West Higgins Road, South Barrington, IL 60010 on behalf of Lee Comfort, 1569 Kimberton Road, Chester Springs, PA 19425 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been reported in the *Daily Local News* on March 24, 2011.

**Gutknecht Residence**, Falls Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Ty Gawlick State Farm Insurance, PO Box 8061, Ballston Spa, NY 12020-8061 on behalf of Kurt Gutknecht, 75 Vermillion Drive, Levittown, PA 19054 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The future use of the site is residential. A summary of the Notice of Intent to Remediate was reported to have been reported in *The Bucks County Courier Times* on March 18, 2011.

**Fowles Residence**, Buckingham Township, **Bucks County**. Patrick Crawford, Center Point Tank Services, 536 East Benjamin Franklin Highway, Douglasville, PA 19518, Ty Gawlick State Farm Insurance, PO Box 8061, Ballston Spa, NY 12020-8061, William John-Villa, Center Point Tank Services, 536 East Benjamin Franklin Highway, Douglasville, PA 19518 on behalf of Patrick Fowles, 3615 Indian Springs Road, Buckingham, PA 18901 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of tmb, naphthalene. The future use of the property is for residential use.

**Dillon Residence**, Bristol Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Clark Miller, State Farm Insurance, PO Box 8061, Ballston Spa, NY 12020-8061 on behalf of Buddy and Elizabeth Dillon, 115 Violet Wood Drive, Levittown, PA 19054 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of no. 2 fuel oil. The intended future use of the site is residential. A summary of the Notice of Intent to Remediate was reported to have been reported in *The Bucks County Courier Times* on March 18, 2011.

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

**Pocono Ranch Lands—Maintenance Garage**, 80 Ranch Lands, Lehman Township, **Pike County**. James Chenard, Geo Solutions Corp., 68 Dry Road, Blairstown, NJ 07825 has submitted a Notice of Intent to Remediate (on behalf of his client, Pocono Ranch Lands, 80 Ranch Lands, Bushkill, PA 18324), concerning the remediation of soil found to have been impacted by waste oil as a result of a release during the transferring of waste oil from one aboveground storage tank to another aboveground storage tank, which had its side seal blown out during the transfer. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Balines Residence**, 284 Water Forest Drive, Delaware Township, **Pike County**. James Chenard, Geo Solutions

Corp., 68 Dry Road, Blairstown, NJ 07825 has submitted a Notice of Intent to Remediate (on behalf of his client, Manuel Balines, 284 Water Forest Drive, Dingmans Ferry, PA 18328), concerning the remediation of soil found to have been impacted by automotive oil and gasoline as a result of a vehicular accident that ended on the subject property. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Mobil Pipe Line Company—Allentown Junction Valve Station**, 2107 Wehr Mill Road, South Whitehall Township, **Lehigh County**. Lieschen S. Fish and David J. Demko, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 have submitted a Notice of intent to Remediate (on behalf of their client Exxon Mobil Environmental Services Company, 1545 Route 22 East, Annandale, NJ 08801), concerning the remediation of soil and groundwater found to have been impacted by unleaded gasoline as a result of a release from valve failure. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil and groundwater. The intended future use of the property will remain residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Mobil Pipe Line Company—Allentown Junction Valve Station**, 2048 Brickyard Road, South Whitehall Township, **Lehigh County**. Lieschen S. Fish and David J. Demko, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 have submitted a Notice of intent to Remediate (on behalf of their client Exxon Mobil Environmental Services Company, 1545 Route 22 East, Annandale, NJ 08801), concerning the remediation of soil and groundwater found to have been impacted by unleaded gasoline as a result of a release from valve failure. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil and groundwater. The intended future use of the property will remain residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**Phillips Power Station**, Township of Crescent, **Allegheny County**; South Heights Borough, Beaver County; Civil and Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh PA 15205 on behalf of Phillips Station Riverfront South, L.P., Phillips Station Riverfront North, L.P., Phillips Station Middle, L.P., and Phillips Station Jordan Street, L.P. c/o Stacia Christman, Esq, McGuire Woods LLP, 625 Liberty Avenue, Floor 23, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate. The site is a former coal-fired power generation station that began power-generating operations in 1942 and ceased around 1987. Groundwater impacts that were identified above MSCs were limited to arsenic, lead and nickel at one or more locations. Soils impacted by arsenic were localized to two areas. The intended future use of the property is commercial/industrial.

**Applications received, withdrawn, denied, or returned under the Solid Waste Management Act of July 7, 1980 (P. L. 380, No. 97) (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

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

**WMGR038**, Beneficial Use General Permit, Permit Application. An application for the beneficial use of residual waste was received in DEP's Central Office on May 18, 2011, and was found to be administratively complete as of May 20, 2011. The facility is known as Burgmeier's Hauling, Inc., located at 1356 Old 6th Avenue Road, Altoona, PA 16601.

Burgmeier's Hauling, Inc. proposes to operate a mobile tire shredding and hauling business, where trucks with mounted shredders go directly to the customer, gas stations and tire businesses. The operation proposes to collect and shred tires on-site, with tire shreds then used for a number of beneficial uses such as recycled into new commercial products or as tire-derived fuel.

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

mit. 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.

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

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

**36-03172A: Trinity Alloys, Inc.** (950 Square Street, Mt. Joy, PA 17552) for installation of a secondary aluminum sweat furnace at their Trinity Alloys, Inc. facility in Mt. Joy Borough, **Lancaster County**.

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

Plan Approval #36-03172A is for the installation of one (1) 3,000 pound per hour US Furnace Model MAX 4000 sweat furnace. The furnace will be controlled by an afterburner. Both the furnace and afterburner will use natural gas or waste derived liquid fuel. The company shall be subject to and comply with 25 Pa. Code 123.13 for particulate matter and 25 Pa. Code 123.21 for sulfur dioxide emissions. The sweat furnace is also subject to 40 CFR 63, Subpart RRR—National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production. The facility complies with BAT since the sweat furnace meets the minimum afterburner temperature of 1600oF and the minimum residence time of 0.8 seconds per 40CFR 63 subpart RRR. 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. The expected actual air emissions from the proposed project are 5.15 tpy of PM10, 2.21 tpy of NOx, 7.12 tpy of SOx, 1.31 tpy of CO, 0.12 tpy of VOC, and 0.008 tpy of lead. Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

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

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

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

**06-05040B: East Penn Manufacturing Co.** (Deka Road, P. O. Box 147, Lyon Station, PA 19536) for construction of a smelter annex with various equipment installed to expand manufacturing capacity at the their Lyon Station Plant in Richmond Township, **Berks County**.

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

Plan Approval 06-05040B is to increase production at their plant. The company shall be subject to and comply with 40 CFR Part 60 Subpart KK, 40 CFR Part 63 Subpart M and Best Available Technology (BAT). 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. The project will not trigger PSD or NSR requirements. The potential increase in air emissions from the proposed project are 7 tpy of particulate matter and a 0.7 tpy of lead.

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

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

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

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

Thomas Hanlon, East Permitting Section Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

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

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

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

**47-00001E: PPL Montour, LLC** (PO Box 128, Washingtonville, PA 17884-0128) for revisions to include an increase in the visible emissions limitation for the proposed boiler and detailed opacity monitoring during dual-boiler operation. The proposed boiler is a 249.9 MMBtu/hr (heat input), distillate oil-fired auxiliary boiler used for start-up of Units 1 and 2 at their Montour Steam Electric Station in Derry Township, **Montour County**. The respective facility is defined as a major facility by Section 302(j) of the Clean Air Act and is currently operating under Title V Operating Permit 47-00001. The Department's review of the information indicates that the construction of the auxiliary boiler will comply with all applicable air quality regulatory requirements. Based on these findings, the Department intends to issue a revised plan approval to include the changes above. Additionally, if the Department determines that the auxiliary boiler is operating in compliance with all plan approval conditions, the conditions established in the revised plan approval will be incorporated into Title V Operating Permit 47-00001 via an administrative amendment pursuant to 25 Pa. Code Sections 127.450.

All applicable regulatory requirements relating to fugitive, visible, and malodorous emissions standards and additional requirements regarding malfunctions, testing, monitoring, recordkeeping, and reporting have been included in the proposed plan approval. Additionally, the following is the list of conditions that the Department has revised or added in this plan approval from the previous plan approval.

1. (Revised Condition #002) [Compliance with this streamlined permit condition will assure compliance with the provisions specified in 40 CFR 60.43b(f)] [Additional authority for part (a) of this permit condition is also derived from 25 Pa. Code Sections 127.1 and 127.12] [Additional authority for part (b) of this permit condition is also derived from 25 Pa. Code Section 123.41]

(a) Except during periods of start-up and shutdown, the permittee shall not permit the emission of visible air contaminants into the atmosphere from Source ID 033A in such a manner that the opacity of the emission is equal to or greater than 15% by using EPA reference Method 9 in appendix A-4 of 40 CFR Part 60.

(b) The permittee shall not permit the emission of visible air contaminants into the atmosphere from Source

ID 033A in such a manner that the opacity of the emission is equal to or greater than the following limitations:

(i) 20% for a period or periods aggregating more than 3 minutes in any 1 hour.

(ii) 60% at any time.

2. (Revised Condition #006) At least 60 days prior to the performance of any testing required herein, the permittee shall submit two (2) copies of a pretest protocol to the Department for review in accordance with the provisions of 25 Pa. Code Chapter 139. The protocol shall describe the test methods and procedure to be used in the performance of testing, and shall include dimensioned sketches of the exhaust system showing the locations of all proposed sampling ports. The protocol shall also describe how the process rate and heat input will be determined during each test run, and also identify all other process data which will be monitored and recorded during testing including the percentage of oxygen in the flue gas, and any other process data using the continuous system for monitoring NOx required by 40 CFR Section 60.48(b). Additionally, the operational parameters for excess oxygen, atomizing steam pressure and flue gas temperature (after the economizer) of Source ID 033A shall be monitored and recorded during testing. The frequency of recording the process data and operational parameters shall also be proposed in the pretest protocol.

(b) The Department shall be given at least 15 days advance notice of the scheduled dates for the performance of any testing required herein. The Department is under no obligation to accept the results of any testing performed without receipt of proper notification.

(c) Within 60 days of the completion of any stack testing required herein, two (2) copies of a test report shall be submitted to the Department in accordance with the provision of 25 Pa. Code Chapter 139. This test report shall contain the results of the testing, a description of the test methods and procedures actually used in the performance of the tests, copies of all process data collected during the testing, copies of all raw test data and copies of all calculations generated during data analysis. The results of the testing shall be expressed in units which allow for a direct comparison and determination of compliance, with the air contaminant emissions limitations contained herein. The permittee shall propose process data ranges that will assure Source ID 033A is not exceeding the NOx emissions limitations herein. With a data analysis and engineering assessment as justification, the operating parameter ranges for excess oxygen, atomizing steam pressure and flue gas temperature (after the economizer) of Source ID 033A shall be included in the stack test report. The operating parameter ranges established in the monitoring plan, as approved by the Department, will determine if any opacity in excess of the limitations contained in Condition #002, above, is attributed to Source ID 033A, as specified in Condition #011 below.

3. (Revised Condition #008) [Additional authority for this permit condition is derived from the provisions specified in paragraph 40 CFR Section 60.48b(a)]

(a) Within 180 days from the date Source ID 033A commenced operation, the permittee shall conduct a performance test using Method 9 in appendix A-4 of 40 CFR Part 60 and the procedures in § 60.11 to demonstrate compliance with the visible emissions limit specified herein and shall comply with either paragraphs (a)(1) of this condition or Condition #010 below, as applicable. If

during the initial 60 minutes of observation all 6-minute averages are less than 10 percent and all individual 15-second observations are less than or equal to 20 percent, the observation period may be reduced from 3 hours to 60 minutes.

(1) Except as provided in Condition #010 below, the permittee shall conduct subsequent Method 9 performance tests using the procedures in paragraph (a) of this condition according to the applicable schedule requirements specified in paragraphs (a)(1)(i) through (a)(1)(iv) of this condition, as determined by the most recent Method 9 performance test results.

(i) If no visible emissions are observed, a subsequent Method 9 performance test must be completed within 12 calendar months from the date that the most recent performance test was conducted;

(ii) If visible emissions are observed but the maximum 6-minute average opacity is less than or equal to 5 percent, a subsequent Method 9 performance test must be completed within 6 calendar months from the date that the most recent performance test was conducted;

(iii) If the maximum 6-minute average opacity is greater than 5 percent but less than or equal to 10 percent, a subsequent Method 9 performance test must be completed within 3 calendar months from the date that the most recent performance test was conducted; or

(iv) If the maximum 6-minute average opacity is greater than 10 percent, a subsequent Method 9 performance test must be completed within 30 calendar days from the date that the most recent performance test was conducted. If the subsequent Method 9 performance test cannot be completed within such timeframe, the permittee shall notify the Department, shall conduct the subsequent Method 9 performance test at the next available calendar date, and shall notify the Department of the date that such testing was completed.

4. (Revised Condition #010) [Additional authority for this permit condition is also derived from the provisions specified in 40 CFR Sections 60.48b(a)(2) and (a)(3)]

(a) If the maximum 6-minute opacity is less than 10 percent during the most recent Method 9 performance test, the permittee may, as an alternative to performing subsequent Method 9 performance tests, elect to perform subsequent monitoring using Method 22 in appendix A-7 of 40 CFR Part 60 according to the procedures specified in paragraphs (a)(1) and (a)(2) of this condition.

(1) The permittee shall conduct 10 minute observations (during normal operation) each operating day using Method 22 and demonstrate that the sum of the occurrences of any visible emissions is not in excess of 5 percent of the observation period (i.e., 30 seconds per 10 minute period). If the sum of the occurrence of any visible emissions is greater than 30 seconds during the initial 10 minute observation, immediately conduct a 30 minute observation. If the sum of the occurrence of visible emissions is greater than 5 percent of the observation period (i.e., 90 seconds per 30 minute period) the permittee shall either document and adjust the operation of the facility and demonstrate within 24 hours that the sum of the occurrence of visible emissions is equal to or less than 5 percent during a 30 minute observation (i.e., 90 seconds) or conduct a new Method 9 performance test using the procedures specified in 40 CFR Section 60.48b(a) within 45 calendar days according to the requirements in 40 CFR Section 60.46d(d)(7). If the new Method 9 performance test cannot be completed within such timeframe, the permittee shall notify the Department, shall conduct



the new Method 9 performance test at the next available calendar date, and shall notify the Department of the date that such testing was completed.

(2) If no visible emissions are observed for 30 operating days, observations can be reduced to once every 7 operating days during which an opacity standard is applicable. If any visible emissions are observed, daily observations shall be resumed.

(b) If the maximum 6-minute opacity is less than 10 percent during the most recent Method 9 performance test, the permittee may, as an alternative to performing subsequent Method 9 performance tests, elect to perform subsequent monitoring using a digital opacity compliance system according to a site-specific monitoring plan approved by the Department or the Administrator. The observations shall be similar, but not necessarily identical, to the requirements specified in (a) of this condition. For reference purposes in preparing the monitoring plan, see OAQPS "Determination of Visible Emission Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems." This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Policy Group (D243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods.

5. (New Condition #011) (a) The visible emissions from Source ID 033A are determined by:

(1) The provisions specified in 25 Pa. Code Section 123.43.

(2) During operation, continuously monitoring the excess oxygen, atomizing steam pressure and flue gas temperature (after the economizer) of Source ID 033A.

(b) When Source ID 033A and Source ID 034 of Title V Operating Permit 47-00001 simultaneously exhaust through the common stack, the following applies:

(1) Opacity determined to be in excess of the limit specified in Condition #002(a), above, is attributed to Source ID 033A and Source ID 034 if the operating parameters monitored in item (a)(2) of this condition fall outside the respective operating parameter ranges established in the monitoring plan, as approved by the Department, for either excess oxygen or atomizing steam pressure.

(2) Opacity determined to be in excess of the limit specified in Condition #002(a), above, is attributed to Source ID 034 if the operating parameters monitored in item (a)(2) of this condition are within the respective operating parameter ranges established in the monitoring plan, as approved by the Department, for excess oxygen and atomizing steam pressure.

(3) Opacity determined to be in excess of the limits specified in Condition #002(b), above, is attributed to Source ID 034 if the operating parameters monitored in item (a)(2) of this condition are within the respective operating parameter ranges established in the monitoring plan, as approved by the Department, for excess oxygen and atomizing steam pressure.

(4) Opacity determined to be in excess of the limits specified in Condition #002(b), above, is attributed to Source ID 033A and Source ID 034 if the operating parameters monitored in item (a)(2) of this condition fall outside the respective operating parameter ranges estab-

lished in the monitoring plan, as approved by the Department, for either excess oxygen or atomizing steam pressure.

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

**08-00042A: Northeast Bradford School District** (RR1 Box 211B Rome, PA 18837) for construction of an 8.5 million BTU per hour Burnham model 4N 1323 biomass fired boiler at the Rome educational complex located in Orwell Township, **Bradford County**. The proposed boiler's emissions will be controlled by a Clarage model MTSA-12-9CYT-A-NRV-STD multi-clone collector. The proposed boiler will be used to provide heat and hot water to the educational complex.

The Department's review of the information contained in the application submitted by the Northeast Bradford School District indicates that the boiler and the air-cleaning devices will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the fugitive air contaminant emission requirement of 25 Pa. Code Section 123.1, the particulate matter emission limitation of 25 Pa. Code Section 123.11, the sulfur oxides emission limitation of 25 Pa. Code Section 123.22, the visible emission limitation of 25 Pa. Code Section 123.41, and the NESHAP for Industrial-Commercial-Institutional Boilers and Process Heaters, 40 CFR Part 63 Subpart JJJJJJ. The plan approval, if issued, will subsequently be incorporated in an operating permit via an administrative amendment in accordance with 25 Pa. Code Section 127.450 at a later date.

Based upon this finding, the Department proposes to issue a plan approval for the construction of the biomass boiler and associated air cleaning device. The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, Source ID 031 is an 8.5 million BTU per hour Burnham model 4N 1323 boiler. The particulate matter emissions from which shall be controlled by Clarage model MTSA-12-9CYT-A-NRV-STD multi-clone collector (ID C031).

2. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the particulate matter emissions, including particulate matter less than 10 microns in diameter (PM10) and particulate matter less than 2.5 microns in diameter (PM 2.5) from control device ID C031 associated with Source ID 031 shall not exceed 0.20 pounds per million BTU of heat input and 7.45 tons in any 12 consecutive month period.

3. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the nitrogen oxide and carbon monoxide emissions from Source ID 031 shall not exceed 0.25 lbs/MMBTU and 0.16 lbs/MMBTU respectively. Additionally the nitrogen oxide

and carbon monoxide emissions from Source ID 031 shall not exceed 9.31 tons in any 12 consecutive month period and 5.96 tons in any 12 consecutive month period, respectively.

4. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the sulfur oxide and VOC emissions from Source ID 031 shall not exceed 0.025 lbs/MMBTU and 0.02 lbs/MMBTU respectively. Additionally, the sulfur oxide and VOC emissions from Source ID 041 shall not exceed 0.93 tons in any 12 consecutive month period and 0.74 tons in any 12 consecutive month period, respectively.

5. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the visible emissions from the exhaust associated with Source ID 031 shall not exceed 10% during normal operation of the Source ID 031.

6. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the boiler shall be fired on virgin wood chips. No coated or treated wood, laminated wood, particleboard, flakeboard or materials other than virgin wood chips shall be burned in this boiler. During startup, paper may be used to aid in the ignition of the boiler.

7. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the multi-clone collector (ID C031) shall be equipped with instrumentation to measure the pressure drop across the collector on a continuous basis.

8. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the multi-clone collector ash discharge system shall remain sealed from the open air at all times except when changing fly ash disposal drums. Additionally, the level of accumulated ash in the fly ash disposal drum shall be checked daily and the drum shall be emptied prior to becoming full.

