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Volume 41 (2011)

Pennsylvania Bulletin  
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# PENNSYLVANIA BULLETIN

Volume 41

Number 30

Saturday, July 23, 2011 • Harrisburg, PA

Pages 3953—4074

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The Governor

The General Assembly

The Courts

Department of Banking

Department of Environmental Protection

Department of General Services

Department of Health

Department of Revenue

Insurance Department

Milk Marketing Board

Pennsylvania Gaming Control Board

Pennsylvania Public Utility Commission

Public School Employees' Retirement Board

Susquehanna River Basin Commission

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

**No. 440, July 2011**

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**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "*Fry Communications, Inc.*" Periodicals postage paid at Harrisburg, Pennsylvania.

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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#### **Printing Format**

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

#### **Fiscal Notes**

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

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

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# List of Pa. Code Chapters Affected

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

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# THE GOVERNOR

## Notice of Veto

July 8, 2011

To the Honorable House of Representatives  
of the Commonwealth of Pennsylvania:

I am returning, without my approval, House Bill 1696, Printer's No. 2260. I regret having to do so. However, I have concluded that the bill, as it is written, is Constitutionally infirm.

Specifically, Article III, Section 32 of our Constitution states, in pertinent part,

The General Assembly shall pass no local or special law in any case which has been or can be provided for by general law and specifically the General Assembly shall not pass any local or special law.

1. Regulating the affairs of counties, cities, townships, wards, boroughs, or school districts . . .

By limiting a property tax moratorium to counties of the fourth class, with a population between 185,000 and 210,000 as of the 2010 United States Census, the bill has restricted its application to one county—Washington County.

After consulting with legal counsel, including the Office of Attorney General, there is no question in my mind that the bill, as worded, would violate the State Constitution.

Consequently, pursuant to Article IV, Section 15, I am returning House Bill 1696, Printer's No. 2260 with my noted objection.



*Governor*

*(Editor's Note: This veto was received in the House of Representatives on July 8, 2011.)*

[Pa.B. Doc. No. 11-1213. Filed for public inspection July 22, 2011, 9:00 a.m.]

# THE GENERAL ASSEMBLY

## Recent Actions during the 2011 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2011 Regular Session

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2011 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 006 through 075</b>					
006	Jun 17	SB1030	PN1365	Immediately*	Unemployment Compensation Law—omnibus amendments
007	Jun 23	SB1006	PN1304	60 days	Controlled Substance, Drug, Device and Cosmetic Act—Schedule I controlled substances
008	Jun 24	HB0442	PN2083	Immediately	Real and Personal Property (68 Pa.C.S.)—private transfer fee obligations
009	Jun 24	SB0274	PN0250	Immediately	Game and Wildlife Code (34 Pa.C.S.)—unlawful acts concerning licenses, authority to issue permits, permit fees and falconry permits
010	Jun 28	HB0040	PN1038	60 days	Crimes Code (18 Pa.C.S.)—use of force in self-protection and protection of other persons, grading of theft offenses, licenses to carry firearms and civil immunity for use of force
011	Jun 28	HB0148	PN2144	Immediately*	Liquor Code—omnibus amendments
012	Jun 28	HB0373	PN0338	Immediately	Borough Code—general powers
013	Jun 28	HB0374	PN0713	Immediately	Incorporated towns—power to convey real property
014	Jun 28	SB0358	PN0348	Immediately	First Class Township Code—sales of township personal property
015	Jun 28	SB0360	PN0350	Immediately	Third Class City Code—sales of city personal property
016	Jun 28	SB0450	PN0433	Immediately	Fish and Boat Code (30 Pa.C.S.)—terms of members of the Pennsylvania Fish and Boat Commission
017	Jun 28	SB1131	PN1389	Immediately	Judicial Code (42 Pa.C.S.)—comparative negligence
018	Jun 30	HB0015	PN2223	Immediately	Pennsylvania Web Accountability and Transparency (PennWATCH) Act—enactment
019	Jun 30	HB0385	PN0349	Immediately	Honor and Remember Flag Act—enactment
020	Jun 30	HB0440	PN2084	Immediately*	Workers' Compensation Act—insurance for different forms of business, assessments and transfers from the Administration Fund
021	Jun 30	HB0463	PN2226	Immediately	State Lottery Law—determination of eligibility for pharmaceutical assistance for the elderly
022	Jun 30	HB0960	PN2258	July 1, 2011	Public Welfare Code—omnibus amendments
023	Jun 30	HB0986	PN1849	July 1, 2011	State Lottery Law—powers and duties of secretary and reports
024	Jun 30	HB1352	PN2227	Immediately*	Public School Code of 1949—omnibus amendments
025	Jun 30	SB0330	PN1459	Immediately*	Taxpayer Relief Act—public referendum requirements and installment payment of school real property taxes
026	Jun 30	SB0907	PN1452	Immediately*	Fiscal Code—omnibus amendments

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
027	Jun 30	SB1007	PN1121	Immediately	Public Authorities and Quasi—Public Corporations (64 Pa.C.S.)—First Industries Program
028	Jun 30	SB1096	PN1291	Immediately	Insurance Company Law of 1921—omnibus amendments
029	Jun 30	SB1097	PN1279	Immediately	Insurance companies not registered in this Commonwealth, tax on contracts with unauthorized companies and deductions
030	Jul 7	HB0038	PN2224	Immediately	Judicial Code (42 Pa.C.S.)—surcharges and Commonwealth portion of fines
031	Jul 7	HB0066	PN0030	60 days	Police Chief Thomas J. Malone Memorial Bridge—designation
032	Jul 7	HB0067	PN0066	60 days	Crimes Code (18 Pa.C.S.)—greyhound racing and simulcasting
033	Jul 7	HB0078	PN2241	60 days	Fish and Boat Code (30 Pa.C.S.)—operating watercraft under influence of alcohol or controlled substance and homicide by watercraft while operating under influence
034	Jul 7	HB0143	PN0317	Immediately	Pennsylvania Farmland and Forest Land Assessment Act of 1974—small noncoal surface mining
035	Jul 7	HB0144	PN0711	Immediately	Pennsylvania Farmland and Forest Land Assessment Act of 1974—utilization of land or conveyance of rights for exploration or extraction of gas, oil or coal bed methane
036	Jul 7	HB0145	PN0085	60 days	Vietnam Veterans of America Memorial Highway—designation
037	Jul 7	HB0312	PN0267	60 days	Mercer County Veterans Highway—designation
038	Jul 7	HB0345	PN0300	60 days	Military and Veterans Code (51 Pa.C.S.)—burial details for veterans
039	Jul 7	HB0390	PN0354	60 days	George A. Penglase Memorial Parkway—designation
040	Jul 7	HB0396	PN1525	60 days	Crimes Code (18 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—drug delivery resulting in death and sentences for second and subsequent offenses
041	Jul 7	HB0399	PN0365	60 days	Staff Sergeant David M. Veverka Veterans Memorial Bridge—designation
042	Jul 7	HB0438	PN0615	60 days	Battle of the Bulge Veterans Memorial Highway—designation amended to include US Route 22 in Whitehall Township, Lehigh County
043	Jul 7	HB0488	PN2225	Immediately	Project 70 Land Acquisition and Borrowing Act—multiple conveyances
044	Jul 7	HB0562	PN2092	Immediately*	Agricultural Area Security Law—purchase of agricultural conservation easements
045	Jul 7	HB0589	PN0573	60 days	Detective Christopher Jones Memorial Highway—designation
046	Jul 7	HB0797	PN0966	Immediately	Workers' Compensation Act—cancer in the occupation of
047	Jul 7	HB0870	PN0908	60 days	Land and water areas available to public for recreational purposes; further defining "recreational purposes"
048	Jul 7	HB0917	PN0980	60 days	Sgt. 1st Class Daniel Lightner Memorial Bridge—designation

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
049	Jul 7	HB1173	PN1279	60 days	Transportation (74 Pa.C.S.)—metropolitan transportation authority powers relating to alternative means of raising revenue or reducing expenses
050	Jul 7	HB1219	PN1329	60 days	Donald H. Clark Memorial Bridge—designation
051	Jul 7	HB1255	PN1664	60 days	Wildlife Conservation Officer David L. Grove Memorial Bridge—designation
052	Jul 7	HB1336	PN2091	Immediately	Home Improvement Consumer Protection Act—procedures for registration as contractor and prohibited acts
053	Jul 7	HB1448	PN1738	60 days	Incorporated towns—office and powers and duties of town manager
054	Jul 7	HB1449	PN1739	60 days	Borough Code—office and powers and duties of borough manager
055	Jul 7	HB1549	PN2221	60 days	County Code—counties divided into nine classes, how offices of prothonotary, clerks of court, clerk of orphan's court, register of wills and recorder of deeds to be held
056	Jul 7	SB0101	PN1427	60 days	Public Officers (65 Pa.C.S.)—penalty for violations of agency members
057	Jul 7	SB0151	PN1426	60 days	Air Pollution Control Act—disposition of fees, fines and civil penalties
058	Jul 7	SB0163	PN0148	60 days	Brigadier General Richard J. Tallman Memorial Bridge—designation
059	Jul 7	SB0260	PN1400	60 days	Confidentiality of HIV-Related Information Act—legislative intent, consent to HIV-related tests and counseling
060	Jul 7	SB0263	PN0240	60 days	Regulatory Review Act—proposed regulations and procedures for review and criteria for review of regulations
061	Jul 7	SB0302	PN0279	60 days	Keystone Recreation, Park and Conservation Fund Act—annual reports
062	Jul 7	SB0326	PN1387	60 days	Vital Statistics Law of 1953—certificate of birth resulting in stillbirth
063	Jul 7	SB0369	PN1409	Immediately	Transportation (74 Pa.C.S.)—designation of West Branch Susquehanna River byway, Clearfield County, as scenic byway
064	Jul 7	SB0387	PN0373	60 days	Game and Wildlife Code (34 Pa.C.S.)—resident license and fee exemptions
065	Jul 7	SB0419	PN1405	60 days	Board of Vehicles Act—reimbursement for all parts and service required by manufacturer or distributor and reimbursement audits, area of responsibility and grounds for disciplinary proceedings
066	Jul 7	SB0448	PN1458	60 days	Crimes Code (18 Pa.C.S.)—purchase, consumption, possession or transportation of liquor or malt or brewed beverages by minors
067	Jul 7	SB0552	PN1442	Immediately	Workforce Development Act—industry partnerships
068	Jul 7	SB0606	PN0770	60 days	Transportation (74 Pa.C.S.)—designation of Crawford Lakelands Byway as scenic byway
069	Jul 7	SB0723	PN0707	60 days	Carl E. Stotz Memorial Little League Bridge—designation
070	Jul 7	SB0728	PN0734	60 days	Cpl. Harry Raymond Harr Memorial Bridge—designation

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
071	Jul 7	SB0745	PN0744	60 days	Rail Freight Preservation and Improvement Act—contracts, procurement and sale of property and competition in award of contracts
072	Jul 7	SB0791	PN0821	60 days	Bluff Recession and Setback Act—inspections
073	Jul 7	SB0828	PN0846	60 days	First Class Township Code—office of township manager
074	Jul 7	SB0829	PN0847	60 days	Second Class Township Code—office of township manager
075	Jul 7	SB0830	PN0848	60 days	Third Class City Code—office and powers and duties of city administrator or manager
<b>2011 APPROPRIATION ACTS OF REGULAR SESSION ENACTED—ACT 001A through 014A</b>					
001A	Jun 30	HB1485	PN2228	Immediately	General Appropriation Act of 2011—enactment
002A	Jun 30	SB1055	PN1191	July 1, 2011	State Employees' Retirement Board—expenses
003A	Jun 30	SB1056	PN1192	July 1, 2011	Public School Employees' Retirement Board—expenses
004A	Jun 30	SB1057	PN1193	July 1, 2011	Bureau of Professional and Occupational Affairs—operation of professional licensure boards
005A	Jun 30	SB1058	PN1194	July 1, 2011	Department of Labor and Industry and Department of Community and Economic Development—expenses of workers' compensation, occupational diseases and Office of Small Business Advocate
006A	Jun 30	SB1059	PN1195	July 1, 2011	Pennsylvania Public Utility Commission—operation
007A	Jun 30	SB1060	PN1196	July 1, 2011	Office of Consumer Advocate—operation
008A	Jun 30	SB1061	PN1197	July 1, 2011	Office of Small Business Advocate—operation
009A	Jun 30	SB1062	PN1444	July 1, 2011	Pennsylvania Gaming Control Board, Department of Revenue, Pennsylvania State Police and Attorney General—operations related to gaming
010A	Jun 30	HB1727	PN2192	July 1, 2011	University of Pittsburgh—education and general expenses and rural education outreach
011A	Jun 30	HB1728	PN2193	July 1, 2011	Temple University—education and general expenses
012A	Jun 30	HB1729	PN2194	July 1, 2011	University of Pennsylvania—Center for Infectious Diseases, veterinary activities and education and general expenses
013A	Jun 30	HB1730	PN2195	July 1, 2011	Lincoln University—education and general expenses
014A	Jun 30	HB1731	PN2222	July 1, 2011	Pennsylvania State University—education and general expenses and Pennsylvania College of Technology
<b>2011 VETOES of Regular Session OF BILLS—VETO 001</b>					
001	Jul 8	HB1696	PN2260	Immediately	Property Tax Reassessment Moratorium Act—enactment

\* denotes an effective date with exceptions

#### Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the

effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

#### **Advance Copies of Statutes**

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

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore-PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the “Commonwealth of Pennsylvania.”