9. Upon Department request, the permittee shall, provide analyses or samples of the wood burned in Source ID 031.

10. Within 180 days of start-up of Source ID 031, the company shall perform stack tests for particulate matter, NOx and CO emissions using EPA methods acceptable to the Department while Source ID 031 is operated at its maximum rate in order to verify compliance with the limits established in the plan approval. Opacity from Source ID 031 shall also be measured by a certified reader during the stack tests.

11. The permittee shall conduct a biennial tune-up of Source ID 031 as required by 40 CR Part 63 Section 63.11223.

12. Source ID 031 is subject to 40 CFR Part 63 Subpart JJJJJJ of the National Emissions Standards for Hazardous Air Pollutants, and shall comply with all applicable requirements of this subpart, including monitoring, recordkeeping and reporting.

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

Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

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

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

**26-00590: Carlisle Construction Materials** (PO Box 7000, Carlisle, PA 17013) for installation and initial temporary operation of an Insulfoam expanded polystyrene block molded product line at their Hunter Panels LLC facility off of Summit View Drive in the Fayette Industrial Park, Georges Township, **Fayette County**.

In accordance with 25 Pa. Code §§ 127.44—127.46 the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval No. 26-00590 to Carlisle Construction Materials to allow the installation and initial temporary operation of an Insulfoam expanded polystyrene block molded product line at the Hunter Panels LLC facility located off of Summit View Drive in the Fayette Industrial Park, Georges Township, Fayette County. The proposed system will include collection and control of emissions of pentane released during the manufacturing process from the pre-expansion and molding process; a permanent total enclosure with capture from the bead aging process; and destruction of captured emissions via a regenerative thermal oxidizer. Emissions that escape the collection system as well as those from product storage areas will be emitted as fugitive emissions.

Annual potential emissions from the project are estimated to be 49.3 tons of volatile organic compounds (VOC), 5.5 tons of hazardous air pollutants (HAP), 3.5 tons of carbon monoxide (CO), 4.2 tons of nitrogen oxides (NOx), less than 1.0 ton of particulate matter (PM), and less than 1.0 ton of sulfur dioxide (SOx). Hunter Panels, LLC as a subsidiary (which is shared ownership with Insulfoam) of the parent corporation Carlisle Construction Materials. Neither the Hunter Panels, LLC facility nor the proposed project by Carlisle Construction Materials is major by itself. This review has been conducted considering Carlisle Construction Materials and Hunter Panels, LLC as a single facility as defined by Title 25 Pa. Code Section 121.1 and as a result of the proposed project the facility will become major for Title V purposes. The project does not trigger the requirements of 25 Pa. Code Subchapters D or E. The Plan Approval has been conditioned to ensure compliance with all applicable regulatory requirements and will include federally enforceable emission limitations on allowable, visible, fugitive, and malodorous emissions, as well as, requirements for stack testing, monitoring, proper maintenance, record keeping, and emission reporting. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a Title V Operating Permit in accordance with Title 25 PA Code Subchapter G.

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: Mark Grog, Pennsylvania Department of Environmental Protection, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

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

Identification of the proposed Plan Approval (PA-26-00590).

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

All comments must be received prior to the close of business 30 days after the date of this publication. For additional information you may contact Mark Gorog at 412-442-4150.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**25-944B: PHB Die Casting** (7900 West Ridge Road, Fairview, PA 16415) for construction of a new zinc remelt furnace in Fairview Township, **Erie County**. This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State Only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- Subject to 25 Pa. Code §§ 123.13 and 123.21.
- All recordkeeping shall commence upon startup of the source/control device. All records shall be kept for a period of five (5) years and shall be made available to the Department upon request.
- The permittee shall maintain a record of all preventive maintenance inspections of the source including the semi-annual burner tuneup. The records of the maintenance inspections shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.
- The permittee shall record the following from the operational inspection of the source (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):
  - Operational inspection performed—daily
  - The permittee shall perform a daily operational inspection of the source.
  - The permittee shall inspect and tune the burners twice a year.
  - The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

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

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

**AMS 10217: Southeastern Pennsylvania Transportation Authority—Berridge Courtland Shops** (200-300 West Wyoming Avenue, Philadelphia, PA 19140) for installation of two (2) dust collectors; three (3) stage -2 vapor recovery units; twenty six (26) parts washers; three (3) natural gas fired pressure washers, each rated at 720,000 BTU/hr or less; three (3) natural gas fired pressure washers, each rated at 820,00 BTU/hr; two (2) natural gas fired space heaters, each rated at 625,000 BTU/hr or less; one (1) diesel pressure washer rated at 440,000 BTU/hr; one (1) diesel welding generator rated at

220,000 BTU/hr; one (1) diesel exhaust catalyst regeneration unit firing natural gas rated at 500,000 BTU/hr; two (2) engine dynamos; and plasma cutting operations in the City of Philadelphia, **Philadelphia County**. NO<sub>x</sub> and VOC emissions from the facility are each limited to less than 25 tons per rolling 12 month period. Hazardous Air Pollutants (HAPs) from the facility are limited to 10 tons per rolling 12-month period of any individual HAP emissions and less than 25 tons per rolling 12-month period for any combination of HAP emissions. After the installation, there will be a potential emission increase of 2.6 tpy of CO and a potential increase of 4.5 tpy of PM. The Plan Approval will contain operating, monitoring, testing, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

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

**06-05085: New Morgan Landfill** (420 Quarry Road, P. O. Box 128, Morgantown, PA 19543-0128) for operation of their municipal waste landfill in New Morgan Borough, **Berks County**. This is a renewal of their Title V Operating Permit issued in 2005.

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

The subject facility has actual emissions of 48.2 tpy of CO, 23.6 tpy NO<sub>x</sub>, 32.3 tpy PM<sub>10</sub>, 12.5 tpy PM<sub>2.5</sub>, 26.5 tpy SO<sub>x</sub>, 28.7 tpy VOC, 10.6 tpy combined HAPs, and 4.6 tpy of a single HAP (hydrochloric acid). 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. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills & 40 CFR 63 Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills.

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

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

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

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

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

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

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

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

**15-00138: Aqua Pennsylvania, Inc.** (762 West Lancaster Avenue, Bryn Mawr, PA 19010) for operation of seven (7) units of diesel-fired emergency generators and one (1) unit of natural gas-fired boiler at their Pickering Water Treatment Plants in Schuylkill Township, **Chester County**. Nitrogen Oxide emissions (NO<sub>x</sub>) are the main air pollutants produced by consumption of fuels. The facility took operating hour limitations for the generators and the potential-to-emit of Nitrogen Oxides is less than 25 tons per year; therefore, the facility is a non-Title V (State-only) facility. The proposed operating permit contains 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, Chief, East Permitting Section—Telephone: 717-705-4862 or Daniel Husted, Chief, West Permitting Section—Telephone: 717-949-7935*

**36-05126: Pennsy Supply, Inc.** (P. O. Box 4688, Lancaster, PA 17604-4688) for a batch asphalt plant controlled by a knock-out box and a fabric filter at Donegal Quarry, Heisey Quarry Road in West Donegal Township, **Lancaster County**. This is a renewal of their State-Only Operating Permit issued in 2005.

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

The subject facility has actual emissions of 0.85 tpy of CO, 0.25 tpy NO<sub>x</sub>, 0.06 tpy PM<sub>10</sub>, 0.19 tpy SO<sub>x</sub>, & 0.02 tpy VOC. 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. Among other items, the conditions include provisions derived from 40 CFR 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

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

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

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

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

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

**36-03147: A & M Composting Inc.** (2022 Mountain Road, Manheim, PA 17545) for their sludge composting facility in Penn Township, **Lancaster County**.

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

The subject facility has actual emissions of 48 tpy of ammonia. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

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

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

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

**04-00252: Alex E. Paris Contracting** (1595 Smith Township State Road, Atlasburg, PA 15004) on May 17, 2011, for renewal of their State Only Operating Permit for their flyash disposal site located in Atlasburg, **Beaver County**. This is a State Only Operating Permit renewal submittal.

**30-00087: Emerald Coal Resources, LP** (PO Box 1020, Waynesburg, PA 15370) on May 17, 2011, for renewal of its State Only Operating Permit for their underground coal mining operation including related surface facilities in Franklin Township, **Greene County**. This is a State Only Permit Renewal submittal.

**56-00244: Pennsylvania Department of Corrections** (1920 Technology Parkway, Mechanicsburg, PA 17050) for operation of five (5) boilers and two (2) emergency generators at their SCI Somerset facility in Brothersvalley Township, **Somerset County**. This is a State Only Operating Permit Renewal submittal.

**32-00203: Sharp Paving, Inc.—Shelocta Asphalt Plant** (7425 Route 422 Hwy, Shelocta, PA 15774) for operation of a hot mix batch asphalt facility located in Armstrong Township, **Indiana County**.

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

The subject facility consists of one hot mix batch asphalt plants rated at 80 tons per hour. The batch plant is limited to 495,000 tons production in any consecutive 12-month period. The facility has the potential to emit: 99.0 tpy CO; 6.19 tpy NO<sub>x</sub>; 1.14 tpy SO<sub>x</sub>; 3.71 tpy VOC; 1.88 tpy HAP; and 7.71 tpy PM. The facility is required to conduct annual burner tune up tests and daily survey of the facility to ensure compliance with the operating permit limitations. The proposed authorization is subject to State and Federal Regulations (40 CFR Part 60, Subpart I). The permit includes operation requirements, monitoring requirements, 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 Sheila Shaffer Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the following:

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

Identification of the proposed Operating Permit (32-00203).

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. This is a state only renewal submittal.

**65-00800: Columbia Gas Transmission** (1700 MacCorkle Ave SE, PO Box 1273, Charleston, WV 25325) on May 17, 2011, for renewal of its State Only Operating Permit for the Delmont Compressor Station in Salem Township, **Westmoreland County**. This is a state only renewal submittal.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131*

**25-00456: United Brass Works Inc.—Keystone Foundry Division** (944 W 12th Street, Erie, PA 16501-1515) for issuance of a Natural Minor Operating Permit to operate a non-ferrous foundry operation, in the City of Erie, **Erie County**. The facility's primary emission sources include five (5) Electric Induction Furnaces, Molding Operations, and Grinding Operations. The emissions of criteria pollutants from this facility are below major source levels.

**61-00187: SMS Millcraft LLC—Oil City** (671 Colbert Avenue, Oil City, PA 16301-2288) for reissuance of a Natural Minor Permit to operate an electroplating, polishing, anodizing, and coloring facility in Oil City, **Venango County**. The significant sources are Boiler 1, hard Chrome electroplating dip tank, Copper electroplating dip tanks, Nickel electroplating stations, HVOF powder coat system, multiple space heaters, paint booth, four degreasers and plastic powder coat oven, thermal spray booths (2) and polishing booth. The emissions of pollutants from the facility are less than Title V threshold limits. Thus, the facility became natural minor.

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

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

**N11-009: Delaware Valley Recycling, Inc.** (3107 South 61st Street, Philadelphia, PA 19153) for operation of a facility that processes and recycles construction/demolition waste materials in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include hoppers, screens, feeders, conveyors, one (1) hooper, three (3) crushers, one (1) recycler, and one (1) waste recycler with a 1000 horsepower diesel engine.

The operating permit will be reissued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on

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

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

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as

provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

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

#### *Coal Applications Received*

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

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

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

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

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

**30753712 and NPDES No. PA0215724, Emerald Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to renew the permit for the Emerald Mine No. 1—Coal Refuse Disposal Facility No. 1 in Franklin Township, **Green County** and related NPDES permit. No additional discharges. Application received: June 11, 2010.

**30841312, Consolidation Coal Company**, (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville Mine No. 2 in Wayne Township, **Greene County**, ACOE Pittsburgh. Holbrook, PA Quadrangle, from N: 4.56 inches; W: 2.58 inches to N: 4.90 inches; W: 2.27 inches. This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the stream restoration for stream flow loss resulting from longwall mining to one area of Bells Run. Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit, (Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the District Mining Office identified above. Comments should contain the name, address and telephone number

of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application, (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based. The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment, at the address listed above. Application received: November 18, 2010.

**32841302 and NPDES No. PA0007803, Pennsylvania Mines, LLC**, (2 North 9th Street, Allentown, PA 18101), to renew the permit for the Greenwich North #1/South #2 Mine in Green and Montgomery Township, Indiana County and Susquehanna Township, **Cambria County** and related NPDES permit for reclamation only. Receiving stream: South Branch Two Lick Creek, classified for the following use: HQ-CWF. Application received: December 17, 2010.

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

**11110101 and NPDES No. PA0263141. KB Coal, Inc.**, 158 Account Lane, Hastings, PA 16646, commencement, operation and restoration of a bituminous surface mine in Clearfield Township, **Cambria County**, affecting 28.0 acres. Receiving stream(s): UNTs to Clearfield Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. The application includes stream encroachments within the barrier areas of Indian Run and unnamed tributaries to Indian Run Nos. 1 & 4. An encroachment is requested on Indian Run. The variance area is located at the point where the existing access road crosses Indian Run. The encroachment is requested for the purpose of using an existing road crossing over Indian

Run. An encroachment is requested on unnamed tributaries to Indian Run Nos. 1 & 4. The encroachment begins at a point between the two streams and extends south between the streams a distance of approximately 420 feet to an existing crossing over Unnamed Tributary to Indian Run No. 4. It then continues an additional 150 feet south of the crossing along the east side of Unnamed Tributary to Indian Run No. 1. The encroachment is requested for the purpose of using an existing road which falls within 100 feet of both streams, as well as an existing road crossing over Unnamed Tributary to Indian Run No. 4. Application received: January 18, 2011.

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

**02900102 and NPDES Permit No. PA0591980. USA South Hills Landfill, Inc.** (3100 Hill Road, Library, PA 15129). Renewal application for continued operation to an existing surface mine, located in South Park and Union Townships, **Allegheny and Washington Counties**, affecting 103.4 acres. Receiving stream: unnamed tributary to Peters Creek, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 16, 2011.

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

**54851603R5 and NPDES Permit No. PA0592897. Carbon & Metal Technologies, LLC**, (P. O. Box 100, Spring Glen, PA 17978), renewal of an existing anthracite coal preparation plant operation and NPDES Permit for discharge of treated mine drainage in Hubley Township, **Schuylkill County** affecting 23.6 acres, receiving stream: Pine Creek, classified for the following use: cold water fishes. Application received: May 9, 2011.

**49110101. Joseph E. Shingara**, (270 Grivley Road, Herndon, PA 17830), commencement, operation and restoration of an anthracite surface mine operation in West Cameron Township, **Northumberland County** affecting 80.0 acres, receiving stream: Mahanoy Creek, classified for the following uses: warm water fishes and cold water fishes. Application received: May 9, 2011.

**40850201T. Hazleton Shaft Corporation**, (P. O. Box 435 Hazleton, PA 18201), transfer of an existing anthracite coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 180.67 acres, receiving stream: Catawissa Creek, classified for the following uses: cold water and migratory fishes. Application received: May 11, 2011.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**7574SM5 and NPDES Permit No. PA0613711. Pennsy Supply, Inc.**, P. O. Box 3331, Harrisburg, PA 17105, renewal of NPDES Permit, Dickinson Township, **Cumberland County**. Receiving stream(s): unnamed tributary to Yellow Breeches Creek classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 6, 2011.

**05960302 and NPDES Permit No. PA0234214, New Enterprise Stone & Lime Company, Inc.**, P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Snake Spring Township, **Bedford County**. Receiving stream(s): Cove Creek classified for the following use(s): EV. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: May 12, 2011.

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

**03110801. McVile Mining Co.** (301 Market Street, Kittanning, PA 16201). Application for commencement, operation and reclamation of a small noncoal surface mine, located in Bethel Township, **Armstrong County**, affecting 4.9 acres. Receiving stream: unnamed tributary to Allegheny River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: May 10, 2011.

**26110801. Mon River Energy Corp.** (P. O. Box 466, Brier Hill, PA 15415). Application for commencement, operation and reclamation of a small noncoal surface mine, located in Bethel Township, **Armstrong County**, affecting 4.9 acres. This application includes a GP-104 for stormwater. Receiving streams: South Branch Browns Run and North Branch Browns Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: May 17, 2011.

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

**8173SM1C15 and NPDES Permit No. PA0594148. Hanson Aggregates PA, LLC**, (7660 Imperial Way, Allentown, PA 18195), correction to an existing NPDES Permit to increase discharge rate of treated mine drainage from a quarry operation in East Caln & West Whiteland Townships, **Chester County** affecting 355.0 acres, receiving stream: unnamed tributary to Valley

Creek, classified for the following use: cold water fishes and migratory fishes. Application received: May 10, 2011.

**MINING ACTIVITY NPDES DRAFT PERMITS**

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act(33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

*Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

*Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapters 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*		greater than 6.0; less than 9.0	
pH*			

\* 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**

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

**NPDES No. PA0263184 (Mining Permit No. 56110102)**, Marquise Mining Corporation, P. O. Box 338, Blairsville, PA 15717, new NPDES permit for bituminous surface mine in Lincoln Township, **Somerset County**, affecting 45.5 acres. Receiving stream(s): Quemahoning Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received March 2, 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 treated wastewater outfall(s) listed below discharge to: Quemahoning Creek

The stormwater outfall(s) listed below discharge to: Quemahoning Creek

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002	Yes

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 002</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	0.9
Total Suspended Solids (mg/l)	35	70	90

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: Quemahoning Creek

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 and 003	Yes

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 001 and 003</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	0.9
Total Suspended Solids (mg/l)	35	70	90

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times  
Alkalinity must exceed acidity at all times

**NONCOAL NPDES DRAFT PERMITS**

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

**NPDES No. PA0234214 (Mining permit no. 05960302)**, New Enterprise Stone & Lime Company, P. O. Box 77, New Enterprise, PA 16664, renewal of an NPDES permit for a limestone quarry in Snake Spring Township, **Bedford County**, affecting 131.3 acres. Receiving stream(s): Cove Creek, classified for the following use(s): exceptional value. Application received: May 12, 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 noncoal mining activities.

The stormwater outfall(s) listed below discharge to: Cove Creek

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	No

**NPDES No. PA0613711 (Mining permit no. 7574SM5)**, Pennsy Supply, Inc., P. O. Box 3331, Harrisburg, PA 17105, renewal of an NPDES permit for a sandstone quarry in Dickinson Township, **Cumberland County**, affecting 395.3 acres. Receiving stream(s): unnamed tributary to Yellow Breeches Creek, classified for the following use(s): high quality cold water fishery. Application received: May 6, 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 noncoal mining activities.

The stormwater outfall(s) listed below discharge to: unnamed tributary to Yellow Breeches Creek

Outfall Nos.	New Outfall (Y/N)
001	No
002	No

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

**NPDES No. PA0259071 (Permit No. 16112803). Ancient Sun, Inc.** (P. O. Box 129, Shippenville PA 16254) New NPDES permit for a small industrial mineral operation in Elk Township, **Clarion County**, affecting 5.0 acres. Receiving streams: N/A. Application received: April 26, 2011.

There is no proposed discharge for this site due to the implementation of BMPs.

## 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

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

**E07-434: Hollidaysburg Sewer Authority Wastewater Treatment Plant Upgrades**, 2681 Reservoir Road, Frankstown Township, **Blair County**, ACOE Baltimore District

To construct and maintain a new sludge management building, two (2) digester tanks, a grit building with pump pits, parking lot, and a detention pond, along with associated grading and piping including 24.0-inch DIP sewerline, 12.0-inch PVC sewerline, 8.0-inch PVC sewerline, two (2) 6-inch DIP waterlines, 4.0-inch DIP waterline, and four (4) manholes. All impacts are located within the 100-yr floodway and floodplain of Frankstown Branch Juniata River (WWF, MF) and will permanently impact 2.34 acres of the 100-year floodway and 0.13 acre of floodplain. The purpose of the project is to improve the existing Hollidaysburg Sewer Authority Wastewater Treatment Plant. The project is located at 2681 Reservoir Road, Frankstown Township, Blair County (Harrisburg West, PA Quadrangle N: 10.0 inches, W: 15.13 inches; Latitude: 40° 25' 48", Longitude: -78° 21' 32").