ROBERT W. ZECH, Jr.,  
*Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 11-1214. Filed for public inspection July 22, 2011, 9:00 a.m.]



# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CHS. 9, 15 AND 17 ]

#### Proposed Amendments to Rules of Appellate Procedure 901, 1501, 1512, 1516, 1517, 1541 and 1561 and Proposed New Rule of Appellate Procedure 1770

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rules of Appellate Procedure 901, 1501, 1512, 1516, 1517, 1541 and 1561, and proposes new rule, Pa.R.A.P. 1770. These amendments and new rule are being submitted for public comments and suggestions prior to their submission to the Supreme Court.

Proposed additions are bold while deleted material is bold and bracketed.

All communications in reference to the proposed amendment should be sent no later than September 9, 2011 to:

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

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

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

*By the Appellate Court  
Procedural Rules Committee*

HONORABLE RENEE COHN JUBELIRER,  
*Chair*

### Annex A

#### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 9. APPEALS FROM LOWER COURTS

#### Rule 901. Scope of Chapter.

This chapter applies to all appeals from a trial court to an appellate court except:

\* \* \* \* \*

(4) **An appeal which may be taken by petition for review pursuant to Rule 1770, which governs placement in juvenile delinquency matters.**

(5) Automatic review of sentences pursuant to 42 Pa.C.S. § 9711(h) (review of death sentence). See Rule 1941 (review of death sentences).

[ (5) ] (6) An appeal which may be taken by petition for review pursuant to Rule 3331 (review of special prosecutions or investigations).

### CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS

#### IN GENERAL

#### Rule 1501. Scope of Chapter.

\* \* \* \* \*

**Official Note:** This chapter applies to review of any “determination” of a “government unit” as defined in Rule 102 assuming, of course, that the subject matter of the case is within the jurisdiction of a court subject to these rules (see Subdivision (d) of this rule). A “determination” means “action or inaction by a government unit which action or inaction is subject to judicial review by a court under Section 9 of Article V of the Constitution of Pennsylvania or otherwise. The term includes an order entered by a government unit.” The term “government unit” is all inclusive and means “the Governor and the departments, boards, commissions, officers, authorities and other agencies of the Commonwealth, including the General Assembly and its officers and agencies and any court or other officer or agency of the unified judicial system, and any political subdivision or municipal or other local authority or any officer or agency of any such political subdivision or local authority. The term includes a board of arbitrators whose determination is subject to review under 42 Pa.C.S. § 763(b) (awards of arbitrators).” The term “administrative agency” is not defined in these rules, although the term is used in these rules as a result of its appearance in Section 9 of Article V of the Constitution of Pennsylvania.

Subdivision (a)(4) was added in 2004 to recognize the references in various appellate rules and accompanying notes to petition for review practice. For example, the Notes to Rules 341 and 1311 direct counsel to file a petition for review of a trial court or government agency order refusing to certify an interlocutory order for immediate appeal. Similarly, Rule 1762 directs the filing of a petition for review when a party seeks release on bail before judgment of sentence is rendered[. See ], see Rule 1762(b), and **Rule 1770 directs the filing of a petition for review when a juvenile seeks review of placement in a juvenile delinquency matter.** A petition for review is also the proper method by which to seek judicial review pursuant to Rule 3321 (regarding legislative reapportionment commission) and Rule 3331 (regarding special prosecutions or investigations). The 2004 and 2011 amendments clarify the use of petitions for review in these special situations.

\* \* \* \* \*

#### PETITION FOR REVIEW

#### Rule 1512. Time for Petitioning for Review.

\* \* \* \* \*

(b) *Special appellate provisions.*—A petition for review of:

\* \* \* \* \*

(5) **A determination governed by Rule 1770 (review of dispositional order for out of home place-**

ment in juvenile delinquency matters) shall be filed within ten days of the order sought to be reviewed.

\* \* \* \* \*

**Rule 1516. Other Pleadings Allowed.**

(a) *Appellate jurisdiction petitions for review.* No answer or other pleading to an appellate jurisdiction petition for review is authorized, unless the petition for review is filed pursuant to the Notes to Rules 341 or 1311 (seeking review of a trial court or other government unit's refusal to certify an interlocutory order for immediate appeal), Rule 1762 (regarding release in criminal matters), **Rule 1770 (regarding placement in juvenile delinquency matters)**, Rule 3321 (regarding appeals from decisions of the Legislative Reapportionment Commission) or Rule 3331 (regarding review of special prosecutions and investigations). Where an answer is authorized, the time for filing an answer shall be as stated in Rule 123(b).

\* \* \* \* \*

**Official Note:** The 2004 and 2011 amendments made clear that, with [ **five** ] **six** limited exceptions, no answer or other pleading to a petition for review addressed to an appellate court's appellate jurisdiction is proper. With regard to original jurisdiction proceedings, practice is patterned after Rules of Civil Procedure 1017(a) (Pleadings Allowed) and 1026 (Time for Filing, Notice to Plead). The ten additional days in which to file a subsequent pleading are in recognition of the time required for agency coordination where the Commonwealth is a party. See Rule 1762(b)(2) regarding bail applications. **See Rule 1770 regarding placement in juvenile delinquency matters.**

**Rule 1517. Applicable Rules of Pleading.**

\* \* \* \* \*

**Official Note:** See Rule 1762(b)(2) regarding bail applications. **See Rule 1770 regarding placement in juvenile delinquency matters.** See also Rule 3331 regarding Review of Special Prosecutions or Investigations.

**Rule 1541. Certification of the Record.**

\* \* \* \* \*

**Official Note:** Rule 102 defines "government unit" to include "any court or other officer or agency of the unified judicial system." Thus, if the order to be reviewed was filed by a trial court, that court shall certify the record. This occurs when the petition for review was filed pursuant to Rule 1762, **1770**, 3321 or 3331, or the note to Rules 341 or 1311.

\* \* \* \* \*

**Rule 1561. Disposition of Petition for Review.**

\* \* \* \* \*

(d) *Review of detention and placement of a juvenile.*—Except as prescribed by Rule 1762(b)(2), which governs applications relating to bail when no appeal is pending, **by Rule 1770, which governs placement in juvenile delinquency matters**, or by Rule 3331 (review of special prosecutions or investigations), review in the nature of criminal habeas corpus or post conviction relief may not be granted under this chapter.

**Official Note:** Subdivision (a) is based on 42 Pa.C.S. § 706 (disposition of appeals).

\* \* \* \* \*

See Rule 1762(b)(2) regarding bail applications. **See Rule 1770 regarding placement in juvenile delinquency matters.**

**CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS**

**REVIEW OF DISPOSITIONAL ORDER FOR OUT OF HOME PLACEMENT IN JUVENILE DELINQUENCY MATTERS**

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

**Rule 1770. Review of Out of Home Placement in Juvenile Delinquency Matters.**

(a) *General rule.* If a court under the Juvenile Act, 42 Pa.C.S. § 6301 *et seq.*, enters an order after an adjudication of delinquency of a juvenile pursuant to Rules of Juvenile Court Procedure 409(A)(2) and 515, which places the juvenile in an out of home overnight placement in any agency or institution that shall provide care, treatment, supervision or rehabilitation of the juvenile ("Out of Home Placement"), the juvenile may seek review of that order pursuant to a petition for review under Chapter 15 (judicial review of governmental determinations). The petition shall be filed within ten days of the said order.

(b) *Answer.* Any answer shall be filed within ten day of service of the petition, and no other pleading is authorized. Rule 1517 (applicable rules of pleading) and Rule 1531 (intervention) through 1551 (scope of review) shall not be applicable to a petition for review filed under subsection (a).

(c) *Content.* A petition for review under subdivision (a) shall contain: (i) a specific description of any determinations made by the juvenile court; (ii) the matters complained of; (iii) a concise statement of the reasons the juvenile court abused its discretion in ordering the Out of Home Placement; and (iv) the proposed terms and conditions of an alternative disposition for the juvenile. Any order(s) and opinion(s) relating to the Out of Home Placement and the transcript of the juvenile court's findings shall be attached as appendices. The petition shall be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay.

(d) *Objection to specific agency or institution, or underlying adjudication, not permitted.*

(1) A petition for review under subdivision (a) shall not challenge the specific agency or specific institution that is the site of the Out of Home Placement and instead shall be limited to the Out of Home Placement itself.

(2) A petition for review under subdivision (a) shall not challenge the underlying adjudication of delinquency.

(e) *Service.* A copy of the petition for review and any answer thereto shall be served on the judge of the juvenile court. All parties in the juvenile court shall be served in accordance with Rule 121(b) (service of all papers required). The Attorney General of Pennsylvania need not be served in accordance with Rule 1514(c) (service), unless the Attorney General is a party in the juvenile court.

(f) *Opinion of juvenile court.* Upon receipt of a copy of a petition for review under subdivision (a), if the judge who made the disposition of the Out of Home Placement did not state the reasons for such placement on the record at the time of disposition pursuant to Rule of Juvenile Court Procedure 512(D), the judge shall file of record a brief statement of the reasons for the determination or where in the record such reasons may be found, within five days of service of the petition for review.

(g) *Non-waiver of objection to placement.* Where the juvenile declines to seek review under this rule of the Out of Home Placement that shall not constitute a waiver of the juvenile's right to seek review of the placement in a notice of appeal filed by the juvenile from a disposition after an adjudication of delinquency.

**Official Note:** This Rule provides a mechanism for the expedited review of an order of Out of Home Placement entered pursuant to Rule of Juvenile Court Procedure 515. This expedited review is the same expedited review available in Rule 1762 from an order under 42 Pa.C.S. § 6322 granting or denying a juvenile's motion to transfer from a criminal proceeding to a juvenile proceeding, or an order under 42 Pa.C.S. § 6355 granting or denying the Commonwealth's motion to transfer from a juvenile proceeding to a criminal proceeding. See 42 Pa.C.S. § 6322(c) ("Expedited Review of Transfer Orders"). Rule of Juvenile Court Procedure 512(D) requires the juvenile court judge to place the reasons for an Out of Home Placement on the record at the time of the disposition. The Juvenile Act, 42 Pa.C.S. § 6352, sets forth the considerations for a dispositional order following an adjudication of delinquency and the alternatives for disposition. The standard for review of a dispositional order is an abuse of discretion. See *In the Interest of A.D.*, 771 A. 2d 45 (Pa. Super. 2001) (en banc).

#### EXPLANATORY COMMENT

The Interbranch Commission on Juvenile Justice was created in 2009 by an act of the General Assembly with the support of the Governor and the Supreme Court. Its purpose was to investigate circumstances that led to corruption in the juvenile court of Luzerne County resulting in federal criminal charges against two judges; to restore public confidence in the administration of justice, and to prevent similar events from occurring there or elsewhere in the Commonwealth.

The Interbranch Commission issued its Final Report on May 31, 2010. The Interbranch Commission made certain recommendations regarding appellate rights and appellate review, which are found at pp. 55-56 of the Commission's Final Report. The Recommendation of the Appellate Court Procedural Rules Committee is the Committee's response to those Recommendations.

The Recommendation proposes amendments to Pa.R.A.P. 901, 1501, 1512, 1516, 1517, 1541, 1561 and a new Rule, Pa.R.A.P. 1770 ("Review of Out of Home Placements in Juvenile Matters"). New Rule 1770 provides a mechanism for the expedited review of an order of out of home placement entered pursuant to the Rules of Juvenile Court Procedure. In juvenile matters, out of home placements can evade effective appellate review, especially when the placement is shorter than the time period to process an ordinary appeal. The Interbranch Commission has recommended an expedited appeal procedure for out of home placements. Proposed new Rule 1770 would permit the juvenile to use a petition for review as the procedural vehicle for limited expedited appellate review of the out of home placement only. The amendments to existing rules are proposed to conform those rules to new Rule 1770.

[Pa.B. Doc. No. 11-1215. Filed for public inspection July 22, 2011, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 10 ]

### Amendment of Rule 1002 of the Rules of Criminal Procedure; No. 396 Criminal Procedural Rules Doc.

#### Amended Order

*(Editor's Note:* This order amends the order published at 41 Pa.B. 216 (January 8, 2011). A paragraph in the Comment of the rule adopted by the Supreme Court and deposited with the Legislative Reference Bureau was inadvertently omitted. The paragraph was included in the version of the Comment printed with the order published at 41 Pa.B. 216 and codified in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 436).)

*Per Curiam*

And Now, this 22nd day of December, 2010 the proposal having been made without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1002 of the Pennsylvania Rules of Criminal Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective February 20, 2011.

#### Annex A

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

#### PART A. Philadelphia Municipal Court Procedures

##### Rule 1002. Procedure in Summary Cases.

(A) Except as provided in this rule or by local rule authorized by this rule, or elsewhere in Chapter 10, all criminal proceedings in which a person is accused only of one or more non-traffic summary offenses or violations of municipal criminal ordinances shall proceed as provided in Chapter 4 of the Rules of Criminal Procedure.

(B) Non-traffic summary proceedings shall be instituted either by a citation issued to the defendant or arresting without a warrant when arrest is specifically authorized by law.

##### (1) Issuance of Citation

(a) The law enforcement officer shall issue the citation to the defendant pursuant to Rule 405 (Issuance of Citation), together with a notice to appear, unless required to proceed pursuant to paragraph (B)(1)(e). The notice to appear shall:

(i) direct the defendant to appear before a judge or trial commissioner on a date and at a time certain in a specified court room, and

(ii) shall advise the defendant that failure to appear shall constitute consent to a trial in the defendant's absence, and if the defendant is found guilty, the defendant shall have the right to appeal within 30 days for a trial *de novo*.

(b) When authorized by local rule promulgated pursuant to Rule 105 (Local Rules), the law enforcement officer may prepare, verify, and transmit a citation electronically.

The law enforcement officer contemporaneously shall give the defendant a paper copy of the citation containing all the information required by Rule 403(A) (Contents of Citation) and a notice to appear. The notice to appear shall:

(i) direct the defendant to appear before a judge or trial commissioner on a date and at a time certain in a specified court room, **and**

**(ii) shall advise the defendant that failure to appear shall constitute consent to a trial in the defendant's absence, and if the defendant is found guilty, the defendant shall have the right to appeal within 30 days for a trial *de novo*.**

(c) Within 5 days after issuance of the citation and notice to appear, the citation shall be filed with the clerk of Municipal Court.

(d) When the defendant appears before the judge or trial commissioner as provided in paragraph (B)(1)(a) or (B)(1)(b), the judge or trial commissioner shall explain the process to the defendant.

(i) If the defendant enters a guilty plea, the judge or trial commissioner shall impose the fines and costs.

(ii) If the defendant enters a not guilty plea, the judge or trial commissioner shall set a date for trial before a judge and issue a subpoena to the defendant. **The judge or trial commissioner shall advise the defendant that failure to appear at the trial shall constitute consent to a trial in the defendant's absence, and if the defendant is found guilty, the defendant shall have the right to appeal within 30 days for a trial *de novo*.**

(iii) If applicable, after paying any fee imposed, the defendant may be accepted into the Municipal Court's summary case diversionary program, or any other diversionary program offered pursuant to local rule promulgated pursuant to Rule 105 (Local Rules). When the defendant successfully completes the Municipal Court's summary case diversionary program, the defendant's arrest record automatically will be expunged.

(e) When required by local rule promulgated pursuant to Rule 105 (Local Rules), the law enforcement officer shall take the defendant into custody and transport him or her to the appropriate district police station, where, without unnecessary delay, the law enforcement officer or a superior officer shall prepare and issue the citation to the defendant. Thereafter, the law enforcement officer without unnecessary delay shall transport the defendant to the Municipal Court for proceedings before a judge, and the case shall proceed as provided by local rule promulgated pursuant to Rule 105 (Local Rules).

(f) The defendant shall not be slated, fingerprinted, or photographed, except as provided by law.

(2) Arrest Without a Warrant

(a) When an arrest without a warrant in a non-traffic summary case is authorized by law, the police officer shall take the defendant into custody and transport him or her to the appropriate district police station, where, without unnecessary delay, the police officer or a superior officer shall prepare and issue a citation to the defendant.

(b) Except when the police officer is required to proceed pursuant to paragraph (B)(1)(e), or as otherwise provided in this rule, the case shall proceed as provided in Rule 441.

(c) If the defendant is to be released pursuant to Rule 441(B), the defendant shall be released on his or her own recognizance and given a notice to appear on a date and at a time certain in a specified court room. **The notice to**

**appear shall advise the defendant that failure to appear shall constitute consent to a trial in the defendant's absence, and if the defendant is found guilty, the defendant shall have the right to appeal within 30 days for a trial *de novo*.**

(d) If the defendant is not released under Rule 441(B), the defendant without unnecessary delay shall be brought before a judge, who shall proceed as provided in Rule 441(C).

(C) If the defendant fails to appear pursuant to the notice to appear issued as required by paragraphs (B)(1)(a), (B)(1)(b) or (B)(2)(c), or a subpoena[ ; a bench warrant shall be issued ] issued as required by paragraph (B)(1)(d)(ii), the case shall proceed as provided in paragraph (D).

**(D) If the defendant fails to appear as required in (C), the trial shall be conducted in the defendant's absence, unless the judge determines that there is a likelihood that the sentence will be imprisonment or that there is other good cause not to conduct the trial in the defendant's absence. If the trial is not conducted in the defendant's absence, the judge shall issue a bench warrant for the defendant's arrest.**

(1) At trial, the judge shall proceed to determine the facts and render a verdict in the same manner as trials in criminal cases are conducted in the Common Pleas Court when a jury trial has been waived; however, the law enforcement officer observing the defendant's alleged offense may, but shall not be required to, appear and testify against the defendant. In no event shall the failure of the law enforcement officer to appear, by itself, be a basis for dismissal of the charges against the defendant. The allegations in the citation may be recited on behalf of the observing law enforcement officer by his or her representative or designee. The failure of the defendant to appear will be deemed to be a waiver of the right to present defense witnesses.

(2) If the defendant is found guilty, the judge shall impose sentence, and shall give notice by first class mail to the defendant of the conviction and sentence, of the right to file an appeal within 30 days for a trial *de novo*, and of the consequences for failing to pay the costs and fines imposed.

(3) In appeals from the summary conviction, the law enforcement officer who observed the alleged offense must appear and testify. The failure of a law enforcement officer to appear and testify shall result in the dismissal of the charges unless:

(a) the defendant waives the presence of the law enforcement officer in open court on the record;

(b) the defendant waives the presence of the law enforcement officer by filing a written waiver signed by the defendant and defense counsel, or the defendant if proceeding *pro se*, with the clerk of courts; or

(c) the trial judge determines that good cause exists for the law enforcement officer's unavailability and grants a continuance.

[ (D) ] (E) When the same conduct is proscribed under an Act of Assembly and a municipal criminal ordinance, the charge shall be brought under the Act of Assembly and not under the ordinance.

**Comment**

This rule, which replaced former Rule 1002 in 2005, was developed to accommodate the procedures Philadel-

phia Municipal Court has implemented to address the issues in non-traffic summary cases unique to Philadelphia to more efficiently handle the vast number of non-traffic summary cases, to protect the defendants' rights to a fair and prompt disposition of their cases, and, when appropriate, to provide the necessary rehabilitation or social services. Municipal Court is required to implement local rules pursuant to Rule 105 (Local Rules) enumerating the details of the summary proceedings following the issuance of a citation or a summons. For purposes of this rule, "local rule" includes all memoranda of understanding and administrative orders that affect non-traffic summary case procedures.

Once a summary case is appealed to the Court of Common Pleas for trial *de novo*, the case shall remain in the Court of Common Pleas. *See also* Rule 462 and its Comment.

The 2009 amendments to paragraph (B) conform the non-traffic summary citation procedures in Philadelphia with the statewide procedures governing the institution of a non-traffic summary case by issuing a citation to the defendant in person or arresting the defendant without a warrant. *See* Rules 405 (Issuance of Citation) and 440 (Arrest Without Warrant). The amendments require the police officer to issue a citation as provided in Rule 405 and proceed pursuant to paragraph (B)(1)(a) or (B)(1)(b), unless the case falls within the jurisdiction of one of Philadelphia Municipal Court's Nuisance Night Courts or Community Courts, or to arrest without a warrant when such an arrest is authorized by law.

The contents of the citation must comply with the requirements of Rule 403(A). The notice to appear required by paragraphs (B)(1)(a), (B)(1)(b), and (B)(2)(c) may be added to the citation form.

**Nothing in this rule is intended to permit the admission of double hearsay.**

Arrests without a warrant in summary cases are authorized only in exceptional circumstances, such as cases involving enhanced penalties, or when the defendant fails to produce identification, or when there is violence or the imminent threat of violence, or when there is a likelihood that the defendant will flee.

Nothing in this rule prevents the filing of a citation pursuant to Rules 410 and 411.

The 2009 amendments do not modify the current procedures governing Philadelphia Municipal Court's Nuisance Night Courts and Community Courts that are implemented by paragraph (B)(1)(e).

Although defendants in summary cases ordinarily are not slated, photographed, or fingerprinted, the issuing authority should require the defendant to submit to administrative processing and identification procedures (such as fingerprinting) as authorized by law. *See, e.g.*, 18 Pa.C.S. § 3929(g) concerning fingerprinting in retail theft cases.

**The 2010 amendments added new paragraph (D) and related changes to clarify that summary trials in Philadelphia courts may be conducted in the defendant's absence, conforming Philadelphia practice with the statewide procedures governing trials in the defendant's absence. Compare Rules 454, 455 and 462.**

**Nothing in paragraph (D) requires that the trial in absentia be conducted immediately.**

All summary offenses under the motor vehicle laws and parking violations are under the jurisdiction of the Philadelphia Traffic Court. *See* 42 Pa.C.S. §§ 1301—1303, 1321.

**Official Note:** Rule 6002 adopted June 28, 1974, effective July 1, 1974; amended July 1, 1980, effective August 1, 1980; Comment revised January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; January 1, 1986 effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; amended August 9, 1994, effective January 1, 1995; renumbered Rule 1002 and amended March 1, 2000, effective April 1, 2001. Rule 1002 rescinded August 15, 2005, effective February 1, 2006, and replaced by new Rule 1002; amended May 12, 2009, effective February 1, 2010; Comment revised February 12, 2010, effective April 1, 2010; **amended December 22, 2010, effective February 20, 2011.**

*Committee Explanatory Reports:*

Report explaining the August 9, 1994 amendments published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4325 (August 27, 1994).

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

Final Report explaining the provisions of the new rule published with the Court's Order at 35 Pa.B. 4914 (September 3, 2005).

Final Report explaining the May 12, 2009 changes to paragraph (B) concerning issuing citations and arrest without warrants in summary cases published at 39 Pa.B. 2568 (May 23, 2009).

Final Report explaining the February 12, 2010 Comment revision concerning the disposition of summary offenses at the court of common pleas published with the Court's Order at 40 Pa.B. 1068 (February 27, 2010).

[Pa.B. Doc. No. 11-1216. Filed for public inspection July 22, 2011, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### LANCASTER COUNTY

**Rules of Criminal Procedure No. 531; Qualifications of Surety; No. 7 AD 2011; CPJ. No. 7, Page 1357**

#### Administrative Order

*And Now*, this 28th day of June, 2011, it is hereby Ordered that new Lancaster County Rule of Criminal Procedure No. 531 is adopted as follows:

The Court Administrator is directed to:

1. File one (1) certified copy of this Order and Rule with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified paper copies and one (1) diskette or CD-ROM containing this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish a copy of this Order and Rule on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>
4. Keep continuously available for public inspection copies of the Order and Rule in the Prothonotary and Clerk of Courts Office.

This Order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH C. MADENSPACHER,  
President Judge

**Rule 531. Qualifications of Surety.**

**A. Approved Bondsman List**

1. The Clerk of Courts shall compile, maintain, and make available for public inspection a list of approved bondsman (professional or fidelity/surety agent), hereinafter referred to as the "Approved Bondsman List", qualified to act as bail sureties in Lancaster County.