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

**E56-359. PA DOT Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648. To remove the existing 28' wide, 159' long, two span, SR 4021 bridge with a 90 degree skew and to construct and maintain a new 29.5' wide, 153.1' long, three span bridge with minimum 10' underclearance over Stony Creek (TSF); to construct and maintain associated outfalls; and construct temporary causeways. The new bridge is located 22 upstream of the existing bridge with a pier skew change to 80 degrees to better align with stream flow. (Hooversville Pa Quadrangle; N: 4.5 inches; W: 5.25 inches; Latitude 40° 9' 00"; Longitude 78° 54' 47") Hooversville Borough, **Somerset County**.

**E63-633. Mike Frazier**, 567 McLane Farms Road, Washington, PA 15301. To impact approximately 200 ft of stream in Canonsburg Borough, Washington County, Pittsburgh ACOE District. (Canonsburg, PA Quadrangle: N: 1.7 inches, W: 10 inches; Latitude: 40° 15' 32"; Longitude: 80° 11' 49"). The applicant proposed to operate and maintain placement of fill for a length of approximately 250 ft. within the floodway of an unnamed tributary of Chartiers Creek (WWF) for a residential development. The fill was placed without a permit and is located at the intersection of Bluff Street and West College Street.

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

**E5829-008. PVR Marcellus Gas Gathering, LLC**; 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701; Springville Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a Temporary Timber Mat Bridge crossing White Creek (Chap. 93 CWF); Stream Impact: 52 lineal feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 39' 24.93" Lat., W -75° 58' 24.19" Long.).

2) a proposed 16 inch natural gas line crossing White Creek (Chap. 93 CWF); Stream Impact: 52 lineal feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 39' 24.93" Lat., W -75° 58' 24.19" Long.).

3) a proposed 16 inch natural gas line crossing an Intermittent Unnamed Tributary to White Creek (Chap.

93 CWF); Stream Impact: 52 lineal feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 39' 31.65" Lat., W -75° 58' 15.43" Long.).

4) a Temporary Timber Mat Bridge crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 59 lineal feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 39' 46.44" Lat., W -75° 58' 4.42" Long.).

5) a proposed 16 inch natural gas line crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 59 lineal feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 39' 46.44" Lat., W -75° 58' 4.42" Long.).

6) a proposed 16 inch natural gas line crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 1,727 square feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 39' 50.47" Lat., W -75° 58' 1.20" Long.).

7) a proposed 16 inch natural gas line crossing a Perennial Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 58 lineal feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 40' 37.83" Lat., W -75° 57' 58.52" Long.).

8) a Temporary Timber Mat Bridge crossing a Perennial Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 58 lineal feet (U.S.G.S. Springville SW, PA Quadrangle; located at N 41° 40' 37.83" Lat., W -75° 57' 58.52" Long.).

9) a proposed 12 inch natural gas line crossing a Perennial Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 51 lineal feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 41' 27.40" Lat., W -75° 57' 49.63" Long.).

10) a Temporary Timber Mat Bridge crossing a Perennial Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 51 lineal feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 41' 27.40" Lat., W -75° 57' 49.63" Long.).

11) a proposed 12 inch natural gas line crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 10,927 square feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 41' 51.21" Lat., W -75° 58' 5.70" Long.).

12) a Temporary Timber Mat crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 10,927 square feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 41' 51.21" Lat., W -75° 58' 5.70" Long.).

13) a proposed 12 inch natural gas line crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 51 lineal feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 41' 58.71" Lat., W -75° 58' 7.85" Long.).

14) a Temporary Timber Mat Bridge crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 51 lineal feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 41' 58.71" Lat., W -75° 58' 7.85" Long.).

15) a proposed 12 inch natural gas line crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 34,046 square feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 42' 14.23" Lat., W -75° 58' 7.40" Long.).

16) a Temporary Timber Mat crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 34,046 square feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 42' 14.23" Lat., W -75° 58' 7.40" Long.).

17) a proposed 12 inch natural gas line crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 54 lineal feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 42' 14.23" Lat., W -75° 58' 7.40" Long.).

18) a Temporary Timber Mat Bridge crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 54 lineal feet (U.S.G.S. Springville NW, PA Quadrangle; located at N 41° 42' 14.23" Lat., W -75° 58' 7.40" Long.).

19) a proposed 16 inch natural gas line crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 149 lineal feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 38' 45.36" Lat., W -75° 58' 39.70" Long.).

20) a Temporary Timber Mat Bridge crossing an Intermittent Unnamed Tributary to White Creek (Chap. 93 CWF); Stream Impact: 149 lineal feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 38' 45.36" Lat., W -75° 58' 39.70" Long.).

The project is part of a proposed 12" and 16" natural gas gathering line system connecting the existing Mirabelli Natural Gas Pipeline System to a proposed compressor station near the existing Tennessee Gas transmission line West of Springville, PA. This portion of the project will result in the impact of 526 lineal feet of stream channel (Unnamed Tributaries to White Creek and White Creek). This portion of the project will result in the impact of 46,700 square feet (1.07 acres) of Palustrine Emergent Wetlands (PEM). Wetland impacts are associated with this application. Wetland Mitigation will be determined during the review process.

**E6629-002. PVR Marcellus Gas Gathering, LLC;** 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701; Meshoppen Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a Temporary Timber Mat crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 52,988 square feet (U.S.G.S. Meshoppen, PA Quadrangle; located at N 41° 36' 17.22" Lat., W -76° 0' 14.96" Long.).

2) a proposed 16 inch natural gas line crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 52,988 square feet (U.S.G.S. Meshoppen, PA Quadrangle; located at N 41° 36' 17.22" Lat., W -76° 0' 14.96" Long.).

3) a proposed 16 inch natural gas line crossing Meshoppen Creek (Chap. 93 CWF); Stream Impact: 50 lineal feet (U.S.G.S. Tunkhannock, PA Quadrangle; located at N 41° 39' 57.02" Lat., W -75° 59' 43.80" Long.).

4) a Temporary Timber Mat crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 8,528 square feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 37' 48.36" Lat., W -75° 59' 20.63" Long.).

5) a proposed 16 inch natural gas line crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 8,528 square feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 37' 48.36" Lat., W -75° 59' 20.63" Long.).

6) a proposed 16 inch natural gas line crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 16,500 square feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 38' 2.26" Lat., W -75° 59' 13.04" Long.).

7) a Temporary Timber Mat crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 16,500 square feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 38' 2.26" Lat., W -75° 59' 13.04" Long.).

8) a proposed 16 inch natural gas line crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 5,712 square feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 38' 26.11" Lat., W -75° 59' 14.70" Long.).

9) a Temporary Timber Mat crossing a Palustrine Emergent Wetland (PEM); Wetland Impact: 5,712 square

feet (U.S.G.S. Springville, PA Quadrangle; located at N 41° 38' 26.11" Lat., W -75° 59' 14.70" Long.).

The project is part of a proposed 12" and 16" natural gas gathering line system connecting the existing Mirabelli Natural Gas Pipeline System to a proposed compressor station near the existing Tennessee Gas transmission line West of Springville, PA. This portion of the project will result in the impact of 50 lineal feet of Meshoppen Creek (Chap. 93 CWF). This portion of the project will result in the impact of 83,728 square feet (1.92 acres) of Palustrine Emergent Wetlands (PEM). Wetland impacts are associated with this application. Wetland Mitigation will be determined during the review process.

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## ACTIONS

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

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

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088552 (Sewage)	Oakbrook Homeowner's Association of Elizabethtown 7 Oakbrook Lane Elizabethtown, PA 17022	Lancaster County / West Donegal Township	UNT Conewago Creek / 7G	Y
PA0024457 (Sewage)	Halifax Area Water & Sewer Authority PO Box 443 Halifax, PA 17032	Dauphin County / Halifax Borough	Susquehanna River / 6C	Y
PA0012998 (IW)	Atlas Minerals & Chemicals Inc. 1227 Valley Road Mertztown, PA 19539-0038	Berks County Longswamp Township	Toad Creek / 2-C	Y
PA0028983 (Sewage)	McVeytown Borough Authority PO Box 321 McVeytown, PA 17051	Mifflin County McVeytown Borough	Juniata River / 12-A	Y
PA0086185 (Sewage)	Washington Township Sewer Authority 185 Manors Road Elizabethville, PA 17023-8733	Dauphin County Washington Township	Wiconisco Creek / 6-C	Y
PA0084425 (Sewage)	Conewago Township Sewer Authority York County 600 Locust Point Road York, PA 17406-6056	York County Conewago Township	UNT of Little Conewago Creek / 7-F	Y
PA0083143 (IW)	Saxton Borough Municipal Authority PO Box 173 Saxton, PA 16678-0173	Bedford County Liberty Township	Raystown Branch Juniata River / 11-D	Y
PA0081451 (Sewage)	Red Lion Area School District 696 Delta Road Red Lion, PA 17356-9185	York County Chanceford Township	West Branch Toms Run / 7-I	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228320 (Sewage)	Davidson Township Municipal Authority Wastewater Treatment Plant 32 Michelle Road Sonestown, PA 17758-5358	Sullivan County Davidson Township	Muncy Creek (10-D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0253171 Sewage	Mt. Pleasant Township PO Box 137 Mammoth, PA 15664	Westmoreland County Mt. Pleasant Township	Sewickley Creek	Y
PA0218359 Sewage	Green Township Municipal Authority PO Box 129 Commodore, PA 15729	Indiana County Green Township	UNT to North Branch Two Lick Creek	Y
PA0093033 Sewage	Eastern Armstrong County Municipal Authority Cemetery Road Elderton, PA 15736-0262	Armstrong County Elderton Borough	UNT of Crooked Creek	Y
PA0000515 Sewage	Allison Park Industrial Complex 3812 Route 8 Allison Park, PA 15101	Allegheny County Hampton Township	Pine Creek	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0252999 Sewage	Unity Township Municipal Authority PO Box 506 Pleasant Unity, PA 15676	Westmoreland County Unity Township	Fourmile Run	Y
PA0204625 Sewage	Robert Feather 1510 Darkshade Drive Windber, PA 15963-6223	Somerset County Paint Township	UNT to Shade Creek	Y
PA0022276 Sewage	Southmoreland School District 609 Parker Avenue Scottsdale, PA 15683	Westmoreland County East Huntingdon Township	UNT to Stauffer Run	Y
PA0218901 Sewage	Totteridge Golf Course & Restaurant 325 Hannastown Road Greensburg, PA 15601	Westmoreland County Salem Township	Crabtree Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239691	Robert L. Smith 13478 Old Lake Road East Springfield, PA 16411	Erie County Springfield Township	Unnamed tributary to Lake Erie 15-A	Y

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

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

**NPDES Permit No. PA0026492 A-1**, Sewage, SIC Code 4952, **Scranton City Sewer Authority**, 307 N Washington Avenue, Scranton, PA 18503-1501.

This existing facility is located in Scranton City, **Lackawanna County**.

Description of Existing Action/Activity: Issuance of an Amended NPDES Permit for an existing discharge of treated Sewage.

**NPDES Permit No. PA0008354**, Industrial Waste, SIC Code 4941, **Pennsylvania American Water**, 100 N Pennsylvania Avenue, Wilkes-Barre, PA 18701.

This existing facility (Montrose Water Treatment Plant) is located in Bridgewater Township, **Susquehanna County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Industrial Waste.

**NPDES Permit No. PA0008885**, Industrial Waste, SIC Codes 2621 and 2676, **Procter & Gamble Paper Products Company**, PO Box 32, Mehoopany, PA 18629.

This existing facility is located in Washington Township, **Wyoming County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Industrial Waste.

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

**NPDES Permit No. PA0254363**, Sewage, **Nathan L. Slesman**, 1280 Buckstown Road, Stoystown, PA 15563

This proposed facility is located in Stonycreek Township, **Somerset County**

Description of Proposed Action/Activity: Permit issuance to discharge treated sewage.

**NPDES Permit No. PA0254363**, Sewage, **Grace E. Duppstadt**, 1300 Buckstown Road, Stoystown, PA 15563

This proposed facility is located in Stonycreek Township, **Somerset County**

Description of Proposed Action/Activity: Permit issuance to discharge treated sewage.

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

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

**WQM Permit No. WQG01071101**, Sewage, **Corinna L. Teeter**, 21414 Flintstone Creek Road, NE, Flintstone, MD 21530.

This proposed facility is located in Snyder Township, **Blair County**.

Description of Proposed Action/Activity: Permit approval for the construction and operation of Small Flow Treatment Facilities.

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

**WQM Permit No. 411401**, Sewerage [SIC 4952], Loyalsock Township, 2501 East Third Street, Williamsport, PA 17701-4007.

This proposed facility is located in Loyalsock Township & City of Williamsport, **Lycoming County**.

Description of Proposed Action/Activity: The proposed Act 537 Planning Implementation Project facilities consist of; 3.0 MG wet weather storage tank, pump station, force mains, existing pump station improvements and interceptor abandonment and rehabilitation. The proposed project will be located between State Route 0220 and the West Branch Susquehanna River.

**WQM Permit No. 4111402**, Sewerage [SIC Code 4952], **Halliburton Energy Services, Inc**, 10200 Bellaire Blvd, Houston, Texas 77072-5206.

This proposed facility is located in Clinton Township, **Lycoming County**.

Description of Proposed Action/Activity: The construction of two (2) wastewater pump stations to serve the new facility.

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

**WQM Permit No. 0211203-A1**, Industrial Waste 4941, **Municipal Authority of the Borough of Oakmont**, 721 Allegheny Avenue, Oakmont, PA 15139

This existing facility is located in Oakmont Borough, **Allegheny County**.

Description of Proposed Action/Activity: Construction of industrial wastewater facilities consisting of: A PWTech Unit Model ES 303 sludge dewatering system. A new building is designed to primarily house the PWTech sludge dewatering unit, polymer storage/feed pump, electrical equipment, dry cake storage and removal. This building will be 69' X 26' and will add an impermeable surface area of 1800 sq-ft for solids handling.

**WQM Permit No. 0474204-A3**, Industrial Waste, **FirstEnergy Generation Corporation**, PO Box 128, Shippingport, PA 15077

This existing facility is located in Greene Township, **Beaver County**

Description of Proposed Action/Activity: Permit amendment issuance for the installation of new pH neutralization systems.

**WQM Permit No. 0311402**, Sewerage, **Mahoning Township Supervisors**, 987 State Route 1025, New Bethlehem, PA 16242

This proposed facility is located in Mahoning Township, **Armstrong County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sanitary sewer system.

**WQM Permit No. 1110402**, Sewerage, **Glendale Valley Municipal Authority**, 1800 Beaver Valley Road, Flinton, PA 16640

This proposed facility is located in Reade and White Townships, **Cambria County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a new pump station and force main and sewage treatment plant.

**WQM Permit No. 5610405**, Sewerage, **Nathan L. Sleasman**, 120 Buckstown Road, Stoystown, PA 15563

This proposed facility is located in Stonycreek Township, **Somerset County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment facility.

**WQM Permit No. 5610406**, Sewerage, **Grace E. Duuppstadt**, 1030 West Drexel Place, Citrus Springs, FL 34434

This proposed facility is located in Stonycreek Township, **Somerset County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment facility.

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

**WQM Permit No. WQG018803**, Sewage, **Amanda Adams**, 218 Carrie Lane, Girard, PA 16417.

This proposed facility is located in Girard Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

**WQM Permit No. 3303401**, Sewage, **Amendment No. 1, McClamont Township**, P. O. Box 255, Firehouse Lane, Anita, PA 15711.

This existing facility is located in McClamont Township, **Jefferson County**.

Description of Proposed Action/Activity: Amendment of a Water Quality Permit for modification of piping to the aeration tanks and final clarifiers, replacement of return activated sludge pumps, installation of a chemical feed system, installation of covers for the clarifiers, installation of a sump pump in the ultraviolet disinfection/post aeration tank, and the addition of refrigerated composite samplers for NPDES compliance sampling.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions****V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1505086	Simmers Builders, Inc. 1035 West Lincoln Highway Coatesville, PA 19320	Chester	West Caln Township	Pequea Creek (HQ-CWF)
PAI01 1507010	Harlan Corporation 214 Pond View Drive Chadds Ford, PA 19317	Chester	West Brandywine Township	Unnamed Tributary West Branch Brandywine Creek (HQ-TSF)
PAI01 151108	Second Century Farm 812 Guthrie Road West Chester, PA 19380	Chester	East Bradford Township	Broad Run (HQ-CWF)

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

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type-PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAG0201 511106	Philadelphia University School House Lane and Henry Avenue Philadelphia, PA 19144-5497	Wissahickon Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitehall Township Lehigh Co.	PAG02003906018(R)	Dominic Farole 1005 Chestnut St. Ste. 105 Coplay PA 18037	Spring Creek (CWF, MF)	Lehigh Co. Conservation District 610-391-9583



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Saucon Township Lehigh Co.	PAG02003907018(3)	Robert Snyder DeSales University 2755 Station Ave. Center Valley PA 18034	Saucon Creek (CWF, MF)	Lehigh Co. Conservation District 610-391-9583
Forty Fort and Wyoming Boroughs Luzerne Co.	PAG02004011005	Luzerne County Greg Parrs 200 N. River Street Wilkes-Barre PA 18711	Abrahams Creek (CWF, MF)	Luzerne Co. Conservation District 570-674-7991
Plains Twp. Luzerne Co.	PAG02004011002	TFP Limited Robert Tamburro 1140 Route 315 Wilkes-Barre PA 18711	UNT to Mill Creek (CWF, MF)	Luzerne Co. Conservation District 570-674-7991
Muhlenberg Township Berks County	PAG02000607088(1)	Steve Landes Muhlenberg Township 5401 Leesport Ave Temple, PA 19560	Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610.372.4657
Greene Township Franklin County	PAG02022810003	David Baxter Black Gap Holdings LLC 543 Old Westminster Road, Westminster MD 21157	Mountain Run/CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
City of York York County	PAG2006710013	John Kemp Royal Farms 3611 Roland Avenue, Baltimore, MD 21211	Willis Run/WWF	York County Conservation District 118 Pleasant Acres Road, York, PA 17402 717.840.7430
Antrim Township Franklin County	PAG02002811002	Don Myers 10 E Water Avenue, Suite C, Greencastle, PA 17225	Conococheague Creek/ WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Quincy Township Franklin County	PAG02002811001	Rodney Fenstermacher One Trinity Drive, Suite 201, Dillsburg, PA 17019	West Branch Antieham/ CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Mt Joy Township Adams County	PAG02000106006	Barton L. Breighner Barton Real Estate LLC 420 Bulk Plant Road, Littlestown, PA 17340	Littles Run/WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717.334.0636
Spring Township Berks County	PAG02000611010	Penn State University PO Box 7009 Reading, PA 19610	Tulpehocken Creek/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610.372.4657
Oliver Township Perry County	PAG02035011002	The Bank of Landisburg 100 North Carlisle Street, Landisburg, PA 17040	Little Buffalo Creek/ CWF	Perry County Conservation District 31 West Main Street, PO Box 36, New Bloomfield, PA 17068 717.582.8988 Ext 4