2. A bondsman (professional or fidelity/surety agent) is not permitted to act as a bail surety in Lancaster County unless he/she appears on the Approved Bondsman List on the date the bond is signed.

3. The Clerk of Courts shall promptly notify the District Attorney's Office, Solicitor's Office, Prison Warden, Bail Administration, the Office of the Prothonotary, and Court Administration of the addition or removal of any bondsman to the Approved Bondsman List.

**B. Professional Bondsman**

A professional bondsman shall not be included on the Approved Bondsman List unless he/she:

1. Provides the Clerk of Courts with a currently valid registration and license from the Commonwealth of Pennsylvania, Department of Insurance pursuant to 42 Pa.C.S.A. § 5742;

2. Provides the Clerk of Courts with proof that he/she maintains an office within Lancaster County, Pennsylvania, from which he/she conducts business pursuant to 42 Pa.C.S.A. § 5744, and;

3. Posts and maintains as security with the Clerk of Courts, a Reserve Account in the amount of twenty-five thousand dollars (\$25,000.00) in United States currency.

**C. Fidelity/Surety Company and Agent**

1. A fidelity/surety company shall not be permitted to have agents on the Approved Bondsman List unless a currently valid registration and license from the Commonwealth of Pennsylvania, Department of Insurance pursuant to 40 P.S. §§ 831 et. seq. is provided to the Clerk of Courts.

2. Each agent of the fidelity/surety company must post and maintain as security with the Clerk of Courts a Reserve Account in the amount of twenty-five thousand dollars (\$25,000.00) in United States currency.

**D. Removal from Approved Bondsman List**

1. A bondsman (professional or fidelity/surety agent) may be removed from the Approved Bondsman List for any of the following reasons:

a. failure to comply with any of the rules as set forth herein;

b. failure to comply with any applicable law or regulation of the Commonwealth of Pennsylvania or Rule of Court of Pennsylvania or of Lancaster County;

c. suspension or revocation of a license or registration by the Commonwealth of Pennsylvania, Department of Insurance or by any Court of Common Pleas;

d. failure to maintain a Reserve Account in the amount of twenty-five thousand dollars (\$25,000.00);

e. the amount of the professional bondsman's outstanding bail forfeitures exceeds three hundred thousand dollars (\$300,000.00) as determined by the Lancaster County Solicitor's Office;

f. failure to pay a bail obligation into the Bail Judgment Account, referred to in Rule 536.1, as required, or;

g. failure to file quarterly reports with the Clerk of Courts within thirty (30) days of the end of each quarter.

2. A fidelity/surety company and its agents may be removed from the Approved Bondsman List if the aggregate amount of outstanding bail forfeitures for the fidelity/surety company exceeds five hundred thousand dollars (\$500,000.00) as determined by the Lancaster County Solicitor's Office.

3. Prior to the removal of a bondsman or fidelity/surety company from the Approved Bondsman List, the bondsman or fidelity/surety company shall be notified in writing of the intent to remove the bondsman or fidelity/surety company from the Approved Bondsman List and the reason(s) for removal and shall be provided with ten (10) days to remedy the basis for removal.

**E. Reserve Account**

1. The Clerk of Courts shall create and maintain a separate account known as the "Reserve Account" for each bondsman or fidelity/surety company on the Approved Bondsman List.

2. The bondsman or fidelity/surety company shall be solely responsible for making the deposits into his/her/its respective Reserve Account as required by this Rule.

[Pa.B. Doc. No. 11-1217. Filed for public inspection July 22, 2011, 9:00 a.m.]

**LANCASTER COUNTY**

**Rules of Criminal Procedure No. 536; Bail Pieces; No. 8 AD 2011; CPJ. No. 7, Page 1357**

**Administrative Order**

And Now, this 28th day of June, 2011, it is hereby Ordered that new Lancaster County Rule of Criminal Procedure No. 536 is adopted as follows:

The Court Administrator is directed to:

1. File one (1) certified copy of this Order and Rule with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified paper copies and one (1) diskette or CD-ROM containing this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of this Order and Rule on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. Keep continuously available for public inspection copies of the Order and Rule in the Prothonotary and Clerk of Courts Office.

This Order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH C. MADENSPACHER,  
President Judge

**Rule 536. Bail Pieces; Exoneration of Surety.**

A. In all cases where a bail piece is lodged, the case shall proceed in accordance with the following procedures:

1. In all cases where the Defendant is lodged in the Lancaster County Prison pursuant to a bail piece, the Warden or his designee shall notify the District Court Administrator within twelve (12) hours of commitment.

2. After notice from the Warden or his designee, the District Court Administrator shall schedule a hearing to take place within seven (7) days of the date the bail piece was lodged.

3. The District Court Administrator shall give prompt notice of the hearing to the Office of the Public Defender, District Attorney's Office, the Clerk of Courts of Lancaster County, and any surety involved in the matter. The District Attorney and Public Defender shall each assign an attorney for the hearing.

4. The daily Business Judge shall conduct hearings on bail proceedings held pursuant to this Rule.

5. A copy of the Court's Order following the hearing shall be promptly forwarded to the Lancaster County Prison.

6. At any hearing conducted pursuant to [ this ] Rule 536(A), the only determination shall be whether to dismiss the bail piece or whether bail shall be reset. No decision regarding the exoneration or remittance of any surety shall be made at a hearing conducted pursuant to [ this ] Rule 536(A). **Rule 536(B) shall be the exclusive process to request exoneration or remission of any bondsman or fidelity/surety company.**

**B. If a defendant is apprehended and returned to the Lancaster County Prison, the bondsman or fidelity/surety company or agent, may petition the Court of Common Pleas for full or partial exoneration or remittance of the amount of the bail bond under the following procedures:**

1. All petitions for exoneration or remittance must be made in writing.

2. All petitions for exoneration or remittance must be served on the Office of the District Attorney, who shall have ten (10) days to respond to the petition.

3. A hearing on the petition shall be conducted upon the request of either party or by the Court sua sponte.

4. No hearing shall be conducted until the expiration of the ten (10) day response period, unless agreed to by both parties.

5. A petition for exoneration or remittance will not be considered if the funds in the Bail Judgment Account referred to in Rule 536.1 have been transferred to the General Fund as outlined in Rule 536.1(D).

[Pa.B. Doc. No. 11-1218. Filed for public inspection July 22, 2011, 9:00 a.m.]

### LANCASTER COUNTY

**Rules of Criminal Procedure No. 536.1; Bail Judgment Account; No. 9 AD 2011; CPJ. No. 7, Page 1357**

#### Administrative Order

And Now, this 28th day of June, 2011, it is hereby Ordered that new Lancaster County Rule of Criminal Procedure No. 536.1 is adopted as follows:

The Court Administrator is directed to:

1. File one (1) certified copy of this Order and Rule with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified paper copies and one (1) diskette or CD-ROM containing this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of this Order and Rule on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>

4. Keep continuously available for public inspection copies of the Order and Rule in the Prothonotary and Clerk of Courts Office.

This Order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

JOSEPH C. MADENSPACHER,  
*President Judge*

#### Rule 536.1. Bail Judgment Account.

A. The Solicitor's Office shall create and maintain a separate account known as the "Bail Judgment Account."

B. If a bail bond remains forfeited for a period of six (6) months, the Solicitor's Office shall notify the bondsman or the fidelity/surety company that the full amount of the bail bond must be placed in the Bail Judgment Account within twenty (20) days of the notice.

C. If the bondsman or fidelity/surety company fails to place the appropriate funds into the Bail Judgment Account, any funds in the bondsman's or fidelity/surety company's Reserve Account, up to the amount of the forfeited bail bond, may be transferred to the Bail Judgment Account at the discretion and direction of the Solicitor's Office.

D. Upon expiration of a one year period from the date of the forfeiture of the bail bond, any amount in the Bail Judgment Account, up to the amount of the forfeited bail bond, shall be transferred to the County's General Fund at the discretion and direction of the Solicitor's Office. The Solicitor's Office shall notify the bondsman or the fidelity/surety company of the transfer.

[Pa.B. Doc. No. 11-1219. Filed for public inspection July 22, 2011, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that David Keith Burgess having been disbarred from the practice of law in the State of California by Order of the Supreme Court of California dated May 31, 2002, the Supreme Court of Pennsylvania issued an Order on July 6, 2011, disbaring David Keith Burgess from the Bar of this Commonwealth, effective August 5, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 11-1220. Filed for public inspection July 22, 2011, 9:00 a.m.]

# PROPOSED RULEMAKINGS

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 555, 563, 639a AND 647a ]

### Table Game Rules for Caribbean Stud Poker and Texas Hold 'Em Bonus Poker

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 13A02(1)—(4) (relating to regulatory authority), proposes to rescind Chapters 555 and 563 (relating to Caribbean Stud Poker; and Texas Hold 'Em Bonus Poker) and add Chapters 639a and 647a (relating to Caribbean Stud Poker; and Texas Hold 'Em Bonus Poker) to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

With this proposed rulemaking, the Board is proposing to replace the temporary regulations in Chapter 555 with the permanent regulations in Chapter 639a and the temporary regulations in Chapter 563 with the permanent regulations in Chapter 647a.

#### *Explanation of Chapter 639a*

Chapter 639a contains the rules governing the play of Caribbean Stud Poker. Section 639a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 639a.2 (relating to Caribbean Stud Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Caribbean Stud Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

#### *Explanation of Chapter 647a*

Chapter 647a contains the rules governing the play of Texas Hold 'Em Bonus Poker. Section 647a.1 (relating to definitions) contains the definitions of terms used throughout the chapter. In § 647a.2 (relating to Texas Hold 'Em Bonus Poker table physical characteristics), the physical characteristics of the table are specified.

The remaining sections address the following: the number of decks of cards used for play of the game; the opening of the Texas Hold 'Em Bonus Poker table for play; the shuffling of cards; the value and rank of the cards; permissible wagers; dealing procedures; the payout odds for all permissible wagers; and how irregularities in play are to be handled.

Based on public comments received on the temporary rulemaking, the dealing procedure in § 647a.10 (relating to procedure for dealing the cards from an automated dealing shoe) for dealing the cards from an automated dealing shoe has been updated to accommodate the use of an automated dealing shoe that automatically reshuffles the cards.

#### *Affected Parties*

Certificate holders that elect to offer the games of Caribbean Stud Poker and Texas Hold 'Em Bonus Poker

will be required to comply with these chapters. The requirements for the games are standard throughout the industry, consistent with 4 Pa.C.S. Part II (relating to gaming) and necessary for the protection of the gaming public and the revenues generated from table games.

The Board has experienced increased regulatory demands resulting from the implementation of table games including the review of Rules Submissions, table layouts, signage and gaming guides.

#### *Fiscal Impact*

*Commonwealth.* The Board will have to review each certificate holder's table games Rules Submissions, table layouts, signage and gaming guides to ensure compliance with the regulatory requirements in this proposed rulemaking. These reviews will be conducted by existing Bureau of Gaming Operations and Bureau of Casino Compliance staff, so the Board does not project that it will incur any significant cost increases as a result of this proposed rulemaking.

*Political subdivisions.* This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth. Most municipalities and counties will benefit from the local share funding mandated by the act of January 7, 2010 (P. L. 1, No. 1).

*Private sector.* This proposed rulemaking will result in additional costs for certificate holders that elect to offer Caribbean Stud Poker and Texas Hold 'Em Bonus Poker. Certificate holders will be required to purchase the table games they elect to offer and to hire and train employees to operate the games. The costs for table game equipment do vary depending on the type and number of tables purchased. The costs are expected to be offset by the revenues generated from table game operations.

*General public.* This proposed rulemaking will not have fiscal impact on the general public.

#### *Paperwork Requirements.*

This proposed rulemaking will require certificate holders to do the following: post signs at gaming tables; have complete sets of rules for all the games they offer available for public inspection; produce a gaming guide summarizing the rules of the games they offer; and file Rules Submissions for each table game they elect to offer. The Rules Submissions are standardized checklists for each game, relatively simple to fill out and available on the Board's web site.

#### *Effective Date*

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

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin*, to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Table Games Rules; Regulation # 125-154.

#### *Contact Person*

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 346-8300.



*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 7, 2011, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at [www.pgcb.state.pa.us](http://www.pgcb.state.pa.us).

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

GREGORY C. FAJT,  
*Chairperson*

*(Editor's Note: Proposed Chapters 639a and 647a reference proposed Chapters 601a, 603a and 605a, which will be adopted on or before the date of final adoption of this proposed rulemaking.)*

**Fiscal Note:** 125-154. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart K. TABLE GAMES****CHAPTER 555. (Reserved)**

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 555 which appears in 58 Pa. Code pages 555-1—555-14, serial pages (352381), (352382), (350073), (350074), (348563)—(348570), (351025) and (351026).)*

Sec.  
555.1—555.14. (Reserved).

**CHAPTER 563. (Reserved)**

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 563 which appears in 58 Pa. Code pages 563-1—563-14, serial pages (356481)—(356484), (350089), (350090), (348621)—(348626), (351033) and (351034).)*

Sec.  
563.1—563.13. (Reserved).

**CHAPTER 639a. CARIBBEAN STUD POKER**

Sec.  
639a.1. Definitions.  
639a.2. Caribbean Stud Poker table physical characteristics.  
639a.3. Cards; number of decks.  
639a.4. Opening of the table for gaming.  
639a.5. Shuffle and cut of the cards.  
639a.6. Caribbean Stud Poker rankings.  
639a.7. Wagers.  
639a.8. Procedure for dealing the cards from a manual dealing shoe.  
639a.9. Procedures for dealing the cards from the hand.  
639a.10. Procedures for dealing the cards from an automated dealing shoe.  
639a.11. Procedure for completion of each round of play.  
639a.12. Payout odds; rate of progression.  
639a.13. Irregularities.

**§ 639a.1. Definitions.**

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

*Bet Wager*—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

*Fold*—The withdrawal of a player from a round of play by not making a Bet Wager.

*Hand*—The five-card hand that is held by each player and the dealer after the cards are dealt.

*Hole card*—Any of the four cards dealt face down to the dealer.

*Progressive Payout Hand*—The term means either of the following:

(i) A player's five-card poker hand with a rank of three-of-a-kind or better.

(ii) If included in the payable selected by the certificate holder, a two pair or better as defined in § 639a.6(b) (relating to Caribbean Stud Poker rankings).

*Round of play*—One complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been settled in accordance with the rules of this chapter.

**§ 639a.2. Caribbean Stud Poker table physical characteristics.**

(a) Caribbean Stud Poker shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Caribbean Stud Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) Two separate betting areas designated for the placement of Ante and Bet Wagers for each player.

(3) If the certificate holder offers the optional Progressive Payout Wager authorized under § 639a.7(d)(2) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(4) If the certificate holder offers the optional Caribbean Stud Bonus Wager authorized under § 639a.7(d)(3), a separate area designated for the placement of the Caribbean Stud Bonus Wager for each player.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Caribbean Stud Poker table.

(6) An inscription indicating that the Bet Wager will be returned if the dealer has less than an ace/king. If the information is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Caribbean Stud Poker table.

(c) If a certificate holder offers a Progressive Payout Wager in accordance with § 639a.7(d)(2), the Caribbean Stud Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table game systems), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) Each Caribbean Stud Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance. The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Caribbean Stud Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

### § 639a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Caribbean Stud Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Caribbean Stud Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Caribbean Stud Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

### § 639a.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 639a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

### § 639a.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack provided, however, that the certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 639a.8, § 639a.9 or § 639a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Caribbean Stud Poker table which is open for gaming, the cards shall be spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The deck of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the deck of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt if:

(i) The automated card shuffling device stores a single deck of shuffled cards inside the shuffler in a secure manner.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Laboratory Operations.

(g) In lieu of the dealing and shuffling requirements in this section, a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Laboratory Operations.

**§ 639a.6. Caribbean Stud Poker rankings.**

(a) The rank of the cards used in Caribbean Stud Poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or straight formed with a 2, 3, 4 and 5, but may not be combined with any other sequence of cards (for example, queen, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible five-card poker hands at the game of Caribbean Stud Poker, in order of highest to lowest rank, shall be:

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

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and a 5, 4, 3, 2 and ace being the lowest ranking straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with an ace, king, queen, jack, 9 being the highest ranking flush and a 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and a 5, 4, 3, 2 and ace being the lowest ranking straight.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) A two pairs, which is a hand containing two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(9) A pair, which is a hand containing two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two hands that are of identical poker hand rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

**§ 639a.7. Wagers.**

(a) Wagers at Caribbean Stud Poker shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Caribbean Stud Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Bet Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 639a.8, § 639a.9 or § 639a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 639a.11(b) (relating to procedure for completion of each round of play), a wager may not be made, increased, or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Caribbean Stud Poker:

(1) A player shall compete against the dealer's five-card poker hand by placing an Ante Wager, then a Bet Wager, in accordance with § 639a.11(b).

(2) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Caribbean Stud Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand. After placing an Ante Wager, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2, offer to each player at a Caribbean Stud Poker table the option to make an additional Caribbean Stud Bonus Wager that the player's cards will form a five-card poker hand with a rank of a pair of 10s or better. After placing an Ante Wager, a player may make the additional Caribbean Stud Bonus Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets."

(e) A player may not wager on more than one player position at a Caribbean Stud Poker table.

**§ 639a.8. Procedure for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the

Bureau of Casino Compliance. Once the procedures required under § 639a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who placed an Ante Wager in accordance with § 639a.7(d)(1) (relating to wagers).

(2) One card face up to the area designated for the placement of the dealer’s hand.

(3) A second card face down to each player directly on top of that player’s first card.

(4) A second card face down to the area designated for the placement of the dealer’s hand to the right of the dealer’s first card.

(5) A third, fourth and fifth card, in succession, face down to each player and the dealer directly on top of the preceding card.

(e) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 639a.9. Procedures for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer’s hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 639a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face down to each player who has placed an Ante Wager in accordance with § 639a.7(d)(1) (relating to wagers).

(2) One card face up to an area designated for the placement of the dealer’s hand.

(3) A second card face down to each player directly on top of that player’s first card.

(4) A second card face down to the area designated for the placement of the dealer’s hand to the right of the dealer’s first card.

(5) A third, fourth and fifth card, in succession, face down to each player and the dealer directly on top of the preceding card.

(c) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were

not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 639a.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 639a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets” and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer’s left who has placed an Ante wager in accordance with § 639a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an Ante Wager in accordance with § 639a.7(d)(1). The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer’s cards and shall spread the cards face down on the layout so the top card of the stack is to the dealer’s right and the bottom card is to the dealer’s left. The dealer shall turn the bottom card of the stack (the card on the dealer’s far left) face up on the area designated for the placement of the dealer’s cards.

(c) After each stack of five cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 639a.11. Procedure for completion of each round of play.**

(a) After the dealing procedures required under § 639a.8, § 639a.9 or § 639a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Caribbean Stud Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards.

(2) Each player shall keep the five cards in full view of the dealer at all times.

(3) After each player has made a decision regarding the Bet Wager as required under subsection (b), the player’s cards shall be placed face down on the appropriate area of the layout and the player may not touch the cards again.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer’s left and moving clockwise around the table, ask each player if he wishes to make a Bet Wager in an amount equal to two times the amount of the player’s Ante Wager or forfeit the Ante Wager and end his participation in the round of play. If a player has placed an Ante Wager and a Caribbean Stud Bonus Wager or Progressive Payout Wager but does not make a Bet Wager, the player shall forfeit all wagers.

(c) After each player who has placed an Ante Wager has either placed a Bet Wager on the designated area of the layout or forfeited his wager and hand, the dealer shall collect all forfeited wagers and associated cards and shall place the cards in the discard rack. The dealer shall then reveal the dealer’s four hole cards and place the cards so as to form the highest possible ranking five-card poker hand. After the dealer’s cards are turned face up, the dealer shall, beginning with the player farthest to the dealer’s right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the five cards of each player face up on the layout.

(2) The dealer shall examine the cards of the player and form the highest possible ranking five-card poker hand for each player.

(3) If the dealer’s highest ranking five-card poker hand:

(i) Is lower than an ace-king, the dealer shall return each player’s Bet Wager and pay out the player’s Ante Wager made by the player in accordance with the payout odds in § 639a.12(a) and (b) (relating to payout odds; rate of progression).

(ii) Is an ace-king or better, and the player’s highest ranking five-card poker hand:

(A) Is ranked lower than the dealer’s five-card poker hand, the dealer shall immediately collect the Ante and Bet Wagers made by the player.

(B) Is ranked higher than the dealer’s five-card poker hand, the dealer shall pay the Ante and Bet Wagers made by the player in accordance with the payout odds in § 639a.12(a) and (b).

(C) Is equal in rank to the dealer’s five-card hand, the dealer shall return the Ante and Bet Wagers made by the player.

(4) The dealer shall settle any Caribbean Stud Bonus Wager made by the player by determining whether the player's five-card poker hand qualifies for a payout in accordance with § 639a.12(c). A winning Caribbean Stud Bonus Wager shall be paid irrespective of whether the player's five-card poker hand outranks the dealer's hand.

(5) After settling a player's Ante, Bet and Caribbean Stud Bonus Wagers, the dealer shall then settle the Progressive Payout Wager, if offered by the certificate holder. A winning Progressive Payout Wager shall be paid irrespective of whether the player's five-card poker hand outranks the dealer's hand. If a player has won a progressive payout, the dealer shall:

- (i) Verify that the hand is a winning hand.
- (ii) Verify that the appropriate light on the progressive table game system has been illuminated.
- (iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.
- (iv) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 639a.12(d). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(d) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 639a.12. Payout odds; rate of progression.**

(a) A certificate holder shall pay each winning Ante Wager at odds of 1 to 1.

(b) A certificate holder shall pay winning Bet Wagers in accordance with the following odds:

<i>Hand</i>	<i>Paytable</i>
Royal Flush	100 to 1
Straight Flush	50 to 1
Four-of-a-kind	20 to 1
Full House	7 to 1
Flush	5 to 1
Straight	4 to 1
Three-of-a-kind	3 to 1
Two pair	2 to 1
A pair or less	1 to 1

(c) If a certificate holder offers the Caribbean Stud Bonus Wager, the certificate holder shall pay out winning Caribbean Stud Bonus Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Royal Flush	1,000 to 1	1,000 to 1	1,000 to 1
Straight Flush	200 to 1	200 to 1	200 to 1
Four-of-a-kind	100 to 1	100 to 1	100 to 1
Full House	50 to 1	50 to 1	50 to 1
Flush	40 to 1	40 to 1	40 to 1
Straight	25 to 1	25 to 1	20 to 1
Three-of-a-kind	7 to 1	6 to 1	6 to 1

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Two pair	3 to 1	3 to 1	3 to 1
A pair of 10s or better	1 to 1	1 to 1	1 to 1

(d) If a certificate holder offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Royal Flush	100% of meter	100% of meter	100% of meter
Straight Flush	5,000 for 1	10% of meter	10% of meter
Four-of-a-kind	500 for 1	500 for 1	200 for 1
Full House	100 for 1	100 for 1	50 for 1
Flush	50 for 1	50 for 1	40 for 1
Straight	10 for 1	10 for 1	30 for 1
Three-of-a-kind	3 for 1	3 for 1	9 for 1
Two pair	2 for 1	2 for 1	N/A

(2) A player shall receive the payout for only the highest ranking five-card poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$10,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 639a.11(c)(5) (relating to procedure for completion of each round of play).

**§ 639a.13. Irregularities.**

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the dealer's hole cards are inadvertently exposed prior to each player having either folded or placed a Bet Wager as provided under § 639a.11 (relating to procedure for completion of each round of play), all hands shall be void, all wagers shall be returned to the players, and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all

wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

#### CHAPTER 647a. TEXAS HOLD 'EM BONUS POKER

Sec.

- 647a.1. Definitions.
- 647a.2. Texas Hold 'Em Bonus Poker table physical characteristics.
- 647a.3. Cards; number of decks.
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- 647a.11. Procedure for completion of each round of play.
- 647a.12. Payout odds; payout limitation.
- 647a.13. Irregularities.

##### § 647a.1. Definitions.

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

*Burn*—To remove the top or next card from the deck and place it face down in the discard rack without exposing the card to anyone.

*Community card*—A card which may be used by each player and the dealer to form the best possible five-card poker hand.

*Flop*—The first three community cards dealt during a round of play.

*Flop Wager*—The second wager that a player shall make prior to the Flop being dealt to continue participation in the round of play.

*Fold*—The withdrawal of a player from a round of play by not making a Flop Wager.

*Hand*—The five-card poker hand formed from the two cards of the player or the dealer and any of the five community cards.

*River card*—The fifth and final community card dealt during a round of play.

*River Wager*—The fourth wager that a player may place prior to the River card being dealt.