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Fayette Township Juniata County	PAG02033411001	Stella-Jones Landfill Closure Rt 235, PO Box 251, McAlisterville, PA 17049	Delaware Creek/ TSF	Juniata County Conservation District 146 Stoney Creek Drive, Suite 4, Mifflintown, PA 17059 717.436.8953
Shrewsbury Borough & Shrewsbury Township York County	PAG2006704136R1	Eitzert Development LP One West Pennsylvania Avenue, Suite 900, Towson, MD 21204	South Branch Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road, York, PA 17402 717.840.7430
Oley Township Berks County	PAG02000611013	Michael Matlock Matlock Family Trust 21 Foxglove Lane, Oley, PA 19547	Little Manatwany Creek/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610.372.4657
Exeter Township Berks County	PAG02000611022	Leon Snyder, Snyder Construction, 230 Poplar Road, Fleetwood, PA 19522 Walter Greth, Greth Homes, 253 Snyder Road, Reading, PA 19605	Trout Run/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610.372.4657
City of Altoona Blair County	PAG02000711002	Larry Salone Altoona Railroaders Memorial Museum 1300 Ninth Avenue, Altoona, PA 16602	Little Juniata River/ WWF	Blair County Conservation District 1407 Blair Street, Hollidaysburg, PA 16648 814.696.0877 Ext 5
Logan Township Blair County	PAG02000711001	Christina L. Marasczyk ALDI Inc. 6000 North Noah Drive, Saxonburg, PA 16056	Brush Run/WWF	Blair County Conservation District 1407 Blair Street, Hollidaysburg, PA 16648 814.696.0877 Ext 5
East Manchester Township York County	PAG02006710036	Keith Noll Wellspan Properties, Inc., 2595 S George Street, Ste 1, York, PA 17403	Hartman Run/WWF	York County Conservation District 118 Pleasant Acres Road, York, PA 17402 717.840.7430
Cumru Township Berks County	PAG02000611012	Lori Sifford Bershire Greens, 10 Village Center, Reading, PA 19607	Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610.372.4657
Maidencreek & Ruscombmanor Townships Berks County	PAG02000611001	Christopher Bradley Bradley Management Group, Inc. 35 Pinehurst Ct, Phoenixville, PA 19460	Willow Creek/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610.372.4657
Centre Township Perry County	PAG02035010002	New Bloomfield Volunteer Fire Company 23 W High Street, PO Box 22, New Bloomfield, PA 17068	Little Juniata Creek/ CWF	Perry County Conservation District 31 West Main Street, PO Box 36, New Bloomfield, PA 17068 717.582.8988 Ext 4

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lower Heidelberg Township Berks County	PAG02006007	Bruce Hill Community Evangelical Church Expansion 51 Green Valley Road, Sinking Springs, PA 19608	Little Cacoosing Creek/ CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610.372.4657
Lewistown Borough Mifflin County	PAG02004411001	Rob Postal Mifflin County Industrial Development Corp. MCDIC Plaza, 6395 SR 103N, Bldg 5, Lewistown, PA 17044	Kish Creek/CWF	Mifflin County Conservation District 20 Windmill Hill #4, Burnham, PA 17009 717.248.4695
Porter Township Alexandria Borough Huntingdon County	PAG020031011003	Alexandria Borough Porter Township PO Box 113, Alexandria, PA 16611	Frankstown Branch Juniata River/WWF, Little Juniata/CWF	Huntingdon County Conservation District 10605 Raystown Road, Suite A, Huntingdon, PA 16652 814.627.1627
Swatara Township Lebanon County	PAG02003809016	Swatara Township Board of Supervisors Jennifer Harding 68 Supervisors Drive, Jonestown, PA 17038	UNT to Little Swatara Creek/WWF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5, Lebanon, PA 17042 717.272.3908 Ext 4
Spring Garden Township York City York County	PAG02006710042	David Berg Tyler Run LLC 11915 Park Heights Avenue, Owing Mills, MD 21117	Codorus Creek, & Tyler Run/Susquehanna River Watershed/WWF	York County Conservation District 118 Pleasant Acres Road, York, PA 17402 717.840.7430
Wheatfield Township Perry County	PAG02035011001	Patricia S. Bruner 7625 Spring Road, New Bloomfield, PA 17068	UNT to Little Juniata Creek/WWF	Perry County Conservation District 31 West Main Street, PO Box 36, New Bloomfield, PA 17068 717.582.8988 Ext 4
Tilden Township Berks County	PAG02000611011	Joseph Depascale JERC Partners XV, LP 171 State Rt 173, Suite 201, Asbury, NJ 08802	Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610.372.4657
Lower Swatara Township Dauphin County	PAG02002211002	Ian Salada Penn State University 101P Office of Physical Plant, University Park, PA 16802-1118	Swatara Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road, Dauphin, PA 17018 717.921.8100
West York Borough York County	PAG2006711002	John Randolph MBI Development Co Inc. 725 Cuthbert Blvd, Cherry Hill, NJ 08002	Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road, York, PA 17402 717.840.7430
Conewago Township York County	PAG2006710045	Dennis Mead ES3 York LLC 4875 Susquehanna Trail, York, PA 17406	UNT to Little Conewago Creek/TSF	York County Conservation District 118 Pleasant Acres Road, York, PA 17402 717.840.7430

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Exeter Township Berks County	PAG02000606034R	Forino Company 555 Mountain Home Road, Sinking Springs, PA 19608	Heisters Creek/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610.372.4657
Douglass Township Berks County	PAG02000611016	Turfgrass Disease Solutions LLC Steve McDonald 38 Bertolet Road, Spring City, PA 19475	Ironstone Creek/TSF/MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610.372.4657
Logan Township Blair County	PAG02000711004	Sheetz, Inc. 5700 Sixth Avenue, Altoona, PA 16602	Unnamed Tributary to Sandy Run/CWF	Blair County Conservation District 1407 Blair Street, Hollidaysburg, PA 16648 814.696.0877 Ext 5
Red Lion Borough York County	PAG2006710038	Frank R Herron Red Lion Area SD 696 Delta Road, Red Lion, PA 17356	Barshinger Creek/CWF	York County Conservation District 118 Pleasant Acres Road, York, PA 17402 717.840.7430
Derry Township Dauphin County	PAG02002206027	Ken Gall Hershey Trust Co 100 Mansion Rd East, Hershey, PA 17033	Swatara Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road, Dauphin, PA 17018 717.921.8100
Susquehanna Township Dauphin County	PAG02002210041	PSECU 1 Credit Union Place, Harrisburg, PA 17110	Paxton Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road, Dauphin, PA 17018 717.921.8100
City of Harrisburg Dauphin County	PAG02002210036	Central Dauphin Realty Co Wayne B Titus II 106 Hilltop Ct, PO Box 349, Lemoyne, PA 17043	Paxton Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road, Dauphin, PA 17018 717.921.8100
Upper Tulpehocken Township Berks County	PAG02000611015	David Yost 18 Fort Road, Bernville, PA 19506	Mollhead Creek & Unt to Little Northkill Creek/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610.372.4657
Bethel Township Berks County	PAG02000611007	First Energy Corp 2800 Pottsville Pike, Reading, PA 19605	Little Swatara Creek/ CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610.372.4657
Ontelaunce Township Berks County	PAG02000611002	Forino Company LP 555 Mountain Home Road, Sinking Springs, PA 19608	Unit Schuylkill River/ WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610.372.4657
Spring Garden Township York County	PAG2006711017	Brenda Nestor Regents' Glen Building & Development LLC 1190 Regents Glen Blvd, York, PA 17403	Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road, York, PA 17402 717.840.7430

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Conewago Township York County	PAG2006711013	Robert A Kinsley FT-LLLP Partnership 6259 Reynolds Mill Rd, Seven Valleys, PA 17360	Oak Run/TSF	York County Conservation District 118 Pleasant Acres Road, York, PA 17402 717.840.7430
Caernarvon Township Berks County	PAG02000611014	Neal Fisher The Hankin Group 707 Eagleview Blvd Exton, PA 19341	UNT to the Conestoga River/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533 610.372.4657
Newberry Township York County	PAG2006708062R	441 McNaughton Properties LLC 4400 Deer Path Rd, STW 201, Harrisburg, PA 17110	Fishing Creek/TSF	York County Conservation District 118 Pleasant Acres Road, York, PA 17402 717.840.7430
Lower Windsor Township York County	PAG2006711011	Teresa Weaver Eastern York SD PO Box 150, Wrightsville, PA 17368	Canadochly Creek/WWF	York County Conservation District 118 Pleasant Acres Road, York, PA 17402 717.840.7430
Springettsburg Township York County	PAG2006710030	Jim Stuckey Lancaster County Bible Church, 2392 Mount Joy Rd, Manheim, PA 17545	UNT to Mill Creek/WWF	York County Conservation District 118 Pleasant Acres Road, York, PA 17402 717.840.7430
North Codorus Township York County	PAG20006711016	John Huenke Cornerstone Development Group, 200 Bailey Drive, Ste 202, Stewartstown, PA 17363	W Branch of Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road, York, PA 17402 717.840.7430
Monaghan Township York County	PAG2006710043	Greg Folk Christ Lutheran Church, Filey's 15 S Filey's Rd, Dillsburg, PA 17019	Stoney Run & Fishers Run/CWF	York County Conservation District 118 Pleasant Acres Road, York, PA 17402 717.840.7430
Irvona Borough Clearfield County	PAG2001711001	New Enterprise Stone & Lime Co. 3912 Brumbaugh Rd New Enterprise, PA 16664	Clearfield Creek WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Beech Creek Borough Clinton County	PAG2001811002	Beech Creek Wesleyan Church 42 Cedar Heights Mill Hall, PA 17751	Beech Creek CWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
City of Lock Haven Clinton County	PAG2001811003	Lock Haven University 95 W. Fourth Street Lock Haven, PA 17745	West Branch of Susquehanna River WWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Clinton Township Lycoming County	PAG2004111003	Clinton Township 2106 State Route 54 Montgomery, PA 17752	Turkey Run WWF, MF West Branch of Susquehanna River WWF, FM	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Borough of South Williamsport Lycoming County	PAG2004111005	Mike Miller Borough of South Williamsport 329-331 W. Southern Ave. South Williamsport, PA 17702	West Branch of Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
White Deer Township Union County	PAG2006011006	Broc Troxell 50 Showers Rd New Columbia, PA 17856	UNT to Susquehanna River WWF, MF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Indiana County White Township	PAG02003211005	Delaney Indiana, LLC 626 Water Street Indiana, PA 15701	UNT McCarthy Run (CWF)	Indiana County CD 625 Kolter Drive, Suite 8 Indiana, PA 15701-3571

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Phoenixville Borough Chester County	PAR600036	Mayer Pollock Steel Corp. D/B/A Phoenixville Scrap Company W High and Mary Streets Phoenixville, PA 19460	French Creek—3-D	Southeast Region Water Management 484.250.5970
Upper Providence Township Montgomery County	PAR230076	Smithkline Beecham Corp D/B/A GlaxoSmithKline Pharmaceuticals 1250 S Collegeville Road Collegeville, PA 19426	Doe Run and Unnamed Tributary of Donny Brook—3-E	Southeast Region Water Management 484.250.5970
City of Philadelphia Philadelphia County	PAR600026	Allegheny Iron & Metal Co. Tacony Street And Adams Avenue Philadelphia, PA 19124	Frankford Creek—3J	Southeast Region Water Management 484.250.5970
Upper Salford Township Montgomery County	PAR700018	Woxall Petroleum Storage Fac 2459 Perkiomenville Road Harleysville, PA 19438	Vaughn Run To East Branch Perkiomen Creek—3E	Southeast Region Water Management 484.250.5970
Dauphin County / Middletown Borough	PAR803571 (transfer)	FedEx Freight Inc.— NHS	Swatara Creek / WWF / 7D	DEP—SCRO— Water Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Clinton Township Lycoming County	PAR124811	Wengers Feed Mill Inc. 6829 Route 405 Muncy, PA 17756	Turkey Run—10-C	Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Point Township Northumberland County	PAR804870	Northumberland Terminals Corporation P. O. Box 2621 Harrisburg, PA 17105-2621	Unnamed Tributary to Susquehanna River— 5-E	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Cheswick Borough Allegheny County	PAR806255	First Student, Inc. 110 Perimeter Park Suite E Knoxville, TN 37922	Deer Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Center Township Indiana County	PAR206113	Joy Mining Machinery 610 Lucerne Road Homer City, PA 15748	UNT to Two Lick Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Speers Borough Washington County	PAR806276	Guttman Realty Company 200 Speers Street Belle Vernon, PA 15012	Monongahela River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Waynesburg Borough Greene County	PAR316108	Energy Contractors, LLC 1400 Aviation Drive Bridgeport, WV 26330-9613	Smith Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
South Huntingdon Township Westmoreland County	PAR606170	Maroney's Foreign Cars & Parts 1304 State Route 981 Smithton, PA 15479	UNF to Barren Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
<i>General Permit Type—PAG-4</i>				
<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Blair County Snyder Township	PAG043913	Corinna L. Teeter 21414 Flintstone Creek Road NE Flintstone, MD 21530	UNT to Decker Run / 11-A	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Girard Township Erie County	PAG041034	Amanda Adams 218 Carrie Lane Girard, PA 16417	Halls Run 15	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

## 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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

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

**Operations Permit** issued to: **Borough of Fleetwood**, 3060029, Fleetwood Borough, **Berks County** on 5/17/2011 for the operation of facilities approved under Construction Permit No. 0610542 MA.

**Operations Permit** issued to: **Hamburg Municipal Authority**, 3060035, Windor Township, **Berks County** on 5/16/2011 for the operation of facilities approved under Construction Permit No. 0611505 MA.

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

**Permit No. 1411501**—Construction Public Water Supply.

Applicant	<b>Penns Cave Water System</b>
[Township or Borough]	Gregg Township
County	<b>Centre</b>
Responsible Official	Mr. Russell Schleiden Penns Cave, Inc. 222 Penns Cave Road Centre Hall, PA 16828

Type of Facility	Public Water Supply
Consulting Engineer	David Cunningham, P.E. Keller Engineers, Inc. 420 Allegheny Street P. O. Box 61 Hollidaysburg, PA 16648
Permit Issued Date	May 18, 2011
Description of Action	Installation of a cartridge filtration system to treat the surface water influenced spring at Penns Cave.

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

<b>Permit No. 5610509</b> , Public Water Supply.	
Applicant	<b>Conemaugh Township Municipal Authority</b> Box 429 113 South Main Street Davidsville, PA 15928
[Borough or Township]	Benson Borough and Conemaugh Township
County	<b>Somerset</b>
Type of Facility	Ham Ridge booster pump station
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive Somerset, PA 15501
Permit to Construct Issued	May 16, 2011

**Permit No. 5610517**, **Minor Amendment**. Public Water Supply.

Applicant	<b>Conemaugh Township Municipal Authority</b> Box 429 113 South Main Street Davidsville, PA 15928
[Borough or Township]	Benson Borough and Conemaugh Township
County	<b>Somerset</b>
Type of Facility	Ham Ridge area waterlines
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive Somerset, PA 15501
Permit to Construct Issued	May 16, 2011

**Permit No. 5610516**, **Minor Amendment**. Public Water Supply.

Applicant	<b>Conemaugh Township Municipal Authority</b> Box 429 113 South Main Street Davidsville, PA 15928
[Borough or Township]	Benson Borough and Conemaugh Township
County	<b>Somerset</b>
Type of Facility	Ham Ridge water storage tank



Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Construct May 16, 2011  
Issued

**Permit No. 0311501MA, Minor Amendment.** Public Water Supply.

Applicant **Brady's Bend Township  
Water and Sewer Authority**  
697 State Route 68  
East Brady, PA 16028

[Borough or Township] Brady's Bend Township

County **Armstrong**

Type of Facility Interconnection with Petroleum  
Regional water system and  
waterline extension.

Consulting Engineer Gibson-Thomas  
Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct May 17, 2011  
Issued

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

**Permit No. 6207504-T1-MA2,** Public Water Supply

Applicant Aqua PA - Clarendon

Township or Borough Clarendon Borough

County **Warren County**

Type of Facility Public Water Supply

Consulting Engineer Deanna Arbough

Permit to Construct 05/18/2011  
Issued

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

### **Public Notice of Proposed Consent Order and Agreement and Consent Assessments of Civil Penalty**

#### **Ivy Industrial Park Scott, Abington, North Abington and South Abington Townships, Lackawanna County**

Pursuant to Section 1113 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108, 35 P. S. 35 P. S. §§ 6020.101—6020.1305 ("HSCA"), notice is hereby provided that the Pennsylvania Department of Environmental Protection ("Department") has agreed to enter into settlements in the form of a Consent Order and Agreement (CO&A) and separate Consent Assessment of Civil Penalty agreements (CACP) with Bostik, Inc. (Bostik) and Sandvik, Inc. (Sandvik).

The proposed CO&A provides for the planning and installation of a public water supply and the reimbursement of all costs expended by the Department by Bostik and Sandvik. The response costs are related to the Department's response to the release and threatened release of hazardous substances and contaminants in the

area in and around the Ivy Industrial Park "Affected Area" or ("Site"). In addition to the reimbursement of past costs, Bostik and Sandvik will reimburse the Department for future response costs incurred at the Site as well. Each CACP resolves Bostik's and Sandvik's civil penalty liability under the Solid Waste Management Act, The Clean Streams Law and the Hazardous Sites Cleanup Act. Under the terms of the CACPs, each company will pay a civil penalty of \$1,250,000.00 to the Department.

Chlorinated solvents, including, but not limited to, PCE and TCE were found in both soil and groundwater in what is known as the Affected Area in and around the Site. Some or all of the hazardous substances, including, but not limited to, PCE and TCE, are contained in one or more groundwater plumes that have impacted private water supply wells in and around the Site.

The Department alleges that, in the past, Bostik and Sandvik released substances that contained PCE and/or TCE into the soils and groundwater within the Site. The CO&A requires Bostik and Sandvik to prepare and implement a work plan for a new water source, installation of water mains and connection of approximately 500 private well users within the Affected Area.

The specific terms of these settlements are set forth in the aforementioned CO&A and CACPs ("Agreements") among the parties. The Department will receive and consider comments relating to the Agreements for sixty (60) days from Saturday, June 4, 2011, until Wednesday, August 3, 2011. The Department has the right to withdraw its consent to the Agreements if the comments concerning the Agreements disclose facts or considerations that indicate that the Agreements are inappropriate, improper, or not in the public interest.

Following the conclusion of the public comment period, the Agreements shall become effective upon the date that the Department notifies Bostik and Sandvik, in writing, that the Agreements are final and effective in their present form, and that the Department has, if necessary, filed responses to significant written comments received on the Agreements, or that no such comments were received.

The Agreements are available for public review at DEP's Northeast Regional Office in Wilkes-Barre. Interested parties can contact the DEP Records Management Section to arrange for an appointment to review the documents by calling 570-826-5472. The documents are also available at the municipal buildings in Scott, Abington, North Abington and South Abington townships. The documents are also available online at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), click on "Regional Resources," then "Northeast Region" and "Community Information."

The Department has scheduled a public meeting to discuss these Agreements. The meeting will be held on Wednesday, July 13, 2011, at 6:30 pm at the Lakeland High School in the auditorium.

Comments may be submitted in writing, to Jeremy Miller, Department of Environmental Protection, Hazardous Sites Cleanup, 2 Public Square, Wilkes-Barre, Pa 18701. Further information may be obtained by contacting Jeremy Miller, at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay Services at 800-645-5984.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

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*

**Lakeman & Gilbert Residence**, Warwick Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Frank Guarrieri, Allstate Insurance care of Curtin Heefner, 250 North Pennsylvania Avenue, Morrisville, PA 19067 on behalf of Ann Goedeke, 2053 Harmonyville Road, Pottstown, PA 19465 has submitted a Final 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.

**Serdy/Schmidt Residence**, Elverson Borough, **Chester County**. Charles Burger, Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, Jason Bean, Allstate Insurance, 309 Lakeside Drive, Suite 100, Horsham PA 19044 on behalf of John Serdy/Cheryl

Schmidt, 21/23 West Main Street, Elverson, PA 19520 has submitted a 90 day 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.