*Round of play*—One complete cycle of play during which all wagers have been placed, all cards have been dealt and all remaining wagers have been settled in accordance with the rules of this chapter.

*Turn card*—The fourth community card dealt during a round of play.

*Turn Wager*—The third wager that a player may place prior to the Turn card being dealt.

##### § 647a.2. Texas Hold 'Em Bonus Poker table physical characteristics.

(a) Texas Hold 'Em Bonus Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Texas Hold 'Em Bonus Poker table shall be approved by the Bureau of Gaming Operations and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) Four separate betting areas designated for the placement of Ante, Flop, Turn and River Wagers for each player.

(3) A separate area designated for the placement of the five community cards located directly in front of the table inventory container.

(4) A separate area designated for the placement of the dealer's two cards.

(5) If the certificate holder offers the optional Texas Hold 'Em Bonus Wager authorized under § 647a.7(d)(2) (relating to wagers), a separate areas designated for the placement of the Texas Hold 'Em Bonus Wager for each player.

(6) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for all permissible wagers shall be posted at each Texas Hold 'Em Bonus Poker table.

(7) Inscriptions indicating the following:

(i) The Ante Wager will be returned if the player's winning hand is not a straight or better or a flush or better as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(ii) The payout limit per hand established by the certificate holder under § 647a.12(c) (relating to payout odds; payout limitation) or a generic inscription indicating that the game is subject to the posted payout limit.

(8) If the information required under paragraph (7) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Texas Hold 'Em Bonus Poker table.

(c) Each Texas Hold 'Em Bonus Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance. The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Texas Hold 'Em Bonus Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

##### § 647a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Texas Hold 'Em Bonus Poker shall be played with one deck of cards that are identical in appearance and two cover cards.

(b) If an automated card shuffling device is utilized, Texas Hold 'Em Bonus Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Texas Hold 'Em Bonus Poker shall be changed:

(1) At least every 4 hours if the cards are dealt by hand.

(2) At least every 8 hours if the cards are dealt from a manual or automated dealing shoe.

**§ 647a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 647a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 647a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack provided, however, that the certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for

dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or higher may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Texas Hold 'Em Bonus Poker table which is open for gaming, the cards shall be spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The deck of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the deck of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt if:

(i) The automated card shuffling device stores a single deck of shuffled cards inside the shuffler in a secure manner.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Laboratory Operations.

(g) In lieu of the dealing and shuffling requirements in this section, a certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device and the procedures for dealing and shuffling the cards through use of this device are approved by the Bureau of Gaming Laboratory Operations.

**§ 647a.6. Texas Hold 'Em Bonus Poker rankings.**

(a) The rank of the cards used in Texas Hold 'Em Bonus Poker, for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example queen, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible five-card poker hands at the game of Texas Hold 'Em Bonus Poker, in order of highest to lowest rank, shall be:

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



(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) Two pair, which is a hand consisting of two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(9) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two hands that are of identical rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

#### § 647a.7. Wagers.

(a) Wagers at Texas Hold 'Em Bonus Poker shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Texas Hold 'Em Bonus Poker table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All Ante and Texas Hold 'Em Bonus Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 647a.11(b), (d) and (f) (relating to procedure for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Texas Hold 'Em Bonus Poker:

(1) A player shall compete against the dealer's five-card poker hand by placing an Ante Wager then Flop, Turn and River Wagers in accordance with § 647a.11(b), (d) and (f).

(2) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at a Texas Hold 'Em Bonus Poker table the option to make an additional Texas Hold 'Em Bonus Wager that the player's first two cards will qualify for a payout in accordance with § 647a.12(b) (relating to payout odds; payout limitation). A Texas Hold 'Em Bonus Wager shall have no bearing on any other wager made by the player.

(e) A player may not wager on more than one player position at a Texas Hold 'Em Bonus Poker table.

#### § 647a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location as approved by the Bureau of Casino Compliance. Once the procedures required under § 647a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards and after all Ante and Texas Hold 'Em Bonus Wagers have been placed, the dealer shall announce "no more bets."

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time, face down, to each player who placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have two cards.

(e) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 647a.11(c), (e) and (g) (relating to procedure for completion of each round of play). After all community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If

the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 647a.9. Procedure for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 647a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(b) The dealer shall announce "no more bets" and then deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers) and to the dealer, under a cover card, until each player who placed an Ante Wager and the dealer have two cards.

(c) After two cards have been dealt to each player and to the area designated for the placement of the dealer's hand, the dealer shall deal the five community cards in accordance with § 647a.11(c), (e) and (f) (relating to procedure for completion of each round of play). After all community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 647a.10. Procedure for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 647a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets."

(b) The dealer shall deliver the first stack of two cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager in accordance with § 647a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack of two cards face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of two cards face down under a cover card to the area designated for the dealer's cards.

(c) After each stack of two cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the remaining cards from the automated dealing shoe and, following the procedures in § 647a.9(a)(2) (relating to procedure for dealing the cards from the hand), deal from his hand the five community cards in accordance with § 647a.11(c), (e) and (f) (relating to procedure for completion of each round of play). After all five community cards have been dealt, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) Notwithstanding the requirements in subsections (b) and (c), if a certificate holder is utilizing an automated dealing shoe which automatically reshuffles the cards, the five community cards may be dispensed before the two cards are dispensed to each player and to the dealer. The community cards shall then be revealed in accordance with § 647a.11(c), (e) and (f).

**§ 647a.11. Procedure for completion of each round of play.**

(a) After the dealing procedures required under § 647a.8, § 647a.9 or § 647a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Texas Hold 'Em Bonus Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place a Flop Wager prior to the dealing of the Flop. The player may either fold or place a Flop Wager equal to twice the amount of the player's Ante Wager. If a player:

(1) Places a Flop Wager, the wager shall be placed in the area designated for the Flop Wager.

(2) Folds, the player's Ante Wager shall be collected by the dealer and placed in the table inventory container. If the player:

(i) Has also placed a Texas Hold 'Em Bonus Wager, the dealer shall place the cards of the player face down underneath the Texas Hold 'Em Bonus Wager pending its resolution at the conclusion of the round of play.

(ii) Has not placed a Texas Hold 'Em Bonus Wager, the dealer shall immediately collect the player's cards and place them in the discard rack.

(c) After each player has either placed a Flop Wager or folded, the dealer shall burn the next card. The dealer shall then deal the Flop face up to the designated area for the community cards.

(d) After the Flop has been dealt, the dealer shall, beginning with the player farthest to the dealer's left who has placed a Flop Wager and moving clockwise around the table, ask each player who has placed a Flop Wager if he wishes to place a Turn Wager prior to the dealing of the turn card. The player may either check and remain in the game or place a Turn Wager in an amount equal to the player's Ante Wager.

(e) Once all remaining players have either placed a Turn Wager or checked, the dealer shall burn the next card. The dealer shall then deal the turn card face up to the designated area for the community cards.

(f) After the Flop and turn cards have been dealt, the dealer shall, beginning with the player farthest to the dealer's left who has placed a Flop Wager and moving clockwise around the table, ask each player if he wishes to place a River Wager prior to the dealing of the River card. The player may either check and remain in the game or place a River Wager in an amount equal to the player's Ante Wager.

(g) Once all remaining players have either placed a River Wager or checked, the dealer shall burn the next card face down. The dealer shall then deal the River card face up to the designated area for the community cards.

(h) After the five community cards have been dealt, the dealer shall remove the cover card on top of the dealer's cards and turn his two cards face up on the layout. The dealer shall then select five cards using the dealer's two cards and the five community cards to form the highest ranking five-card poker hand. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right who has placed a Flop Wager and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the two cards of each player who has placed a Flop Wager face up on the layout.

(2) The dealer shall examine the cards of the player and select the five cards using the player's two cards and the five community cards to form the highest ranking five-card poker hand. The wagers of each player shall be

resolved one player at a time regardless of outcome. If a player's five card poker hand:

(i) Is ranked lower than the dealer's five-card poker hand, the dealer shall immediately collect the Ante, Flop, Turn and River Wagers made by the player.

(ii) Is ranked higher than the dealer's five-card poker hand, the dealer shall pay the Ante, Flop, Turn and River Wagers in accordance with the payout odds in § 647a.12 (relating to payout odds; payout limitation) provided, however, that the player's Ante Wager will be returned if the player's winning hand is not a straight or higher or a flush or higher as specified in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

(iii) Is equal in rank to the dealer's five-card hand, the dealer shall return the player's Ante, Flop, Turn and River Wagers.

(3) After settling a player's Ante, Flop, Turn and River Wagers, the dealer shall settle any Texas Hold 'Em Bonus Wager made by the player by determining whether the player's two cards qualify for a payout in accordance with § 647a.12(b).

(i) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 647a.12. Payout odds; payout limitation.**

(a) A certificate holder shall pay winning Ante, Flop, Turn and River Wagers at odds of 1 to 1.

(b) A certificate holder shall pay out winning Texas Hold 'Em Bonus Wager at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Ace-ace (dealer and player)	1,000 to 1	N/A
Ace-ace	30 to 1	30 to 1
Ace-king (same suit)	25 to 1	25 to 1
Ace-queen or ace-jack (same suit)	20 to 1	20 to 1
Ace-king (different suits)	15 to 1	15 to 1
King-king, queen-queen or jack-jack	10 to 1	10 to 1
Ace-queen or ace-jack (different suits)	5 to 1	5 to 1
A pair of 10-10 through 2-2	3 to 1	3 to 1

(c) Notwithstanding the payout odds in subsections (a) and (b), the maximum aggregate payout limit on all winning Ante, Flop, Turn, River and Texas Hold 'Em Bonus Wagers for any hand shall be \$50,000 or the maximum amount that one patron could win per round when betting the minimum wager, whichever is greater.

**§ 647a.13. Irregularities.**

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the foregoing, if the cards are found face up after each player and the dealer have received their initial two cards, any Texas

Hold 'Em Bonus Wager shall be settled in accordance with the payout odds in § 647a.12(b) (relating to payout odds; payout limitation).

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player, the dealer or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If either of the cards dealt to the dealer in Texas Hold 'Em Bonus Poker is inadvertently exposed prior to each player having either folded or placed a Flop, Turn or River Wager as provided for under § 647a.11 (relating to procedure for completion of each round of play), all hands shall be void and all Ante, Flop, Turn and River Wagers shall be returned to the players and the cards shall be reshuffled. Notwithstanding the forgoing, if a player has placed a Texas Hold 'Em Bonus Wager, the wager shall be settled in accordance with the payout odds in § 647a.12(b).

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

[Pa.B. Doc. No. 11-1221. Filed for public inspection July 22, 2011, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

[ 25 PA. CODE CH. 806 ]

### Review and Approval of Projects

*Summary:* This document contains proposed rules that would amend the project review regulations of the Susquehanna River Basin Commission (Commission) to: Include definitions for new terms that are used in the proposed rulemaking; provide for administrative approval of interbasin transfers of flowback and production fluids between drilling pad sites that are isolated from the waters of the basin; provide for administrative approval of out-of-basin transfers of flowback or produced fluids from a Commission approved hydrocarbon development project to an out-of-basin treatment or disposal facility; insert language authorizing "renewal" of expiring approvals, including Approvals by Rule (ABRs); delete specific references to geologic formations that may be the subject

of natural gas development using hydrofracture stimulation and replace with a generic category—"unconventional natural gas development;" broaden the scope of ABRs issued to include hydrocarbon development of any kind utilizing the waters of the basin, not just unconventional natural gas well development; memorialize the current practice of requiring post-hydrofracture reporting; standardize at 15 years the term of ABR approvals for both gas and non-gas projects; and provide further procedures for the approval of water sources utilized at projects subject to the ABR process.

*Dates:* Comments on these proposed rules may be submitted to the Commission on or before August 23, 2011. The Commission has scheduled two public hearings on the proposed rules, to be held August 2, 2011, in Harrisburg, Pennsylvania, and August 4, 2011, in Binghamton, New York. The locations of the public hearings are listed in the addresses section of this notice.

*Addresses:* Comments may be mailed to: Mr. Richard A. Cairo, Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102-2391, or by email to [rcairo@srbc.net](mailto:rcairo@srbc.net).

The public hearings will be held on Tuesday, August 2, 2011, at 10:00 a.m., at the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, and on Thursday, August 4, 2011 at 7:00 p.m., at the Holiday Inn Binghamton Downtown, 2-8 Hawley Street, Binghamton, New York 13901. Those wishing to testify are asked to notify the Commission in advance, if possible, at the regular or electronic addresses given below.