**Goffs Suds Soda**, Upper Darby Township, **Montgomery County**. Kevin Brien, Leggette, Brashears & Graham, Inc. 426 Brandywine Parkway, West Chester, PA 19380, Chad Speicher, Leggette, Brashears & Graham, Inc. 426 Brandywine Parkway, West Chester, PA 19380 on behalf of Thomas Smith, Service One, Inc., 2999 Brambling Lane, East Norristown, PA 19403 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Delaware County Emergency Service Training Center**, Darby Township, **Delaware County**. Frank Aceto, Stantec Consulting Corporation, 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of Marianne Grace, County of Delaware, 201 West Front Street, Media, PA 19063 has submitted a Final Report concerning remediation of site groundwater contaminated with undetermined contaminant. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Tyburn Railroad Company**, Falls Township, **Bucks County**. Michael Gonshor, Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 on behalf of Gerald McHugh, Tyburn Railroad Company, 1535 South Pennsylvania Avenue, Falls Township, PA 19067 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 [standard(s) and/or special industrial area requirements].

**ConocoPhillips Trainer Refinery**, Marcus Hook & Trainer Borough, **Delaware County**. Brandt Butler, URS Corporation, Barley Mill Plaza 27-2310, 4417 Lancaster Pike, Wilmington, DE 19805, Stephan Pause, BP Remediation Management, 9 Research Drive, Suite 3, Amherst, MA 01002 on behalf of Peter Batey, Conoco Phillips Company, 4101 Post Road, Trainer, PA 19061 has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil and groundwater contaminated with pcb and unleaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard.

**2800 North America Street**, City of Philadelphia, **Philadelphia County**. Michelle Flowers, REPSG, PO Box 5377, 6901 Kingsessing Avenue, Suite 201, Philadelphia PA 19142 on behalf of Stephanie Hernandez, Congreso de Latinos Unidos, Inc. 2800 North America Street, Philadelphia, PA 19133 has submitted a Cleanup Plan concerning remediation of site groundwater and soil contaminated with other organics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Delaware River Bridge Tool Plaza**, Bristol Township, **Bucks County**. John R. Boulanger, GAI Consultants, Inc. 385 East Waterfront Drive, Homestead, PA 15120 on behalf of Dean S. Metro, Pennsylvania Turnpike Commission, PO Box 67676, Harrisburg, PA 17106 has submitted a Final Report concerning remediation of site groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Lyle Residence Falls Township, Bucks County.** Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Jason Bean, Allstate Insurance, 309 Lakeside Drive, Suite 100, Horsham, PA 19044 on behalf of David Lyle, 9 Robin Hill Lane, Levittown, PA 19055 has submitted a Final 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.

**HP Hood LLC, West Chester Township, Bucks County.** Mark Bedle, B&B Diversified Enterprises, Inc., PO Box 16, Barto, PA 19504, Andrew Beland, HP Hood LLC, Six Kimball Lane, Lynnfield, MA 01940 on behalf of Steve Kannab, HP Hood LLC, Six Kimball Lane, Lynnfield, MA 01940 has submitted a Final Report concerning remediation of site soil contaminated with other organic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Dutton Mill Properties LLC, Township of Middletown, Delaware County.** Paul Martino, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104, Bill Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104 on behalf of Herbert T. Sweeney, 308 Dutton Mill Properties, LLC, 308 Mill Road, Brookhaven, PA 19015 has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site groundwater and soil contaminated with other organics, pah, and lead. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Kennedy Company, Horsham Township, Montgomery County.** Ryan C. Winnan, Strob Environmental, Inc. 410 North Easton Road, Willow Grove, PA 19056, Robert Kennedy, the Kennedy Company, 8000 Midlantic Drive, Suite 200N, Mt. Laurel, NJ 08054 on behalf of Theresa Kohn, 28 Chambersburg Street, Gettysburg, PA 17325 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Campbell Property, Caln Township, Chester County.** Thomas P. Schultz, Lewis Environmental, 101 Carroll Drive, New Castel, De 19720 on behalf of Lena Campbell, 1104 Caln Meeting House Road, Coatesville, PA 19320 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.

**3101 Red Lion Road Site, City of Philadelphia, Philadelphia County.** Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Miles Gross, 3070 Bristol Pike, Bensalem, PA 19020 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with inorganic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Enterprises Rent A Car Region Site, City of Philadelphia, Philadelphia County.** Christopher P. Collet, ERM, 350 Eagleview Blvd, Suite 200, Exton, PA 19341 on behalf of Scott Schusko, Enterprises Rent-a-Car, 170 North Radnor-Chester Road, Suite 200, Radnor, PA 19087 has submitted a Cleanup Plan/Final Report/Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with lead, benzene and arsenic. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Hughes Residence, West Nantmeal Townships Chester County.** James A. LaRegina, Herbert, Rowland & Grubic Inc., 369 East Park Drive, Harrisburg, PA 17111, Mable Hughes, 334 Grubb Drive, Elverson, PA 19520 on behalf of Alvin Horning, PO Box 251, Morgantown, PA 19543 has submitted a Final Report concerning remediation of site soil contaminated with kerosene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Rohm & Haas Philadelphia Plant East Area 1, City of Philadelphia, Philadelphia County.** Geoffrey Arbogast, URS Corporation, 35 Commerce Drive Suite 300, Fort Washington, PA 19034 on behalf of Carl Coker, Rohm and Haas Chemicals LLC, 3100 State Road, Croydon, PA 19021 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.

**RichardsApex Inc., City of Philadelphia, Philadelphia County.** Douglass Schott, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Christina Ruble, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of David Richards, RichardsApex, Inc., 4202-4224 Main Street, Philadelphia, PA 19127 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Coplan Residence, Lower Merion Township, Montgomery County.** Stacie Cotton, J&J Spill Service and Supplies, Inc., PO Box 370, Blue Bell, PA 19422 on behalf of James Coplan, 116 Saint Georges Road, Ardmore, PA 19003 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.

**Erickson Residence, Charlestown Township, Chester County.** Staci Cottone, J&J Spill Service and Supplies, Inc., PO Box 370, Blue Bell, PA 19422 on behalf of Mary Ellen Erickson, 3234 Silver Street, Bannington, Vermont 05201 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.

**Estate of Helen R. Bates, Lower Southampton Township, Montgomery County.** Jeremy Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Ward Bacon, Esq. 345 Windward Road, Green Bay, WI 54302 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.

**Renzi Property, Abington Township, Montgomery County.** Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18703, Ed Applegate, State Farm Insurance Company, PO Box 8061, Ballston Spa, NY 12020 on behalf of Scott Anderson, Huntingdon Valley Country Club, 2295 Country Club Drive, Huntingdon Valley, PA 19001 has submitted a Final Report concerning remediation of site [media] contaminated with [contaminant]. The report is intended to document remediation of the site to meet the [standard(s)] and/or special industrial area requirements].

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

**PG Energy Former Scranton Green Ridge Gas Holder Site**, Albright Avenue and Marion Street, Scranton City, **Lackawanna County**. John Roberts, Stantec Consulting Services, Inc., 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 submitted a Final Report (on behalf of his client, UGI Penn Natural Gas, Inc., P. O. Box 12677, Reading, PA 19612-2677), concerning the remediation of soil and groundwater found to have been impacted by arsenic and benzo(a)pyrene and the remediation of soil found to have been impacted by lead. The impact is due to the historical operations at a former storage facility of manufactured coal gas. The report was submitted to document attainment of the Residential Statewide Health Standard for soil and groundwater and attainment of the Site-Specific Standard for soil. A public notice regarding the submission of the Final Report was published in *The Scranton Times* on May 5, 2011.

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

**CCS Transport I-80 East Bound MM 141 Accident**, Rush Township, **Centre County**. Pennsylvania Tectonics, Inc., 826 Main St., Peckville, PA 18452 on behalf of CCS Transport, 9415 Bairo Ave., Los Angeles, CA 90002 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Bucknell-Former BZ Motors Site**. Lewisburg Borough, **Union County**. TCI Environmental Services, Inc., 100 N. Wilkes-Barre Blvd., Wilkes-Barre, PA 18702 on behalf of Bucknell Real Estate, 701 Moore St., Lewisburg, PA 17837 has submitted a Final Report concerning remediation of site soil contaminated with petroleum products at 2013 West Market St., Lewisburg, PA The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Pennsylvania Timber LLC Property**, Ridgway Township, **Elk County**. Geosyntec Consultants, 600 W. Germantown Pike, Suite 400, Plymouth Meeting, PA 19462 on behalf of Pennsylvania Timber, LLC, 600 Atlantic Avenue, Boston, MA 02210 has submitted a Final Report concerning remediation of site soils contaminated with benzene, toluene, ethylbenzene, methyl tertiary butyl ether, naphthalene, 1,3,5-trimethylbenzene, 1,2,4-trimethylbenzene, and cumene (isopropylene). The site is being remediated within 90 days of the spill. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document

cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**(740943) Tyburn Railroad Company**, Falls Township **Bucks County**. Michael Gonshor, Roux Associates, Inc. 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 on behalf of Gerald McHugh, Tyburn Railroad Company, 1535 South Pennsylvania Avenue, Falls Township, PA 19067 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The 90 day Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on May 6, 2011.

**(738651), Tyburn Railroad Company**, Falls Township **Bucks County**. Michael Gonshor, Roux Associates, Inc. 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 on behalf of Gerald McHugh, Tyburn Railroad Company, 1535 South Pennsylvania Avenue, Falls Township, PA 19067 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with diesel fuel. The 90 day Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on March 29, 2011.

**US Steel Corporation KIPC 3900 Acre Parcel**, Falls Township **Bucks County**. Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburgh, PA, 15219 on behalf of Colleen Costello, Langan Engineering and Environmental Services, Inc., 2700 Kelly Road, Suite 200, Warrington, PA 18976 has submitted a Remedial Investigation/Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation/Final Report was approved by the Department on April 11, 2011.

**Moyer Residence**, Pottstown Borough **Montgomery County**. Andrew K. Markoski, Patriot Environmental Management, LLC., PO Box 629, Douglasville, PA 19518, John Palmer, Automotive Service Inc., 1350 West High Street, Pottstown, PA 19464 on behalf of Douglas Moyer, 264 Lee Avenue, Pottstown, PA 19464 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 22, 2011.

**908 Hyatt Street LLC**, City of Chester, **Delaware County**. Michael McCann, Ferguson & McCann, Inc., 270 Bodely Road, Aston, PA 19104 on behalf of William McGrath, 908 Hyatt Street, LLC, 541 Lawrence Road, Broomall, PA 19008 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 14, 2011.

**10 East Moreland Site**, City of Philadelphia, **Philadelphia County**. Richard S. Werner, Environmental Consulting, Inc. 500 East Washington Street, Suite 375, Norristown PA 19401, Dr. Edward Jones, Renal Enterprises, LLC, 125 Medical Campus Drive, Suite 300, Lansdale, PA 19446, Andre D. Hubley, Environmental Consulting Inc. 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Eli Kahn, Free Range Associates, LP, 55 County Club Drive, Suite 20, Downingtown, PA 19335 has submitted a Final Report concerning the remediation of site soil contaminated with polynuclear aromatic hydrocarbon. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 31, 2011.

**Penn Lighting**, City of Philadelphia, **Philadelphia County**. Jeff Bruderek, GES, 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Robert Wax, Penn Lighting, 239 South 24th Street, Philadelphia PA 19103 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 17, 2011.

**One Radnor Corporation Center Building 4**, Radnor Township **Delaware County**. James Mulry, Mulry and Cresswell Environmental Inc., 1691 Horseshoe Pike, Glenmoore, PA 19343 on behalf of Kristine Shanabarger, Brandywine Realty Trust, 555 East Lancaster, PA 19087 has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on February 8, 2011.

**Rosemore Shopping Center**, Warminster Township **Bucks County**. Michelle Flowers, REPSG, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142, Mark Kuczynski, REPSG, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Andy Levine,

Davisville Center, Inc., 111 East Presidential Boulevard, Feasterville, PA 19053 has submitted a Remedial Investigation Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Remedial Investigation Report was disapproved by the Department on March 10, 2011.

**DuPont Marshall Laboratory Site**, City of Philadelphia, **Philadelphia County**. Matthew Brill, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034, David Kistner, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Sathya Yalvigi, E. I. Du Pont De Nemours and Company Marshall Laboratory, 3401 Ferry Avenue, Philadelphia, PA 19146 has submitted a Remedial Investigation/Cleanup Plan concerning the remediation of site groundwater and soil contaminated with inorganics and lead. The Remedial Investigation/Cleanup Plan was approved by the Department on January 20, 2011 and April 29, 2011.

**The Former School Site Landfill**, Upper Merion Township **Montgomery County**. Craig Herr, RT Environmental Services, Inc. 215 West Church Road, King of Prussia, PA 19406 on behalf of William O'Hara, Executor, The Estate of Betty O'Hara, 405 Rock Creek, Berwyn, PA 19312 has submitted a Remedial Investigation/Final Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Remedial Investigation/Final Report was disapproved by the Department on April 8, 2011.

**Renzi Property**, Abington Township **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18703, Ed Applegate, State Farm Insurance Company, PO Box 8061, Ballston Spa, NY 12020-8061 on behalf of Scott Anderson, Huntington Valley Country Club, 2295 County Club Drive, Huntingdon Valley, PA 19001 has submitted a Final Report concerning the remediation of site soil contaminated with no. fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 31, 2011.

**Estate of Helen R. Bates**, Lower Southampton Township **Montgomery County**. James Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Ward Bacon, 345 Windward Road, Green Bay, WI 54302 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 6, 2011.

**Erickson Residence**, Charlestown Township **Chester County**. Staci Cottone, J&J Spill Services and Supplies, Inc., PO Box 370, Blue Bell, PA 19422 on behalf of Mary Ellen Erickson, 324 Silver Street, Bannington, Vermont 05201 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 6, 2011.

**Lockheed Martin IS&GS Valley Forge**, Upper Merion Township **Montgomery County**. Mark Eschbacher, Haines & Kiblehouse, Inc., 2052 Lucon Road, Skippack, PA 19464, Christine Kline, 230 Mall Boulevard, King of Prussia, PA 19406, Peter Charrington, Stantec, 400 Davis Drive Suite 400, Plymouth Meeting, PA 19462 on behalf of Edward Novak, Lockheed Martin IS&GS Valley Forge, 230 Mall Boulevard, King of Prussia, PA 19406 has submitted a Final Report concerning the

remediation of site soil contaminated with chlorinate solvents. The Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on March 25, 2011.

**7-Eleven Store No. 20114**, Borough of Lansdowne **Delaware County**. Richard Fierley, Jr, ENSR International, 2005 Cabot Boulevard, Suite 100, Langhorne, PA 19047 on behalf of Ken Hilliard, 7 Eleven, Inc., Store #20114, N27111 North Haskell Avenue, Dallas, TX 75304 has submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Remedial Investigation/Final Report was approved by the Department on March 14, 2011.

**Sunoco Inc.** Old Pennell Road, Aston Township **Delaware County**. Jeffery Brudereck, GES, 440 Creamery Way, Suite 500, Exton, PA 19341, Martin Liebhardt, Sunoco Inc., 10 Industrial Highway, MS4, Lester, PA 19029, on behalf of Anthony Morelli, 3460 Pennell Road, Aston, PA 19063, Lloyd Yarnell, 3461 Pennell Road, Aston, PA 19063, Bruce Snyder, 5000 Pennell Road, Aston, PA 19063, Glen Gualtieri, 102 Old Pennell Road, Aston, PA 19063, Dean Fountain, 460 Old Pennell Road, Aston, PA 19063, Gary Link, 105A Old Pennell Road, Aston, PA 19063, Walter Rupnicki, State Route 452 & Old Pennell Road, Aston, PA 19063, Mr. & Mrs. McGowan, 100 Old Pennell Road, Aston, PA 19063 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with leaded gasoline. The Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on March 14, 2011.

**Exxon Mobil 23455**, City of Philadelphia, **Philadelphia County**. John Hoban, Exxon Mobil, 7715 Crittenden Street #309 Philadelphia, PA 19118, Kristina Cossaboon/Ann Harris, Klienfelder, Inc. 1340 Charwood Road, Hanover MD 21076, Stephanie Grillo, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, Serena Oldhouser, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Danny Cheng/Phillip Chiang, 2300 Compute Avenue, Willow Grove, PA 19090 has submitted a Risk Assessment/Remedial Investigation and Cleanup Plan concerning the remediation of site groundwater contaminated with unleaded gasoline and used motor oil. The Risk Assessment/Remedial Investigation and Cleanup Plan were approved by the Department on March 25, 2011.

**GTS Welco Quakertown Facility**, Quakertown Borough **Bucks County**. Tammy L. M. Hessler, Synergy Environmental Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, I Scott Renniesen, Synergy Environmental Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, James Anderson, GTS-Welco, 5272 Tilghman Street, Allentown, PA 18104 on behalf of Bryan Gentry, Gentry Family Realty, LP, 1800 North 11th Street, Reading, PA 19064 has submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with leaded gasoline. The Remedial Investigation/Final Report was approved by the Department on March 16, 2011.

**Leach Residence**, Springfield Township **Delaware County**. Bill Gothier, Taylor GeoServices, 38 Bishop Hollow Road, Newtown, PA 19073, David O'Connell, Wilson of Wallingford, Inc., 221 Rogers Lane, Wallingford, PA 19086 on behalf of Joseph and Dolores Leach, 145 Old State Road, Springfield, PA 19064 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with heating oil. The 90 day Final report

demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 18, 2011.

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

**Butterfield Residence**, 308 Birchwood Drive, Mahoning Township, **Carbon County**. James P. Cinelli, Liberty Environmental, Inc., 50 N. Fifth Street, 5th Floor, Reading, PA 19601 submitted a Final Report (on behalf of his client, Michael Butterfield, 308 Birchwood Drive, Leighton, PA 18235), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release which occurred during the delivery of fuel oil when the oil company mistakenly pumped the fuel oil into a septic cleanout port, instead of the fill pipe to an underground storage tank. The reported documented attainment of the Residential Statewide Health Standard for soil and was approved on May 16, 2011.

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

**Former Bamberger's, Inc. / Rite Aid Store #245**, 2 Cumberland Street, City of Lebanon, **Lebanon County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of Rite Aid of Pennsylvania, Inc. 30 Hunter Lane, Camp Hill, PA 17011, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with leaded gasoline. The combined report demonstrated attainment of a combination of Residential Statewide Health and Site-Specific standards, and was approved by the Department on May 16, 2011.

**Albright College / Former Scrapyard**, 13th and Bern Streets, City of Reading, **Berks County**. Synergy Environmental, Inc., 155 Railroad Plaza, Royersford, PA 19468, on behalf of Albright College, P. O. Box 15234, Reading, PA 19612-5234, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with VOCs and SVOCs. The combined report demonstrated attainment of the Site-Specific standard, and was approved by the Department on May 18, 2011.

**Simon Camera Parcels**, 600-630 South Pine Street, City of York, **York County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of City of York Redevelopment Authority, 49 East Market Street, York, PA 17401, submitted a combined Remedial Investigation and Final Report concerning site soils and groundwater contaminated with VOCs and chlorinated solvents from past commercial dry cleaning operations. The combined report demonstrated attainment of a combination of Nonresidential Statewide Health and Site-Specific standards, and was approved by the Department on May 19, 2011.

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

**Gilbert Maton Property**, Nippenose Township, **Lycoming County**. Pennsylvania Tectonics, Inc., 826 Main St, Peckville, PA 18452 on behalf of Superior Plus Energy Services, 760 Brooks Ave., Rochester, NY 14619 has submitted a Final Report within 90 days of the release concerning the remediation of site soil contaminated with heating oil at 40 Flanders Road, Jersey Shore, PA 17740. The Final Report demonstrated attainment of the Statewide Health and was approved by the Department on May 18, 2011.

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

**Former Scarpino / Patterson Ave Site**, City of Duquesne, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne PA 15110 on behalf of the Redevelopment Authority of Allegheny County, 425 Sixth Street, Suite 800, Pittsburgh, PA 15217 and West to West Coalition, 22 South Linden Street, Duquesne, PA 15110 has submitted a combined Risk Assessment and Cleanup Plan concerning the remediation of site soil and ground-water contaminated with gasoline constituents. The Risk Assessment and Cleanup Plan was approved on May 19, 2011.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP4-06-03136: Summit Steel and Manufacturing, Inc.** (1005 Patriot Parkway, Reading, PA 19605) on May 17, 2011, for a burnoff oven under GP4 at the metal pipe fabrication facility in Muhlenberg Township, **Berks County**. The general permit authorization was renewed.

**GP3-21-05049A: Pennsy Supply, Inc.** (1001 Paxton St., PO Box 3331, Harrisburg, PA 17105) on May 20, 2011, for a portable nonmetallic mineral processing plant under GP3, at their quarry in Penn Township, **Cumberland County**.

**GP9-21-05049A: Pennsy Supply, Inc.** (1001 Paxton Street, PO Box 3331, Harrisburg, PA 17105) on May 20, 2011, for three (3) diesel-fired internal combustion engines under GP9, to operate stone crushing equipment at their quarry in Penn Township, **Cumberland County**.

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

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

**GP5-53-101C: Pennsylvania General Energy Co., LLC.** (120 Market Street, Warren, PA 16365) on May 12, 2011, to construct and operate a natural gas fired compressor engine pursuant to the General Plan Approval and General Operating Permit for Natural Gas Production Facilities (BAQ-GPA/GP-5) in Wharton Township, **Potter County**.

**GP3-08-328A: H.L. Robinson Sand & Gravel, Inc.** (535 Ithaca Road, PO Box 121, Candor, NY 13743) on May 20, 2011, to construct and operate a 2010 vintage McCloskey model C50 portable crushing plant, a 2010 vintage Pegson model XA400S portable crushing plant, a 2008 vintage Metso model LT1213 portable crushing plant, a 2008 vintage Metso model LT106 portable crushing plant, a 2005 vintage Eagle model 1400 portable crushing plant, a 2009 vintage McCloskey model S190 portable screening plant, a 2009 vintage McCloskey model R105 portable screening plant, a 2009 vintage McCloskey model R155 portable screening plant, a 2009 vintage

Powerscreen Warrior 1800 portable screening plant, a 2010 vintage Powerscreen Warrior 1800 portable screening plant, a 2002 vintage Metso model ST272 portable screening plant, a 2006 vintage Extec model S-4 portable screening plant, a 2009 vintage McCloskey model S130 portable screening plant, a 2010 vintage McCloskey model S130 portable screening plant, a Powerscreen stacker conveyor and a McCloskey stacker conveyor under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at a site in Wysox Township, **Bradford County**.

**GP9-08-328A: H.L. Robinson Sand & Gravel, Inc.** (535 Ithaca Road, PO Box 121, Candor, NY 13743) on May 20, 2011, to construct and operate a 2010 vintage 350 brake-horsepower Caterpillar model C-9 JSC13690 diesel engine, a 2010 vintage 300 brake-horsepower Caterpillar model C-9 MBD10802 diesel engine, a 2008 vintage 414 brake-horsepower Caterpillar model C13 LGK12303 diesel engine, a 2008 vintage 300 brake-horsepower Caterpillar model C9 MBC10639 diesel engine, a 2005 vintage 350 brake-horsepower John Deere model 6125HF070 diesel engine, a 2009 vintage 129 brake-horsepower Caterpillar model C4.4 diesel engine, a 2009 vintage 129 brake-horsepower Caterpillar model C4.4 diesel engine, a 2009 vintage 111 brake-horsepower Caterpillar model C4.4 diesel engine and a 2010 vintage 111 brake-horsepower Caterpillar model C4.4 diesel engine under the General Plan Approval and/or General Operating Permit for Diesel-Fired Internal Combustion Engines (BAQ-GPA/GP-9) at a site in Wysox Township, **Bradford County**.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-63-00962: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on May 18, 2011, to install and operate a new natural gas production facility consisting of six rich burn natural gas-fired compressor engines rated at 1,480 bhp each and controlled by three-way catalysts, one dehydrator unit controlled by a flare with a reboiler rated at 1.0 MMBtu/hr, and three produced water tanks with a capacity of 400 bbl each. The facility will be authorized under GP-5 for natural gas production, be named Redd Compressor Station, and be in Amwell Township, **Washington County**.

**GP5-03-00252: Snyder Brothers, Inc.** (90 Glade Drive, Kittanning, PA 16201) on May 19, 2011, to install and operate a natural gas-fired compressor engine rated at 384 bhp under GP-5 for natural gas production at the Hogback Compressor Station, located in Wayne Township, **Armstrong 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*

**46-0274: Tegrant Diversified Brands, Inc.** (161 Corporate Drive, Montgomeryville, PA 18936) on May 18,

2011, to install an insulated shipping container manufacturing operation in Montgomery Township, **Montgomery County**. Tegrant Diversified Brands is a minor facility. The manufacturing process is a closed mold, rigid polyurethane foam molding operation which uses materials containing Volatile Organic Compounds. The Plan Approval will include work practice standards, monitoring, and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

**09-0216: B. Blair Corporation** (95 Louise Drive, Ivyland, PA 18974) on May 20, 2011, to install a portable nonmetallic mineral processing plant in Northampton Township, **Bucks County**. The plan approval is for a non-title V facility and will consist of a new 220 ton per hour impact crusher and powered by a 2002 model year 326 horsepower diesel-fired engine. Potential emissions to the atmosphere will be less than or equal to the following: NO<sub>x</sub>-4.06 tpy, VOC-2.08 tpy, CO-0.62 tpy, SO<sub>x</sub>-0.62 tpy, and PM/PM<sub>10</sub>-0.42 tpy. There will be no add-on control technology for the air emissions from this engine. PM emissions from the crusher will be controlled by appropriate water sprays. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating 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*

**25-029C: Erie Coke Corp.** (925 East Bay Drive, Erie, PA 16507) on May 13, 2011, to construct a coke oven side shed equipped with a fabric filter baghouse to control particulate matter (PM) emissions from coke pushing operations and coke side door leaks in the City of Erie, **Erie County**.

**61-191C: Seneca Printing and Label, Inc.** (1642 Debence Drive, Franklin, PA 16323) on May 10, 2011, to install an additional flexographic printing press at their facility in Sandy Creek Township, **Venango County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**23-0066B: Pyropure, Inc.—t.a. Pyromet** (5 Commerce Drive, Aston, PA 19014) on May 20, 2011, to operate a secondary nonferrous metals operation in Chester Township, **Delaware County**. This plan approval has been extended.

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

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

**44-05001C: Standard Steel** (500 North Walnut Street, Burnham, PA 17009-1644) on May 19, 2011, to construct a baghouse and modify an existing fume control system for existing electric arc furnaces at their steel manufacturing facility in Burnham Borough, **Mifflin County**. The plan approval was extended.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**10-001N: AK Steel Butler Works** (P. O. Box 832, Butler, PA 16003) on May 31, 2011, to modify the No. 26 Carlite Furnace which includes increasing the line speed of the unit from 440 fpm to 580 and installation of new low NO<sub>x</sub> burners (increasing the fire rate from 24.4 mmbtu/hr to 26.8 mmbtu/hr) in **Butler County**. This is a Title V facility.

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

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

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

**49-00004: Resilite Sports Products, Inc.** (P. O. Box 764, Sunbury, PA 17801) on May 12, 2011, issued a renewal of the Title V operating permit for their facility in Northumberland Borough, **Northumberland County**. The facility's sources include Mat Finish & Cure Operations, Mat Adhesive Application Operations, Mat Reconditioning Operations, Spray Equipment Cleanup Operations and One (1) 20,000 gallon storage tank, which have the potential to emit major quantities of volatile organic compound emissions. The facility has the potential to emit carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), sulfur oxide (SO<sub>x</sub>), volatile hazardous air pollutants (VHAPs) and particulate matter (PM/PM<sub>10</sub>) emissions below the major emission thresholds. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. The Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**19-00004: Cheetah Chassis Corp.** (P. O. Box 388, Berwick, PA 18603) on May 19, 2011, issued a revised Title V operating permit, Revision No. 1 for their facility in Berwick Borough, **Columbia County**. Revision #1 was issued on May 19, 2011, for an administrative amendment to incorporate a revised Condition #009(b) for Source ID P102 to require the semiannual reports be submitted March 1 and September 1 instead of January 1 and July 1 respectively. The revision became effective on May 19, 2011. All revised requirements of the revised Title V operating permit became effective on May 19, 2011. The Title V operating permit will expire on April 19, 2015. This revised 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*

**09-00198: Mount Materials, LLC** (427 South White Horse Pike, Berlin, NJ 08009) on May 19, 2011, for an initial State Only Operating Permit in Falls Township, **Bucks County**. The facility operates a portable non-



metallic mineral processing plant and is powered by diesel-fired engines. Mount Materials, LLC is categorized as a natural minor facility. The pollutants of concern include NOX, Total PM, PM-10, and PM-2.5. Under specific conditions specified in the operating permit, the facility will be allowed to temporarily relocate and operate their processing plant at multiple offsite locations. The permit includes monitoring, record keeping and reporting requirements to address all applicable air quality requirements.

**09-00179: Bucks County Furniture, LTD** (174 Keystone Drive, Telford, PA 18969) on May 18, 2011, to renew a non-Title V, State Only Operating Permit, Synthetic Minor facility in West Pottsgrove Township, **Montgomery County**. This facility manufactures custom wood furniture and cabinets. Three paint spray booths, some off line spray coating and clean-up operations produce mainly emissions of volatile organic compounds. The actual volatile organic compound emissions from the facility for 2010 were 1.05 tons, and the actual hazardous air pollutant emissions from the facility for 2010 were 0.22 tons. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

**38-05034: Bluescope Building North America, Inc.** (400 North Weaver Street, Annville, PA 17003-1103) on May 18, 2011, for their steel fabrication facility in Annville Township, **Lebanon County**. The state-only permit was renewed.

**34-03005: Energex American, Inc.** (RR 5, Box 343, Mifflintown, PA 17059-9576) on May 16, 2011, for their wood pellet manufacturing facility in Walker Township, **Juniata County**. The State-only permit was renewed.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636*

**10-00300: Spang & Co. - Magnetics Division** (796 East Butler Road, Butler, PA 16001) on May 20, 2011, to re-issue a Natural Minor Operating Permit to operate their electronic components manufacturing plant in East Butler Borough, **Butler County**.

**10-00330: Butler Veterinary Associates, Inc.**, (1761 North Main Street, Butler, PA 16001) on May 19, 2011, to re-issue the Natural Minor Operating Permit for their facility that performs animal cremations in Center Township, **Butler County**. Emissions from this facility remain below major source levels.

**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.**

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**10-00333: Penn United Technologies - Saxonburg** (PO Box 399, Saxonburg, PA 16056) on May 20, 2011, for

an administrative amendment to the State Operating Permit to incorporate the plan approval 10-333C requirements for their facility in Jefferson Township, **Butler County**.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; 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 Applications Returned*

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

**61100105 and NPDES Permit No. PA0258938. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Irwin Township, **Venango County** affecting 23.0 acres. Receiving streams: Unnamed tributary No. 2 to North Branch Slippery Rock Creek.

*Coal Permits Actions*

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

**30841309 and NPDES Permit # PA021825, Cobra Mining, LLC**, (P. O. Box 40, 178 Chess Mine Road, Dilliner, PA 15327-0040), to renew the permit and related NPDES permit and to revise the permit for the Dunkard Mine No. 2 in Dunkard Township, **Greene County** to use coal ash for mine reclamation. No additional discharges. Application received: December 30, 2005. Permit issued: May 18, 2011.

**32031301 and NPDES Permit # PA0235580, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Lowry Deep Mine in White Township, **Indiana County** to add acreage to the underground permit boundary and the subsidence control plan area. Underground Acres Proposed 925.5, Subsidence Control Plan Acres Proposed 925.5. No additional discharges. Application received: April 22, 2010. Permit issued: May 18, 2011.

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

**32040106 and NPDES No. PA0249653. Ridge Limestone, Inc.**, 1094 Lantz Road, Avonmore, PA 15618-1241, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 339.0 acres. Receiving stream(s): unnamed tributaries to/and Whiskey Run to Blacklegs Creek classified for the following use(s):

cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 8, 2010. Permit issued: May 17, 2011.

**32900108 and NPDES No. PA0599034. Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface and auger mine in South Mahoning Township, **Indiana County**, affecting 74.4 acres. Receiving stream(s): Ross Run, UT to Little Mahoning Creek classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 3, 2011. Permit issued: May 18, 2011.

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

**03090101 and NPDES Permit No. PA0251577. Tri-R, Inc.** (P. O. Box 627, Clarion, PA 16214-0627). Permit issued for commencement, operation, and reclamation of a bituminous surface mining site located in Madison Township, **Armstrong County**, affecting 117.4 acres. Receiving streams: unnamed tributaries to Redbank Creek and Redbank Creek. Application received: January 29, 2009. Permit issued: May 13, 2011.

**26743202 and NPDES Permit No. PA0069736. Bute Coal Recovery, LLC** (P. O. Box 275, West Leisenring, PA 15489). Transfer of permit formerly issued to Fayette Coal & Coke, Inc., for continued operation and reclamation of a bituminous surface mining/coal refuse reprocessing site located in Dunbar and North Union Townships, **Fayette County**, affecting 150.1 acres. Receiving streams: Rankin Run to Redstone Creek to Monongahela River. Transfer application received: September 24, 2010. Transfer permit issued: May 17, 2011.

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

**54050101R. Park Mine Coal Company**, (294 Pine Creek Drive, Orwigsburg, PA 17961), renewal of an existing anthracite surface mine and refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 602.0 acres, receiving stream: none. Application received: April 8, 2010. Renewal issued: May 18, 2011.

**54-305-003GP12R. Park Mine Coal Company**, (294 Pine Creek Drive, Orwigsburg, PA 17961), renewal of general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54050101R in Mahanoy Township, **Schuylkill County**. Application received: April 19, 2010. Renewal issued: May 18, 2011.

**49773204R5. Gilberton Coal Company**, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation in Mt. Carmel, Conyngham and Butler Townships, Northumberland, **Columbia and Schuylkill Counties** affecting 958.0 acres, receiving stream: none. Application received: June 23, 2010. Renewal issued: May 18, 2011.

**54763013R5. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal for reclamation activities only of an existing anthracite surface mine operation in Hegins, Frailey and Porter Townships, **Schuylkill County** affecting 658.0 acres, receiving stream: none. Application received: October 21, 2010. Renewal issued: May 18, 2011.

*Noncoal Applications Returned*

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

**08100802. Lester West** (R 2 Box 248A-1, Wysox, PA 18854). Commencement, operation, and restoration of small noncoal (flagstone) permit located in Herrick, Township, **Bradford County**, affecting 1.0 acre. Receiving stream(s): Cold Creek and Wyalusing Creek. Application received: October 14, 2010. Application returned: May 18, 2011.

*Noncoal Permits Actions*

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

**08020806. Walter A. Dickerson** (1259 Green Mountain Road, Gillett, PA 16925). Transfer of an existing small noncoal (shale) operation from Strong Excavating in Ridgebury Township, **Bradford County** affecting 1.5 acres. Receiving stream(s): Bentley Creek. Application received: March 23, 2011. Permit issued: May 18, 2011

**08020806-GP104. Walter A. Dickerson** (1259 Green Mountain Road, Gillett, PA 16925) hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with NPDES permit to the following surface water in Ridgebury Township, **Bradford County**. Receiving stream(s): Bentley Creek. Application received: March 23, 2011. Permit issued: May 18, 2011.

**ACTIONS ON BLASTING  
ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

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

**58114012. John Brainard**, (3978 SR 2073, Kingsley, PA 18826), construction blasting for Range Unit 49 Well Pad in Jackson Township, **Susquehanna County** with an expiration date of September 30, 2011. Permit issued: May 17, 2011.

**58114013. John Brainard**, (3978 SR 2073, Kingsley, PA 18826), construction blasting for the J. Zick Well Pad in Lenox Township, **Susquehanna County** with an expiration date of September 30, 2011. Permit issued: May 17, 2011.

**58114014. John Brainard**, (3978 SR 2073, Kingsley, PA 18826), construction blasting for the Deriance Well Pad in Bridgewater Township, **Susquehanna County** with an expiration date of October 30, 2011. Permit issued: May 17, 2011.

**09114102. Eastern Blasting Co., Inc.**, (1292 Street Road, New Hope, PA 18938), construction blasting for James Elder Basement in West Rockhill Township, **Bucks County** with an expiration date of October 10, 2011. Permit issued: May 17, 2011.

**36114128. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Mill Pond in Manheim Township, **Lancaster County** with an expiration date of May 31, 2012. Permit issued: May 17, 2011.

**38114108. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting at Marlin

Martin Farm in Jackson Township, **Lebanon County** with an expiration date of August 30, 2011. Permit issued: May 17, 2011.

**38114109. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Esther Dierwechter Project in Heidelberg Township, **Lebanon County** with an expiration date of June 30, 2011. Permit issued: May 17, 2011.

**38114110. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for West Cornwall Township Sewer Extension in West Cornwall Township, **Lebanon County** with an expiration date of May 15, 2012. Permit issued: May 17, 2011.

**58114111. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Carty Well Pad in Great Bend Township, **Susquehanna County** with an expiration date of May 9, 2012. Permit issued: May 18, 2011.

**58114112. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Bonnice Impoundment in Jessup Township, **Susquehanna County** with an expiration date of May 9, 2012. Permit issued: May 18, 2011.

**58114015. Doug Wathen, LLC**, (16208 State Highway 13, Suite 100, Branson West, MO 65737), construction blasting for the J. Hawley Gas Well Pad in Forest Lake Township, **Susquehanna County** with an expiration date of May 1, 2012. Permit issued: May 19, 2011.

**36114129. Maine Drilling & Blasting**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Weatherburn Commons East Meadows in Manheim Township, **Lancaster County** with an expiration date of May 16, 2012. Permit issued: May 19, 2011.

**52114105. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for MDI Management Golf Course in Palmyra Township, **Pike County** with an expiration date of May 11, 2012. Permit issued: May 19, 2011.

**46114104. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Shipley School in Lower Merion Township, **Montgomery County** with an expiration date of June 1, 2012. Permit issued: May 20, 2011.

**51114101. Ed Wean Drilling & Blasting, Inc.**, (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Chop Ambulatory Care Center in the City of Philadelphia, **Philadelphia County** with an expiration date of December 31, 2012. Permit issued: May 20, 2011.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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### Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E41-616. Loyalsock Township**, 2501 East Third Street, Williamsport, PA 17701-4007. Small Projects Water Obstruction and Encroachment Joint Permit, in Loyalsock Township, **Lycoming County**, ACOE Susquehanna River Basin District (Montoursville South, PA Quadrangle N: 41° 14' 51"; W: -76° 58' 55").

To construct and maintain a three (3) million-gallon water storage tank, one pump station (Bull Run) in the floodway of the West Branch of the Susquehanna River, one pump station (McClure's Run) outside the floodway of the West Branch of the Susquehanna River and four (4) stream crossings associated with a new 15-inch force main, all of which is located south of SR 0220/0180 in Loyalsock Township & the City of Williamsport, Lycoming County. This project does not propose to impact any wetlands. This permit was issued under Section 105.13(e) "Small Projects."

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

**E33-243, Kevin Shannon**, 90 Beaver Drive, Suite 110B, Drawer J., Terbovich Bridge Project (Shannon), in Snyder Township, **Jefferson County**, ACOE Pittsburgh District (Carman, PA Quadrangle N: 41°, 16', 2.18"; W: -78°, 52', 6.99").

Project is to convert a remotely located temporary bridge crossing of the South Branch of North Fork Creek into a 20' wide by 30' long bank-to-bank permanent steel bridge crossing with a total of three supporting roadway culverts: one 15" culvert roughly 6' south of bridge, one 15" culvert roughly 8' north of bridge and a 24" culvert roughly 600' north of bridge.