*For Further Information Contact:* Richard A. Cairo, General Counsel, telephone: 717-238-0423, ext. 306; fax: 717-238-2436; e-mail: [rcairo@srbc.net](mailto:rcairo@srbc.net). Also, for further information on the proposed rulemaking, visit the Commission's web site at [www.srbc.net](http://www.srbc.net).

### Supplementary Information

#### *Background and Purpose of Amendments*

The basic purpose of the regulatory amendments set forth in this proposed rulemaking is to make further modifications to the Commission's project review regulations, most of which relate to the approval of hydrocarbon development projects.

New terms are used in these amendments that require further definition in 18 CFR § 806.3. These include definitions for the terms flowback, formation fluids, hydrocarbon development, hydrocarbon water storage facility, production fluids, tophole water, and unconventional natural gas development.

In order to encourage the reuse of least quality water instead of fresh water for hydraulic fracturing by unconventional natural gas development, the Commission proposes to add paragraph (a)(3)(iv) to § 806.4, which would provide for administrative approval of diversions involving flowback or production fluids from hydrocarbon development projects being transferred across the basin boundary from one drilling pad site to another drilling pad site, provided this water is handled in a manner that isolates it from the waters of the basin. Such diversions would be approved administratively under the provisions of § 806.22(f), rather than § 806.4. This change would incorporate into the regulation a policy adopted by the Commission on March 10, 2011.

To encourage reuse, treatment and proper disposal, paragraph (a)(3)(v) of § 806.4 would also be added, which would provide for diversions involving flowback or production fluids transferred to an out-of-basin treatment or disposal facility operating under separate governmental

approval to be subject to administrative approval under the provisions of § 806.22(f), rather than being subject to docket approval under § 806.4.

Currently, § 806.4(a)(8) states that natural gas well development projects targeting the Marcellus and Utica shale formation, or any other shale formations identified in an Executive Director determination, involving a withdrawal, diversion or consumptive use of water in any quantity, must be approved by the Commission. Rather than attempting to name every possible geologic formation that may be the subject of development using hydrofracture stimulation (beyond Marcellus and Utica and the additional formations referenced in the Executive Director’s recent Notice of Determination issued on April 21, 2011), the specific formation references would be deleted and replaced with a generic category—“unconventional natural gas development,” which relates to the extraction of gaseous hydrocarbons from low permeability geologic formations utilizing enhanced drilling, stimulation and recovery techniques. The “gallon one” regulatory threshold currently applicable under the regulations to gas well development in the specifically named formations would instead be extended to this broader category.

Language is inserted into §§ 806.13 and 14 authorizing “renewal” of expiring approvals, including Approvals by Rule (ABRs). Currently, the regulations have no specific reference to a “renewal” process for expiring approvals. Renewals are also provided for in additions to § 806.22(e)(6) and (f)(9).

Adjustments are made to § 806.15—Notice of Application to account for changes and additions to § 806.22(f) described below relating to source registrations and administrative approvals of sources.

Currently, § 806.22(f) establishes an ABR process for consumptive use approvals related to natural gas well development. The Commission proposes to broaden the scope of ABRs issued under § 806.22(f) to include hydrocarbon development of any kind utilizing the waters of the basin, not just unconventional natural gas well development. Rather than requiring such projects to go through review and docket approval under § 806.4, they would be regulated under the administrative ABR process for consumptive use approvals, which has become a very effective mechanism for managing this type of activity. The inclusion of “unconventional natural gas well development” as a subcategory of hydrocarbon development retains coverage of well development using unconventional stimulation or recovery techniques such as hydraulic fracturing under the ABR process.

Proposed § 806.22(f)(4) would clarify that post-hydrofracture reporting is intended to be included in the metering, daily use monitoring and quarterly reporting requirement specified in § 806.30. This would memorialize an ongoing practice of the Commission.

Proposed § 806.22(f)(8) would broaden the certification provided by project sponsors on their compliance with state and federal laws to include “re-use” as well as treatment and disposal of flowback and production fluids.

Revised § 806.22(f)(9) would extend the concept of “renewal” to an existing ABR, where it is not explicitly mentioned in the current regulations.

The current regulations only provide a 4-year duration for natural gas development project ABRs. This relatively short approval term was implemented to give the Commission a near-term opportunity to evaluate the use of an administrative approval process for natural gas-related consumptive use activity. Revised § 806.22(f)(10) would

extend the term of an approval by rule from 4 years to 15 years from the date of notification by the Executive Director, reflecting the knowledge and experience gained by the Commission in reviewing natural gas development projects. A 15-year term is the standard approval term for all other ABRs.

Water source approvals under the hydrocarbon development ABR program are restructured in three ways. First, language would be inserted in § 806.22(f)(11) to identify water sources that are authorized for use by operation of the rule, rather than by separate approval. These sources would continue to be subject to tracking, recordkeeping and reporting requirements. The existing provisions of § 806.22(f)(12) would be split apart, resulting in revised language and the creation of a new § 806.22(f)(13). As revised, § 806.22(f)(12) sets out the registration procedure for hydrocarbon developers to use a source of water approved by the Commission pursuant to § 806.4(a) and issued to persons other than the project sponsor. The new § 806.22(f)(13) authorizes approvals for sources, including, but not limited to public water supplies, wastewater, and hydrocarbon water storage facilities not otherwise associated with docket approvals issued by the Commission or ABRs issued by the Executive Director. By issuing approvals for such hydrocarbon water storage facilities, a tracking mechanism would be created authorizing use of these sources by operation of the rule, rather than needing individual registrations or approvals. Such an approach provides the necessary management controls.

**List of Subjects in 18 CFR Part 806**

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission proposes to amend 18 CFR Part 806 as follows:

**Part 806—Review and Approval of Projects**

**Subpart A—General Provisions**

1. The authority citation for Part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

2. Amend § 806.3 by adding definitions for “Flowback”, “Formation fluids”, “Hydrocarbon development”, “Production fluids”, “Project”, “Tophole water”, and “Unconventional natural gas development” to read as follows:

**§ 806.3—Definitions.**

\* \* \* \* \*

*Flowback.* The return flow of water and formation fluids recovered from the well bore of an unconventional natural gas or hydrocarbon development well within 30 days following the release of pressures induced as part of the hydraulic fracture stimulation of a target geologic formation, or until the well is placed into production, whichever occurs first.

*Formation fluids.* Fluids in a liquid or gaseous physical state, present within the pore spaces, fractures, faults, vugs, caverns, or any other spaces of formations, whether or not naturally occurring or injected therein.

\* \* \* \* \*

*Hydrocarbon development.* Activity associated with the siting, drilling, casing, cementing, stimulation and completion of wells, including but not limited to uncon-

ventional natural gas development wells, undertaken for the purpose of extraction of liquid or gaseous hydrocarbon from geologic formations.

*Hydrocarbon water storage facility.* An engineered barrier or structure, including but not limited to tanks, pits or impoundments, constructed for the purpose of storing water, flowback or production fluids for use in hydrocarbon development.

\* \* \* \* \*

*Production fluids.* Water or formation fluids recovered at the wellhead of a producing hydrocarbon well as a by-product of the production activity.

*Project.* Any work, service, activity, or facility undertaken, which is separately planned, financed or identified by the Commission, or any separate facility undertaken or to be undertaken by the Commission or otherwise within a specified area, for the conservation, utilization, control, development, or management of water resources, which can be established and utilized independently, or as an addition to an existing facility, and can be considered as a separate entity for purposes of evaluation. For purposes of hydrocarbon development activity, the project shall be considered to be the drilling pad upon which one or more exploratory or production wells are undertaken, and all water-related appurtenant facilities and activities related thereto.

\* \* \* \* \*

*Tophole water.* Groundwater that is encountered collected at the surface during drilling operations undertaken in conjunction with hydrocarbon development.

*Unconventional natural gas development.* Activity associated with the siting, drilling, casing, cementing, stimulation and completion of wells undertaken for the purpose of extraction of gaseous hydrocarbons from low permeability geologic formations utilizing enhanced drilling, stimulation or recovery techniques.

\* \* \* \* \*

3. In § 806.4, revise paragraph (a)(3) introductory text, add paragraphs (a)(3)(v) and (a)(3)(vi), and revise paragraph (a)(8), as follows:

**§ 806.4—Projects Requiring Review and Approval**

(a) \* \* \*

(3) Diversions. Except with respect to agricultural water use projects not subject to the requirements of paragraph (a)(1) of this section, the projects described in paragraphs (3)(i) through (3)(iv) below shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set forth in § 806.24. The project sponsors of out-of-basin diversions shall also comply with all applicable requirements of this part relating to consumptive uses and withdrawals. The projects identified in paragraphs (3)(v) and (3)(vi) below shall be subject to regulation pursuant to § 806.22(f).

\* \* \* \* \*

(v) The interbasin diversion of any flowback or production fluids from hydrocarbon development projects from one drilling pad site to another drilling pad site for use in hydrofracture stimulation, and handled in such a manner as to isolate it from the waters of the basin, shall not be subject to separate review and approval as a diversion under this paragraph if the generating or receiving pad site is subject to an Approval by Rule issued pursuant to § 806.22(f).

(vi) The out-of-basin diversion of flowback or production fluids from a hydrocarbon development project for which an Approval by Rule has been issued pursuant to § 806.22(f), to an out-of-basin treatment or disposal facility authorized under separate governmental approval to accept the same, shall not be subject to separate review and approval as a diversion under this paragraph.

\* \* \* \* \*

(8) Any unconventional natural gas development project in the basin involving a withdrawal, diversion or consumptive use, regardless of the quantity.

\* \* \* \* \*

**Subpart B—Application Procedure**

4. Revise § 806.13, as follows:

**§ 806.13—Submission of Application**

Project sponsors of projects subject to review and approval of the Commission under §§ 806.4, 806.5 or 806.6, or project sponsors seeking renewal of an existing approval of the Commission, shall submit an application and applicable fee to the Commission, in accordance with this subpart.

5. In § 806.14, revise paragraph (a), as follows:

**§ 806.14—Contents of Application**

(a) Except with respect to applications to renew an existing Commission approval, applications shall include, but not be limited to, the following information and, where applicable, shall be submitted on forms and in the manner prescribed by the Commission. Renewal applications shall include such information that the Commission determines to be necessary for the review of same, and shall likewise be submitted on forms and in the manner prescribed by the Commission.

\* \* \* \* \*

6. In § 806.15, revise paragraphs (d), (e) and (f) and add paragraph (g), as follows:

**§ 806.15—Notice of Application**

\* \* \* \* \*

(d) For applications submitted under § 806.22(f)(13) for a public water supply source, the newspaper notice requirement contained in paragraph (a) of this section shall be satisfied by publication in a newspaper of general circulation in the area served by the public water supply.

(e) For applications submitted under § 806.22(f)(13) for a wastewater discharge source, the newspaper notice requirement contained in paragraph (a) of this section shall be satisfied by publication in a newspaper of general circulation in each area within which the water obtained from such source will be used for natural gas development.

(f) For applications submitted under § 806.22(f)(13) for a hydrocarbon water storage facility, the newspaper notice requirement contained in paragraph (a) of this section shall be satisfied by publication in a newspaper of general circulation in the area in which the project is located.

(g) The project sponsor shall provide the Commission with a copy of the United States Postal Service return receipt for the notifications to agencies of member States, municipalities and county planning agencies required under paragraph (a) of this section. The project sponsor

shall also provide certification on a form provided by the Commission that it has published the newspaper notice(s) required by this section and made the landowner notifications as required under paragraph (b) of this section, if applicable. Until these items are provided to the Commission, processing of the application will not proceed. The project sponsor shall maintain all proofs of notice required hereunder for the duration of the approval related to such notices.

**Subpart C—Standards for Review and Approval**

7. In § 806.22, revise paragraphs (e)(1), (e)(6), (f), (f)(1), (f)(4), (f)(8), (f)(9), (f)(10), (f)(11), and (f)(12), and add paragraph (f)(13), to read as follows:

**§ 806.22—Standards for consumptive uses of water**

\* \* \* \* \*

(e) \* \* \*

(1) Except with respect to projects involving hydrocarbon development subject to the provisions of paragraph (f) of this section, any project whose sole source of water for consumptive use is a public water supply, may be approved by the Executive Director under this paragraph (e) in accordance with the following, unless the Executive Director determines that the project cannot be adequately regulated under this approval by rule.

\* \* \* \* \*

(6) The Executive Director may grant, deny, suspend, rescind, modify or condition an approval to operate under this approval by rule, or renew an existing approval by rule previously granted hereunder, and will notify the project sponsor of such determination, including the quantity of consumptive use approved.