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## SPECIAL NOTICES

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### DRINKING WATER STATE REVOLVING FUND

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#### Special Notice Under the federal Safe Drinking Water Act (SDWA); 42 U.S.C. 300f, et. seq.

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

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Suburban Lock Haven Water Authority	326 Main Street, Mill Hall, PA 17751	Clinton

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Suburban Lock Haven Water Authority propose to interconnect with Whiskey Run Water Association. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Aqua Pennsylvania, Inc.	50 East Woodhaven Drive, White Haven, PA 18661	Northumberland

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Aqua Pennsylvania, Inc. has replaced their water main in Shady Acres. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

### CATEGORICAL EXCLUSION

*Northcentral Regional Office, Drinking Water Program Manager, Suite 101, 208 West Third Street, Williamsport, PA 17701.*

*Municipal Authority of the City of Sunbury, Location: 462 South Fourth Street, Sunbury, PA 17801.*

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Township proposes to install water meters. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this

proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

#### Approved Alternate Liners for Pits at Oil and Gas Well Sites

The Department of Environmental Protection (Department) is issuing this notice under 25 Pa. Code § 78.62 (relating to disposal of residual waste-pits). Operators of oil and gas wells are notified that the following liner is approved by the Department for use at a well site to contain well drilling, exploration and production wastes as described in 25 Pa. Code § 78.62 provided the installation procedures set forth in 25 Pa. Code § 78.62 are followed:

Total Containment Solutions, Inc. Polyurea Composite Liner System TCS-380-CL, Total Containment Solutions, Inc. 11000-20 Metro Pkwy, Ft Myers, FL 33966

Inquiries regarding this notice should be directed to Christopher Tersine, Division of Resource Management and Well Development, Bureau of Oil and Gas Management at (717) 772-2199.

[Pa.B. Doc. No. 11-940. Filed for public inspection June 3, 2011, 9:00 a.m.]

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### Pennsylvania Energy Development Authority Board Meeting

A meeting of the Pennsylvania Energy Development Authority (Authority) Board is scheduled to be held on Friday, June 24, 2011, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The agenda for this meeting may be found on the Authority's web site, [www.dep.state.pa.us](http://www.dep.state.pa.us), keyword: PEDA.

Questions concerning the agenda should be directed to Thomas C. Bell at (717) 772-5942 or [tbell@state.pa.us](mailto:tbell@state.pa.us).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Geri L. Krouse at (717) 783-0540 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-941. Filed for public inspection June 3, 2011, 9:00 a.m.]

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### State Board for Certification of Water and Wastewater Systems Operators Special Meeting

The State Board for Certification of Water and Wastewater Systems Operators (Board) will hold a special conference call meeting on Wednesday, June 22, 2011, from 10 a.m. to 12 p.m. in the 11th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The purpose of this meeting is to discuss an appeal to the Board's denial of an extension request of an operator.

Questions concerning the Board meeting can be directed to Cheri Sansoni at (717) 772-5158 or by e-mail to [csansoni@state.pa.us](mailto:csansoni@state.pa.us). The agenda and meeting material

for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), select "Public Participation."

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users), to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-942. Filed for public inspection June 3, 2011, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Riverwoods  
3201 River Road  
Lewisburg, PA 17837  
FAC ID 121702

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Bradford Ecumenical Home  
100 St. Francis Drive  
Bradford, PA 16701  
FAC ID 281402

These requests are on file with the Department of Health (Department). Persons may receive a copy of the request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, [ra-paexception@state.pa.us](mailto:ra-paexception@state.pa.us).

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
*Secretary*

[Pa.B. Doc. No. 11-943. Filed for public inspection June 3, 2011, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Availability of the Low-Income Home Energy Assistance Program; Proposed State Plan and Public Hearing Schedule

The Department of Public Welfare (Department) is making available for public review and comment the Fiscal Year (FY) 2011-12 Low-Income Home Energy Assistance Program (LIHEAP) proposed State Plan. Comments on this notice and testimony received at public hearings will be used to formulate the Department's Final State Plan for using Federal funds for FY 2011-12 LIHEAP.

The Department has made the proposed State Plan available to the public through the Department's web site at [www.dpw.state.pa.us/foradults/heatingassistanceliheap](http://www.dpw.state.pa.us/foradults/heatingassistanceliheap). In addition, copies of the proposed State Plan are available upon written request to the Director, Division of Federal Programs and Program Management, Department of Public Welfare, DGS Annex, Room 224, Willow Oak Building, 1006 Hemlock Drive, Harrisburg, PA 17110.

The Department will hold three public hearings throughout this Commonwealth to allow testimony on the proposed State Plan and to fulfill the Federal mandate for public input into the planning process. This mandate appears in Title XXVI (The Low-Income Home Energy Assistance Act of 1981) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. No. 97-35, 42 U.S.C.A. §§ 8621—8629) as amended by the Human Services Reauthorization Act of 1984 (Pub. L. No. 98-558), the Human Services Reauthorization Act of 1986 (Pub. L. No. 99-425), the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub. L. No. 101-501), the National Institutes of Health Revitalization Act of 1993 (Pub. L. No. 103-43), the Low-Income Home Energy Assistance Amendments of 1994 (Pub. L. No. 103-252), the Coats Human Services Reauthorization Act of 1998 (Pub. L. No. 105-285), and the Energy Policy Act of 2005 (Pub. L. No. 109-58).

#### *Public Hearing Schedule*

July 12, 2011  
10 a.m.—1 p.m.  
Philadelphia Workforce Development Corporation  
One Penn Center at Suburban Station  
1617 JFK Boulevard  
Philadelphia, PA

July 14, 2011  
9 a.m.—12 p.m.  
Allegheny County Courthouse  
Gold Room, 4th Floor  
436 Grant Street  
Pittsburgh, PA

July 19, 2011  
9:30 a.m.—1 p.m.  
Health and Welfare Building  
Room 907, 9th Floor  
Commonwealth and Forster Streets  
Harrisburg, PA

This notice shall take effect upon publication in the *Pennsylvania Bulletin*.

*Public Comment*

Persons who wish to testify on the proposed State Plan at a public hearing should arrange a time by calling (717) 772-7906. Persons from outside the Harrisburg area should call (800) 692-7462 or send a written request including telephone number to Tammy Sampson, Federal Programs and Program Management, Room 224, Willow Oak Building No. 42, DGS Annex Complex, P. O. Box 2675, Harrisburg, PA 17105-2675.

Persons with a disability who require auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-944. Filed for public inspection June 3, 2011, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**James Barton, Karen Barton, Filippo Valenti, Vita Valenti, Robert Hepler and Kathleen Hepler v. DEP and Grande Land, LP; EHB Doc. No. 2011-074-L**

James Barton, Karen Barton, Filippo Valenti, Vita Valenti, Robert Hepler and Kathleen Hepler have appealed the issuance by the Department of Environmental Protection of a renewal of NPDES Permit No. PAG02005404022(1) to Grande Land, LP for Chestnut Hill Development in North Manheim Township, Schuylkill County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 11-945. Filed for public inspection June 3, 2011, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Addition to List of Class A Wild Trout Waters; Big Spring Creek, Section 02, Cumberland County

The Fish and Boat Commission (Commission) is considering a change 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.

At its meeting on July 11 and 12, 2011, the Commission intends to consider adding Big Spring Creek, Section 02, Cumberland County, from the Former Piper Mill Dam

(RM 4.47) downstream to Nealy Road Bridge (RM 3.54) to its list of Class A wild trout streams. Commission staff, during a survey conducted on August 29, 2009, documented a population of wild rainbow trout in Big Spring Creek, Section 02, with a total biomass of 90.91 kg/ha (80.91 lbs/acre). This biomass estimate included 6.62 kg/ha (5.89 lbs/acre) of wild rainbow trout less than 15 cm (5.9 inches).

Persons with comments, objections or suggestions concerning the addition 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](http://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. 11-946. Filed for public inspection June 3, 2011, 9:00 a.m.]

### Proposed Exhibition Area Designation

Under 58 Pa. Code § 67.1 (relating to nursery waters and exhibition areas), the Executive Director of the Fish and Boat Commission (Commission), with the approval of the Commission, may designate waters as nursery waters or exhibition areas to which the penalties of 30 Pa.C.S. § 2106 (relating to fishing in hatchery or nursery waters) apply. The designation of waters as nursery waters or exhibition areas shall be effective upon posting of the waters after publication of a notice that the waters have been so designated in the *Pennsylvania Bulletin*.

At the next Commission meeting on July 11 and 12, 2011, the Commission will consider changing the limits of the exhibition area on Spring Creek, Section 05, Centre County. The Commission currently manages this section of Spring Creek as an exhibition area from the railroad trestle located 100 meters upstream of the dam in Tallyrand Park downstream to Lamb Street Bridge, a distance of approximately 550 meters. The Commission proposes to maintain the reach of Spring Creek flowing through Tallyrand Park as an exhibition area but open the adjacent reach downstream of the park to public angling. The new limits of the exhibition area would be from the railroad trestle located 100 meters upstream of the dam in Tallyrand Park downstream to High Street Bridge, a distance of approximately 200 meters. If approved, the approximately 350-meter reach of Spring Creek that will reopened to public angling will be managed as part of Section 06 under 58 Pa. Code § 65.15 (relating to catch and release all-tackle areas).

At this time, the Commission is soliciting public input concerning the previous redesignation. Persons with comments, objections or suggestions concerning the redesignation 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 submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://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. 11-947. Filed for public inspection June 3, 2011, 9:00 a.m.]

### Proposed Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on July 11 and 12, 2011, the Commission will consider taking the following actions with respect to streams, stream sections and lakes as waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2012:

#### *58 Pa. Code § 65.6. Delayed Harvest Artificial Lures Only Areas*

The Commission will consider redefining the limits of the Delayed Harvest Artificial Lures Only Area on Quitapahilla Creek, Section 04, Lebanon County, that is currently regulated and managed under 58 Pa. Code § 65.6. The current limits are from the Spruce Street Bridge (T-398) downstream to the lower boundary of the Quitty Nature Park, a distance of 0.9 mile. The Commission will consider extending the limits 0.2 mile. The redefined limits will be from the Spruce Street Bridge (T-398) downstream to the Route 934 Bridge, a distance of 1.1 mile.

#### *58 Pa. Code § 65.9. Big Bass Special Regulations*

The Commission will consider removing Memorial Lake, Lebanon County, from its list of Big Bass Regulation waters regulated and managed under 58 Pa. Code § 65.9.

#### *58 Pa. Code § 65.15. Catch and Release All-Tackle Areas*

The Commission currently manages Spring Creek, Section 05, Centre County, as an exhibition area from the railroad trestle located 100 meters upstream of the dam in Tallyrand Park downstream to Lamb Street Bridge, a distance of approximately 550 meters. The Commission proposes to maintain the reach of Spring Creek flowing through Tallyrand Park as an exhibition area but open the adjacent reach downstream of the park to public angling. The new limits of the exhibition area will be from the railroad trestle located 100 meters upstream of

the dam in Tallyrand Park downstream to High Street Bridge, a distance of approximately 200 meters. If approved, the Commission will consider managing the approximately 350-meter reach of Spring Creek that will be reopened to public angling as part of Section 06 under catch and release all-tackle regulations under 58 Pa. Code § 65.15. The description of the limits of the catch and release all-tackle area will remain the same. They are from the Boalsburg Road Bridge (SR 3010) at Oak Hall upstream of Hanson Quarry (formerly HRI/Neidig Bros. Quarry) downstream to the mouth with the exception of the special regulations area at Fishermen's Paradise and the exhibition area in Bellefonte.

*58 Pa. Code § 65.19. Approved Trout Waters Open to Year-Round Fishing*

The Commission will consider designating the following waters as part of the Approved Trout Waters Open to Year-Round Fishing Program managed under 58 Pa. Code § 65.19:

<i>County</i>	<i>Water</i>
Bucks	Lake Luxembourg
Cumberland	Laurel Lake
Lancaster	Muddy Run Recreation Lake
Schuylkill	Sweet Arrow Lake

At this time, the Commission is soliciting public input concerning the previously listed designations. Persons with comments, objections or suggestions concerning the designations 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 submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://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. 11-948. Filed for public inspection June 3, 2011, 9:00 a.m.]

## GAME COMMISSION

### **Voluntary Public Access-Habitat Incentives Program; Final Programmatic Environmental Assessment and Finding of No Significant Impact**

The Game Commission (Commission) in partnership with the United States Department of Agriculture, Farm Service Agency announces the availability of a Finding of No Significant Impact (FONSI) and Final Programmatic Environmental Assessment (PEA) for the Voluntary Public Access-Habitat Incentives Program (VPA-HIP). The primary objective of the activity is to provide private landowners various incentives to open their land to public hunting and wildlife related recreation and to improve conditions for wildlife and their habitats.

The Commission is accepting comments on the FONSI and Final PEA through July 3, 2011. The FONSI and Final PEA can be reviewed either online at [www.pgc](http://www.pgc).

state.pa.us and view the VPA-HIP link or in person at the Commission headquarters office in Harrisburg and its six region offices located as follows:

Game Commission  
Headquarters Office  
2001 Elmerton Avenue  
Harrisburg, PA 17110-9797

Northwest Region  
1415 Pittsburgh Road  
Franklin, PA 16323  
(814) 432-3187

Southwest Region  
4820 Route 711  
Bolivar, PA 15923  
(724) 238-9523

Northcentral Region  
1566 South Route 44 Highway  
P. O. Box 5038  
Jersey Shore, PA 17740-5038  
(570) 398-4744

Southcentral Region  
8627 William Penn  
Highway  
Huntingdon, PA 16652  
(814) 643-1831

Northeast Region  
Intersection of Routes 415  
and 118  
P. O. Box 220  
Dallas, PA 18612-0220  
(570) 675-1143

Southeast Region  
448 Snyder Road  
Reading, PA 19605  
(610) 926-3136

Comments should be submitted to Michael Pruss, Chief—Private Lands Section at the Harrisburg address or by e-mail to [vpahip@state.pa.us](mailto:vpahip@state.pa.us).

CARL G. ROE,  
*Executive Director*

[Pa.B. Doc. No. 11-949. Filed for public inspection June 3, 2011, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### **Action Taken by the Commission**

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, May 19, 2011, and announced the following:

*Action Taken—Regulation Disapproved: Order Not Yet Issued*

Pennsylvania Public Utility Commission #57-265: Standards and Billing Practices for Residential Utility Services

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-950. Filed for public inspection June 3, 2011, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### **Public Meeting**

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303),



announces a meeting of the Authority's Board to be held at the Sheraton, Harrisburg-Hershey, 4650 Lindle Road, Harrisburg, PA 17111 at 10 a.m. on Tuesday, June 14, 2011.

Individuals with questions regarding this meeting, which is open to the public, should contact the Patient Safety Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 11-951. Filed for public inspection June 3, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge

Public Meeting held  
May 19, 2011

*Commissioners Present:* Robert F. Powelson, Chairperson;  
John F. Coleman, Jr., Vice Chairperson; Tyrone J. Christy; Wayne E. Gardner; James H. Cawley

*Recalculation of the Pennsylvania  
Telecommunications Relay Service Surcharge;  
M-2011-2218783; M-00900239*

#### Order

*By the Commission:*

Pursuant to our May 29, 1990 Order at Docket No. M-00900239 establishing the Pennsylvania Telephone Relay Service (Relay)<sup>1</sup> and surcharge funding mechanism (TRS surcharge) and subsequent legislation,<sup>2</sup> we have completed the annual recalculation of the TRS surcharge as it will apply to residence and business wireline access lines for July 1, 2011, through June 30, 2012. The monthly residential and business monthly access line surcharge will remain set at \$0.08.

#### *Background*

The annual TRS recalculation is dependent on data from several sources. Local Exchange Carriers (LECs)<sup>3</sup> submitted annual wireline access line counts per 52 Pa. Code § 63.37. The Relay Provider, AT&T Communications of Pennsylvania, LLC, submitted the estimated minutes of use and charges for July 1, 2011, through June 30, 2012. Hamilton Telecommunications submitted the estimated minutes of use report for the captioned telephone relay service (CTRS). The Deputy Executive Director of the Office of Vocational Rehabilitation (OVR) in the Department of Labor and Industry submitted the 2011-2012 TDDP budget and the 2011-2012 PMASP budget. The surcharge also funds the TRS Advisory Board

<sup>1</sup> Additional information on TRS may be found at [http://www.puc.state.pa.us/telecom/telecom\\_relay\\_service.aspx](http://www.puc.state.pa.us/telecom/telecom_relay_service.aspx)

<sup>2</sup> See Act 34 of 1995, 35 P.S. §§ 6701.1—6701.4 (the statutory provisions were amended by Act 181 of 2002 to be more inclusive of persons with disabilities), establishing the Telephone Device Distribution Program (TDDP) to be funded by the TRS surcharge and which codified Relay and use of the TRS surcharge funding mechanism; and Act 174 of 2004, 35 P.S. § 6701.3a, which established the Print Media Access System Program (PMASP) to be funded in part by the TRS surcharge. PMASP is a reading service for persons with certain vision and physical disabilities. The law is now called the "Universal Telecommunications and Print Media Access Act."

<sup>3</sup> LEC includes both incumbent and competitive local exchange carriers. 190 LECs submitted access line count data as required. Some LECs had not submitted access line counts as of the date of preparation of this order; therefore, access line counts are estimated for surcharge calculation purposes. Noncompliant LECs are referred to the Commission's Law Bureau prosecutory staff.

activities and Fund administration costs. U.S. Bank,<sup>4</sup> the Fund Administrator, provided a statement of the financial status of the Fund.<sup>5</sup>

#### *Calculation for 2011—2012*

Wireline access lines reported by LECs for 2010 and adjusted for Centrex lines are 5,308,897 (3,157,133 Residence and 2,151,764 Business). Based upon the number of access lines, projected program costs (Relay, CTRS, TDDP, and PMASP), anticipated Relay Advisory Board expenses, TRS Fund administration costs, and the financial status of the TRS Fund, the 2011-2012, the monthly TRS surcharge rate for both residence and business access lines will continue to be set at \$0.08 per month. All LECs shall continue to remit TRS surcharge revenues to the Fund Administrator.<sup>6</sup> Since the 2011-2012 surcharge remains the same as the 2010-2011 rate of \$0.08, tariff supplements are not required.

Effective July 1, 2011, the monthly surcharge allocation for each fund account is as follows:<sup>7</sup>

	<i>2011-2012 Monthly Surcharge Percentage</i>	
	<i>Residence %</i>	<i>Business %</i>
Relay	93.0	93.0
TDDP	5.0	5.0
PMASP	2.0	2.0
Total	100.0	100.0
Percentage		

#### *Operations for 2011—2012*

We shall continue our active oversight of the operations of the Pennsylvania Relay, (traditional, speech-to-speech, and captioned telephone). Further, in accordance with 35 P.S. §§ 6701.3a & 4, we shall continue to collaborate with OVR and its TDDP administrator<sup>8</sup> to ensure adequate funding for distribution of TDDP equipment to low-income households. Further, we shall continue to assist OVR in its mission to ensure adequate funding for PMASP.

#### *Audits*

On May 29, 2003, the Commission authorized an audit of the TRS fund. The scope of this audit has expanded to include additional fiscal periods. On August 7, 2003, a Commission Secretarial Letter required AT&T Communications of Pennsylvania, LLC to file, on or before May 1st of each year, a Statement of Actual Underlying Costs of the PA TRS for the prior completed period of July 1 through June 30. The Bureau of Audits has completed the audit of AT&T Communications of Pennsylvania, LLC, Underlying Costs for the periods July 1, 2006, through June 30, 2007, and July 1, 2005, through June 30, 2006. Also, the Bureau of Audits completed the audit on the Telecommunications Device Distribution Program and Print Media Access Program for the twelve months ended June 30, 2009 and June 30, 2008.