\* \* \* \* \*

(f) Approval by rule for consumptive use related to unconventional natural gas and other hydrocarbon development.

(1) Any unconventional natural gas development project, or any hydrocarbon development project subject to review and approval under §§ 806.4, 806.5, or 806.6 of this part, shall be subject to review and approval by the Executive Director under this paragraph (f) regardless of the source or sources of water being used consumptively.

\* \* \* \* \*

(4) The project sponsor shall comply with metering, daily use monitoring and quarterly reporting as specified in § 806.30, or as otherwise required by the approval by rule. Daily use monitoring shall include amounts delivered or withdrawn per source, per day, and amounts used per gas well, per day, for well drilling, hydrofracture stimulation, hydrostatic testing, and dust control. The foregoing shall apply to all water, including stimulation additives, flowback and production fluids, utilized by the project. The project sponsor shall also submit a post-hydrofracture report in a form and manner as prescribed by the Commission.

\* \* \* \* \*

(6) Any flowback or production fluids utilized by the project sponsor for hydrofracture stimulation undertaken at the project shall be separately accounted for, but shall not be included in the daily consumptive use amount calculated for the project, or be subject to the mitigation requirements of § 806.22(b).

\* \* \* \* \*

(8) The project sponsor shall certify to the Commission that all flowback and production fluids have been re-used or treated and disposed of in accordance with applicable state and federal law.

(9) The Executive Director may grant, deny, suspend, rescind, modify or condition an approval to operate under this approval by rule, or renew an existing approval by rule granted hereunder, and will notify the project sponsor of such determination, including the sources and quantity of consumptive use approved. The issuance of any approval hereunder shall not be construed to waive or exempt the project sponsor from obtaining Commission approval for any water withdrawals or diversions subject to review pursuant to § 806.4(a). Any sources of water approved pursuant to this section shall be further subject to any approval or authorization required by the member State.

(10) An approval by rule shall be effective upon written notification from the Executive Director to the project sponsor and shall expire 15 years from the date of such notification.

(11) A project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may utilize any of the following water sources at the drilling pad site:

(i) Water sources approved for use by the project sponsor for unconventional natural gas development, or hydrocarbon development, whichever is applicable, pursuant to § 806.4 or this section.

(ii) Tophole water encountered during the drilling process.

(iii) Precipitation or stormwater collected on the drilling pad site.

(iv) Flowback or production fluids obtained from a hydrocarbon water storage facility, provided it is used for hydrofracture stimulation only, and is handled in such a manner as to isolate it from the waters of the basin.

(v) Water obtained from a hydrocarbon water storage facility associated with an approval issued by the Commission pursuant to § 806.4(a) or by the Executive Director pursuant to this section.

(12) A project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may utilize a source of water approved by the Commission pursuant to § 806.4(a) and issued to persons other than the project sponsor, provided any such source is approved for use in unconventional natural gas development, or hydrocarbon development, whichever is applicable, the project sponsor has an agreement for its use, and at least 10 days prior to use, the project sponsor registers such source with the Commission on a form and in a manner as prescribed by the Commission. The project sponsor shall also provide a copy of same to the appropriate agency of the member State. The project sponsor shall record on a daily basis, and report quarterly on a form and in a manner prescribed by the Commission, the quantity of water obtained from any source registered hereunder.

(13) A project sponsor issued an approval by rule pursuant to paragraph (f)(9) of this section may also utilize other sources of water, including but not limited to, public water supply, wastewater discharge, or a hydrocarbon water storage facility not otherwise associated with an approval issued by the Commission pursuant to § 806.4(a) or an approval by rule issued pursuant to

paragraph (f)(9) of this section, provided such sources are first approved by the Executive Director. Any request for approval shall be submitted on a form and in a manner as prescribed by the Commission, shall satisfy the notice requirements set forth in § 806.15, and shall be subject to review pursuant to the standards set forth in subpart C of this part. Any approval issued hereunder shall be subject to such monitoring and reporting requirements as may be contained therein.

Dated: July 11, 2011.

THOMAS W. BEAUDUY,  
*Deputy Executive Director*

**Fiscal Note:** 72-9. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART IV. SUSQUEHANNA RIVER BASIN  
COMMISSION**

**CHAPTER 806. REVIEW AND APPROVAL OF  
PROJECTS**

**§ 806.1. Incorporation by reference.**

The regulations and procedures for review of projects as set forth 18 CFR Part 806 [ (2010) ] (2011) (relating to review and approval of projects) are incorporated by reference and made part of this title.

[Pa.B. Doc. No. 11-1222. Filed for public inspection July 22, 2011, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF BANKING

### Notice Regarding Mortgage Licensing Act Licensee Record Retention Period

Section 6135(a)(2) of the Mortgage Licensing Act (7 Pa.C.S. § 6135(a)(2)) provides that all Mortgage Licensing Act licensee records “shall be preserved and kept available for investigation or examination by the department for a period determined by the department.” The Department of Banking has determined that the period

for preserving records by licensees under Section 6135(a)(2) of the Mortgage Licensing Act is a minimum of four (4) years. The Department reserves the right to require a licensee to preserve records for a longer period if circumstances should warrant.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 11-1223. Filed for public inspection July 22, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063347	Romanishan Metal Fabrication 195 E Morristown Road Wind Gap, PA 18091-9725	Northampton County Bushkill Township	Unnamed tributary to Bushkill Creek High Quality Cold water Fishes 1F	Y
PA0063525 (Sewage)	Pocono Mountain School District Clear Run Campus School Road Swiftwater, PA 18370-0200	Monroe County Coolbaugh Township	Clear Run (2-A)	Y
PA0061581	Bezdecki Family LLZ dba Sutton Springs 1823 Sutton Road Shavertown, PA 18708	Luzerne County Jackson Township	Unnamed tributary to Huntsville Creek (5-B)	Y

**PA0061263**, Industrial Waste, SIC Code 4911, **Wheelabrator Frackville Energy**, 475 Moread Road, Frackville, PA 17931-2340. Facility Name: Wheelabrator Frackville Energy Co. This existing facility is located in Mahanoy Township, **Schuylkill County**.

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

The receiving stream(s), Unnamed Tributary to Mill Creek, is located in State Water Plan watershed 3-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<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	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 101 are based on a design flow of 0.054 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
Free Available Chlorine	XXX	XXX	XXX	XXX	0.2	0.5
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Total Dissolved Solids	675	900	XXX	1500	2000	XXX
Oil and Grease	XXX	XXX	XXX	15	20	XXX
Total Chromium	0.1	0.1	XXX	0.2	0.2	XXX
Total Copper	0.03	0.06	XXX	0.07	0.14	0.17
Total Iron	2.7	5.4	XXX	6.0	12.0	15.0
Total Zinc	0.45	0.45	XXX	1.0	1.0	XXX

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

- Stormwater
- Chemical additives

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

The EPA Waiver is in effect.

*Southcentral Region: 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>
PA0087408 (Sew)	Trainers Midway Lodgings PO Box 6 Bethel, PA 19507	Berks County Bethel Township	UNT Lower Swatara Creek / 7-D	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>
PA0114898 (Sewage)	Madison Township Municipal Authority Wastewater Treatment Plant PO Box 620 Millville, PA 17899-0620	Columbia County Madison Township	Mud Creek (10-D)	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>
PA0239836	Helen & Rober C. McCana 8 Deer Run Road Bradford, PA 16701	McKean County Corydon Township	South Branch Willow Creek 16-B	Y
PA0239771	Mark D. Roberts d/b/a Green Meadows MHP 2186 White Oak Trail Warrior, AL 35180	Lawrence County New Beaver Borough	Unnamed tributary of Jenkins Run 20-B	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*

**PA0011096**, Industrial Waste, SIC Code 2911, **Sunoco Inc. R & M**, 100 Green Street, Marcus Hook, PA 19061-0426. Facility Name: Marcus Hook Refinery. This existing facility is located in Marcus Hook Borough, **Delaware County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of noncontact cooling water from compressors and stormwater runoff from the Marcus Hook Refinery area.

The receiving stream(s), Delaware River Estuary Zone 4 and Middle Creek are located in State Water Plan watershed 3G 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 020 are based on an average stormwater flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	Report
PCBs (Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 021 are based on an average stormwater flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report

<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>
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 201 are based on a design flow of 11.68 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. 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
Temperature (°F)						
Intake	XXX	XXX	XXX	Report	XXX	Report
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids						
Intake	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids						
Effluent Net	XXX	XXX	XXX	100	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon						
Effluent Net	XXX	XXX	XXX	XXX	XXX	5
Total Organic Carbon	XXX	XXX	XXX	Report	Report	XXX
Total Organic Carbon						
Intake	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 301 are based on a design flow of 9.66 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. 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
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids						
Effluent Net	XXX	XXX	XXX	100	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Organic Carbon	XXX	XXX	XXX	Report	Report	XXX
Total Organic Carbon						
Effluent Net	XXX	XXX	XXX	XXX	XXX	5

The proposed effluent limits for Outfall 401 are based on an emergency discharge flow of highly diluted process water and stormwater.

<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>
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	Report
Total Zinc	XXX	XXX	XXX	XXX	XXX	Report
Acrolein	XXX	XXX	XXX	XXX	XXX	Report
Ethylbenzene	XXX	XXX	XXX	XXX	XXX	Report
Benzene	XXX	XXX	XXX	XXX	XXX	Report
Total BTEX	XXX	XXX	XXX	XXX	XXX	Report
Toluene	XXX	XXX	XXX	XXX	XXX	Report
Total Xylenes	XXX	XXX	XXX	XXX	XXX	Report
MTBE	XXX	XXX	XXX	XXX	XXX	Report

No monitoring is required for Outfall 501 which receives wastewater from Monitoring Points 201 and 301.

No monitoring is required for stormwater Outfalls 023 through 027

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

1. Remedial Measures if Unsatisfactory Effluent
2. Intake Sampling Requirement
3. BAT/ELG Reopener
4. Thermal Requirement
5. 2 Degree Temperature Change
6. No Chemical Additives
7. Change in Ownership
8. Laboratory Certification
9. PCB/PMP Requirement
10. Stormwater Requirements
11. Cooling Water Intake Requirements

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 not in effect.

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

**PA0020711**, Sewage, SIC Code 4952, **Topton Borough Berks County**, 205 S Callowhill Street, Topton, PA 19562-1750. Facility Name: Topton Borough STP. This existing facility is located in Topton Borough, **Berks County**.

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

The receiving stream(s), Unnamed Tributary of Little Lehigh Creek, is located in State Water Plan watershed 2-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.3 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
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	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.049	XXX	0.16
COD <sub>5</sub>						
May 1 - Oct 31	25	37	XXX	10	15	20
Nov 1 - Apr 30	50	75	XXX	20	30	40
BOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	75	113	XXX	30	45	60
Fecal Coliform (CFU/100 ml)				200		
	XXX	XXX	XXX	Geo Mean	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	2.5	XXX	XXX	1	XXX	1.5
Nov 1 - Apr 30	7.5	XXX	XXX	3.0	XXX	4.5
Total Phosphorus (Interim)	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Final)	5.0	XXX	XXX	2.0	XXX	4.0
Total Copper	0.062	XXX	XXX	0.025	XXX	0.050

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.

**PA0261653**, SIC Code 6514, **Marjorie Greeger**, 1 Alliance Drive Room 202, Carlisle, PA 17013. Facility Name: Greeger SFTF. This proposed facility is located in North Middleton Township, **Cumberland County**.

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

The receiving stream(s), Conodoguinet Creek, is located in State Water Plan watershed 7-B 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 0.0004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Instant. Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
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	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000		
	XXX	XXX	XXX	Geo Mean	XXX	10,000

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.

*Northcentral Regional Office: Regional Water Management Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.*

**PA0020036**, Sewage, SIC Code 4952, **Blossburg Municipal Authority**, 245 Main Street, Blossburg, PA 16912-1125. Facility Name: Blossburg Municipal Authority STP. This existing facility is located in Blossburg Borough, **Tioga 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), Tioga River, is located in State Water Plan watershed 4-A and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.4 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report				
pH (S.U.)	XXX	Daily Max	XXX	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	83	133	XXX	0.5	XXX	1.6
Total Suspended Solids	100	150	XXX	25	40	50
Fecal Coliform (CFU/100 ml)				30	45	60
May 1 - Sep 30				200		
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	1000
	XXX	XXX	XXX	200		
Total Phosphorus	6.5	10	XXX	Geo Mean	XXX	10000
				2.0	3.0	4.0

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)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
Ammonia—N		Report			
Total