<sup>4</sup> As a result of mergers, acquisitions, and name changes, Fund administration has been handled by Hamilton Bank (1990), CoreStates Bank N.A. (1995), First Union National Bank (1999), Wachovia Bank, N.A. (2002), and U.S. Bank Institutional Trust & Custody (2006).

<sup>5</sup> Separate accounts are maintained for the portions of the surcharge allocated to Relay, TDDP, and PMASP. Relay Advisory Board, CTRS, and outreach activities are funded from the Relay account; Fund administration draws from each respective account.

<sup>6</sup> U.S. Bank Institutional Trust & Custody, Attn: Sue Massey, EX-PA-WBSP, 50 South 16th Street, 20th Floor, Philadelphia, PA 19102, payable to the "PA Relay Service Fund" and designated for Relay. Wire instructions can be found on the remittance form.

<sup>7</sup> The TRS surcharge appears as a single line item on customers' bills but actually has three components (Relay TDDP and PMASP).

<sup>8</sup> As of January 1, 2007, the TDD program is administered by Pennsylvania's Initiative on Assistive Technology (PIAT), Institute on Disabilities, Temple University (IDT).

*Conclusion*

The Commission has completed the annual recalculation of the TRS Surcharge. The surcharge to be applied beginning July 1, 2011, through June 30, 2012, will remain at \$0.08 for residential and business access lines; *Therefore,*

*It Is Ordered That:*

1. For the period of July 1, 2011, through June 30, 2012, the monthly TRS surcharge rate shall be \$0.08 for residence and business, unless we take further action to revise the TRS surcharge prior to June 30, 2012.

2. All local exchange carriers are directed to use the attached form to remit the monthly TRS surcharge collections to U.S. Bank, Institutional Trust & Custody. All local exchange carriers are required to collect and remit the TRS surcharge revenue monthly by the 20th of each month.

3. A copy of this Order be served upon all local exchange carriers, AT&T Communications Company of Pennsylvania, LLC, Hamilton Telecommunications, U.S. Bank Institutional Trust & Custody, the Office of Vocational Rehabilitation in the Department of Labor and Industry, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Pennsylvania Telephone Association.

4. A copy of this Order be published in the *Pennsylvania Bulletin*.

5. A copy of this Order be posted to the Commission's website.

*By the Commission*

ROSEMARY CHIAVETTA,  
*Secretary*

**REMITTANCE FORM FOR MONTHLY TRS SURCHARGE COLLECTIONS**

Effective July 1, 2011 through  
June 30, 2012 M-2011-2218783

All local exchange carriers are required to collect and remit the TRS surcharge revenue monthly, by the 20th of each month using the following format for the monthly remittance:

*Pennsylvania TRS Surcharge*

For the Month Ending _____	
Number of Residential access lines _____	
X \$0.08 per line _____	
Allocated:	
TRs Relay 93.0 percent _____	
TDDP 5.0 percent _____	
PMASP 2.0 percent _____	
Number of Business access lines _____	
X \$0.08 per line _____	
Allocated:	
TRs Relay 93.0 percent _____	
TDDP 5.0 percent _____	
PMASP 2.0 percent _____	
Total Remittance _____	

Make check payable to: Pennsylvania TRS Fund

<i>Mail Report and payment to:</i>	<i>Wire Instructions:</i>
U.S. Bank Institutional Trust & Custody Sue Massey EX-PA-WBSP 50 South 16th Street, 20th Floor Philadelphia, PA 19102	BANK U.S. Bank N.A ADDRESS 60 Livingston Avenue, St Paul MN 55107-2292 ABA 091 000 022 BNF ITC Depository South & East ACCOUNT 173 103 781 832 OBI PA Relay ATTN: Sue Massey

Remittance for: Company Name(s): \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Voice Phone Number: (\_\_\_\_) \_\_\_\_\_ FAX: (\_\_\_\_) \_\_\_\_\_  
 E-mail address \_\_\_\_\_

*Authorized Signature:* \_\_\_\_\_ *Date:* \_\_\_\_\_

Please direct any questions regarding the TRS Surcharge remittance to Eric Jeschke at (717) 783-3850 or ejeschke@state.pa.us.

[Pa.B. Doc. No. 11-952. Filed for public inspection June 3, 2011, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 20, 2011. 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.

#### Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

**A-2011-2231824. Adam C. Oswalt, t/a Oswalt Transportation Service** (326 East Locust Street, Clearfield, Clearfield County, PA 16830), for the initial right to begin to transport persons in paratransit service between points in the Borough of Clearfield, Clearfield County, and within 25 statute miles of said Borough.

**A-2011-2235481. TJS Enterprises, LLC** (501 South Perry Street, Titusville, Crawford County, PA 16354)—upon call or demand service, in Allegheny Township, Cherrytree Township, Oilcreek Township, Pleasantville Borough, Centerville Borough, Hydetown Borough, Oil Creek Township, Rome Township, Titusville City, all in Crawford County, and Southwest Township, Warren County. *Attorney:* Jason D. Reagle, 314 South Franklin Street, Suite 201, Titusville, PA 16354-2170.

**A-2011-2239317. Richard C. Travers, t/a Dubois Taxi Service** (225 Maple Avenue, DuBois, Clearfield County, PA 15801)—upon call or demand service, in the City of Dubois, Clearfield County, and within a 25-mile radius of said City.

**A-2011-2240903. Osman I. Bahar, t/a Tayba Medical Transportation** (1534-B. Gregg Street, Philadelphia, PA 19115)—upon call or demand service, in the City and County of Philadelphia.

#### Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

**A-2011-2240960. Mid-Atlantic Transportation Services, Inc., t/a Mid-Atlantic Express Cab** (1401 Larch Lane, West Chester, Chester County, PA 19380), a corporation of the Commonwealth of Pennsylvania—persons, upon call or demand, in the Counties of Chester, Delaware and Montgomery.

#### Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

**A-2011-2235062. Robert Lee Rineer, Jr., t/a Rineer's Hauling** (20 West Eby Road, Leola, Lancaster County, PA 17540)—discontinuance of service and cancellation of her certificate—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-953. Filed for public inspection June 3, 2011, 9:00 a.m.]

### Telecommunications

**A-2011-2242824. The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Verizon Maryland, Inc.** Joint petition of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Verizon Maryland, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Verizon Maryland, Inc., by its counsel, filed on May 20, 2011, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Verizon Maryland, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-954. Filed for public inspection June 3, 2011, 9:00 a.m.]

### Telecommunications Services

**A-2011-2243143 and A-2011-2243145. WiMacTel, Inc.** Application of WiMacTel, Inc. for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Windstream Pennsylvania, LLC.

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 June 20, 2011. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on

the Pennsylvania Public Utility Commission’s web site at www.puc.state.pa.us, and at the applicant’s business address.

*Applicant:* WiMacTel, Inc.

*Through and By Counsel:* Marla H. Norton, Bayard, P.A., 222 Delaware Avenue, Suite 900, Wilmington, DE 19801

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-955. Filed for public inspection June 3, 2011, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth’s Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501–522 (relating to nutrient management and odor management).

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

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

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

#### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Roman Lantz 8520 Otterbein Church Road Newburg, PA 17240	Lurgan Township/ Franklin County	No additional AEU	Cattle	New	Approved
Wen-Crest Farms, LLC 420 Schaeffer Road Lebanon, PA 17042	South Lebanon Township/ Lebanon County	No additional AEU	Broilers	Amended	Approved
Matthew Leid Brown Road Schuylkill Haven, PA 17972	Washington Township/ Schuylkill County	279.22	Broilers	New	Approved
Jacob Miller 282 Ramsey Lane Reynoldsville, PA 15851	McCalmont Township/ Jefferson County	127	Veal, Dairy, Sheep	New	Approved
Reid Hoover 400 Mt. Wilson Road Lebanon, PA 17042	South Annville Township/ Lebanon County	136.5	Cattle	New	Approved
Lukens Farm 7075 Old Stage Road McClure, PA 17841	Decatur Township/ Mifflin County	341	Swine	New	Approved

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 11-956. Filed for public inspection June 3, 2011, 9:00 a.m.]

# SUSQUEHANNA RIVER BASIN COMMISSION

## Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) will hold a public hearing as part of its regular business meeting on June 23, 2011, at 8:30 a.m. at Cecil College, Conference Center, One Seahawk Drive, North East, MD 21901 (for directions and campus map (Building D), see web page <http://www.cecil.edu/about/map/northeast.asp>). At the public hearing, the Commission will consider: 1) a compliance matter involving one project; 2) the rescission of two docket approvals; 3) action on certain water resources projects; 4) action on seven projects involving a diversion; 5) an administrative appeal of Docket Nos. 20110316, 20110317 and 20110318, by the Allegheny Defense Project; 6) amendments to the Regulatory Program Fee Schedule; and 7) amendment of the Comprehensive Plan for Management of the Water Resources of the Susquehanna River Basin. Details concerning the matters to be addressed at the public hearing and business meeting are contained in the Supplementary Information section of this notice.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, [rcairo@srbc.net](mailto:rcairo@srbc.net); or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, [srichardson@srbc.net](mailto:srichardson@srbc.net).

### *Supplementary Information*

In addition to the public hearing and its related action items identified as follows, the business meeting also includes actions or presentations on the following items: 1) the proposed Water Resources Program and an accompanying presentation on the Commission's Chesapeake Bay related activities; 2) hydrologic conditions in the basin; 3) proposed rulemaking to revise the Commission's project review regulations; 4) a preliminary introduction to dockets; 5) a presentation on a pooled assets concept by PPL, Inc.; 6) acquisition of new Commission headquarters facilities; 7) adoption of a Fiscal Year (FY) 2013 budget; 8) election of officers for FY 2012; and 9) ratification/approval of grants/contracts. The Commission will also hear Legal Counsel's report.

### *Public Hearing—Compliance Action*

1. Project Sponsor: Nature's Way Purewater Systems, Inc. Project Facility: Pittston Bottling Facility, Dupont Borough, Luzerne County, PA.

### *Public Hearing—Projects Scheduled for Rescission Action*

1. Project Sponsor and Facility: Anadarko E&P Company, LP (West Branch Susquehanna River-2) (Docket No. 20090306), Renovo Borough, Clinton County, PA.

2. Project Sponsor and Facility: Pennsylvania Food Group, LLC (Docket No. 20030411), West Donegal Township, Lancaster County, PA.

### *Public Hearing—Projects Scheduled for Action*

1. Project Sponsor and Facility: Anadarko E&P Company, LP (Pine Creek—Jersey Mills), McHenry Township, Lycoming County, PA. Application for surface water withdrawal of up to 1.500 mgd.

2. Project Sponsor and Facility: Anadarko E&P Company, LP (West Branch Susquehanna River-4), Burnside Township, Centre County, PA. Application for surface water withdrawal of up to 0.720 mgd.

3. Project Sponsor and Facility: Anadarko E&P Company, LP (Wolf Run), Snow Shoe Township, Centre County, PA. Application for surface water withdrawal of up to 0.499 mgd.

4. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Monroe Manor Water System, Monroe Township, Snyder County, PA. Application for groundwater withdrawal of up to 0.302 mgd from Well 7.

5. Project Sponsor and Facility: Carrizo Marcellus, LLC (Meshoppen Creek), Washington Township, Wyoming County, PA. Application for surface water withdrawal of up to 2.160 mgd.

6. Project Sponsor and Facility: Carrizo Marcellus, LLC (Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.432 mgd.

7. Project Sponsor and Facility: Carrizo Marcellus, LLC (Unnamed Tributary to Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.720 mgd.

8. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wappasening Creek), Windham Township, Bradford County, PA. Application for surface water withdrawal of up to 0.900 mgd.

9. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wyalusing Creek), Rush Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.715 mgd, subject to rescission of Docket Nos. 20081227 and 20090610.

10. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wysox Creek), Rome Township, Bradford County, PA. Application for surface water withdrawal of up to 0.504 mgd.

11. Project Sponsor and Facility: Dunn Lake, LLC (Dunn Lake), Ararat Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.999 mgd.

12. Project Sponsor: Exelon Generation Company, LLC. Project Facility: Peach Bottom Atomic Power Station, Peach Bottom Township, York County, PA. Modification to increase consumptive water use from 32.490 mgd up to 49.000 mgd (Docket No. 20061209).

13. Project Sponsor: Exelon Generation Company, LLC. Project Facility: Three Mile Island Generating Station, Londonderry Township, Dauphin County, PA. Application for surface water withdrawal of up to 122.800 mgd.

14. Project Sponsor: Exelon Generation Company, LLC. Project Facility: Three Mile Island Generating Station, Londonderry Township, Dauphin County, PA. Application for consumptive water use of up to 19.200 mgd.

15. Project Sponsor and Facility: Fox Road Waterworks, LLC (South Branch Tunkhannock Creek), Tunkhannock Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.157 mgd.

16. Project Sponsor and Facility: Hydro Recovery, LP, Blossburg Borough, Tioga County, PA. Application for groundwater withdrawal of up to 0.216 mgd from Well HR-1.

17. Project Sponsor and Facility: Hydro Recovery, LP, Blossburg Borough, Tioga County, PA. Application for consumptive water use of up to 0.316 mgd.

18. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Babb Creek), Morris Township, Tioga County, PA. Application for surface water withdrawal of up to 0.950 mgd.

19. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Driftwood Branch), Emporium Borough, Cameron County, PA. Application for surface water withdrawal of up to 0.999 mgd.

20. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.292 mgd.

21. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Lycoming Creek—2), Lewis Township, Lycoming County, PA. Application for surface water withdrawal of up to 1.000 mgd.

22. Project Sponsor and Facility: LHP Management, LLC (Fishing Creek—Clinton Country Club), Bald Eagle Township, Clinton County, PA. Modification to conditions of the withdrawal approval (Docket No. 20090906).

23. Project Sponsor and Facility: Mount Joy Borough Authority, Mount Joy Borough, Lancaster County, PA. Application for groundwater withdrawal of up to 1.584 mgd from Well 1.

24. Project Sponsor and Facility: Mount Joy Borough Authority, Mount Joy Borough, Lancaster County, PA. Application for groundwater withdrawal of up to 1.656 mgd from Well 2.

25. Project Sponsor and Facility: Nature's Way Purewater Systems, Inc., Covington Township, Lackawanna County, PA. Application for groundwater withdrawal of up to 0.099 mgd from Covington Springs Well BH-1.

26. Project Sponsor and Facility: Nature's Way Purewater Systems, Inc., Dupont Borough, Luzerne County, PA. Application for consumptive water use of up to 0.400 mgd at the Dupont Bottling Plant.

27. Project Sponsor: New Morgan Landfill Company, Inc. Project Facility: Conestoga Landfill, New Morgan Borough, Berks County, PA. Application for groundwater withdrawal of up to 0.008 mgd from Well SW-3.

28. Project Sponsor and Facility: Seneca Resources Corporation (Genesee Forks), Pike Township, Potter County, PA. Application for surface water withdrawal of up to 1.920 mgd.

29. Project Sponsor and Facility: Talisman Energy USA, Inc. (Wappasening Creek), Windham Township, Bradford County, PA. Application for surface water withdrawal of up to 2.000 mgd.

30. Project Sponsor and Facility: Tennessee Gas Pipeline Company (Meshoppen Creek—Loop 319), Springville Township, Susquehanna County, PA. Application for surface water withdrawal of up to 1.090 mgd.

31. Project Sponsor and Facility: Tennessee Gas Pipeline Company (Susquehanna River—Loop 317), Asylum Township, Bradford County, PA. Application for surface water withdrawal of up to 4.032 mgd.

32. Project Sponsor and Facility: Tennessee Gas Pipeline Company (Tioga River—Loop 315), Richmond Township, Tioga County, PA. Application for surface water withdrawal of up to 3.140 mgd.

33. Project Sponsor and Facility: Tennessee Gas Pipeline Company (Tioga River—Loop 315), Richmond Township, Tioga County, PA. Application for surface water withdrawal of up to 0.144 mgd.

34. Project Sponsor and Facility: Tennessee Gas Pipeline Company (Towanda Creek—Loop 317), Monroe Town-

ship, Bradford County, PA. Application for surface water withdrawal of up to 4.032 mgd.

35. Project Sponsor and Facility: Tennessee Gas Pipeline Company (White Creek—Loop 319), Springville Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.384 mgd.

36. Project Sponsor and Facility: Williamsport Municipal Water Authority, Williamsport City, Lycoming County, PA. Application for groundwater withdrawal of up to 1.300 mgd from Well 10.

37. Project Sponsor and Facility: Williamsport Municipal Water Authority, Williamsport City, Lycoming County, PA. Application for groundwater withdrawal of up to 0.700 mgd from Well 11.

*Public Hearing—Projects Scheduled for Action Involving a Diversion*

1. Project Sponsor: Chief Oil & Gas, LLC. Project Facility: Borough of Ebensburg, Cambria Township, Cambria County, PA. Application for an into-basin diversion of up to 0.249 mgd from the Ohio River Basin.

2. Project Sponsor: Chief Oil & Gas, LLC. Project Facility: Cambria Somerset Authority, Summerhill Township, Cambria County, PA. Application for an into-basin diversion of up to 0.249 mgd from the Ohio River Basin.

3. Project Sponsor: Chief Oil & Gas, LLC. Project Facility: Highland Sewer and Water Authority, Portage Township, Cambria County, PA. Application for an into-basin diversion of up to 0.249 mgd from the Ohio River Basin.

4. Project Sponsor: Nature's Way Purewater Systems, Inc. Project Facility: Nature's Way Springs Borehole 1 (BH-1), Foster Township, Luzerne County, PA. Application for an into-basin diversion of up to 0.100 mgd from the Delaware River Basin.

5. Project Sponsor: Penn Virginia Oil & Gas Corporation. Project Facility: Port Allegany Borough, McKean County, PA. Application for an into-basin diversion of up to 0.100 mgd from the Ohio River Basin.

6. Project Sponsor: SWEPI, LP. Project Facility: Pennsylvania American Water Company—Warren District, Warren City, Warren County, PA. Application for an into-basin diversion of up to 3.000 mgd from the Ohio River Basin.

7. Project Sponsor: Triana Energy, LLC. Project Facility: Johnson Quarry, Roulette Township, Potter County, PA. Application for an into-basin diversion of up to 0.500 mgd from the Ohio River Basin.

*Public Hearing—Administrative Appeal*

Administrative appeal by the Allegheny Defense Project of the March 10, 2011, Commission action approving the following dockets:

1. Docket No. 20110316. Project Sponsor: Pennsylvania General Energy Company, LLC. Project Facility: Scaffold Lick Pond—1, Liberty Township, McKean County, PA, authorizing an existing into-basin diversion of up to 0.500 mgd from the Ohio River Basin.

2. Docket No. 20110317. Project Sponsor: Pennsylvania General Energy Company, LLC. Project Facility: Scaffold Lick Pond—2, Liberty Township, McKean County, PA, authorizing an existing into-basin diversion of up to 0.500 mgd from the Ohio River Basin.

3. Docket No. 20110318. Project Sponsor: Ultra Resources, Inc. Project Facility: Wayne Gravel Products,

Ceres Township, McKean County, PA, authorizing an existing into-basin diversion of up to 1.170 mgd from the Ohio River Basin.

*Opportunity to Appear and Comment*

Interested parties may appear at the hearing to offer written or oral comments to the Commission on any matter on the hearing agenda, or at the business meeting to offer written or oral comments on other matters scheduled for consideration at the business meeting. The chair of the Commission reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing and business meeting. Written comments may also be mailed to the Susquehanna River Basin Commission, 1721 North Front

Street, Harrisburg, PA 17102-2391, or submitted electronically to Richard A. Cairo, General Counsel, [rcairo@srbc.net](mailto:rcairo@srbc.net) or Stephanie L. Richardson, Secretary to the Commission, [srichardson@srbc.net](mailto:srichardson@srbc.net). Comments mailed or electronically submitted must be received prior to June 17, 2011, to be considered.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806-808.

Dated: May 19, 2011.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 11-957. Filed for public inspection June 3, 2011, 9:00 a.m.]





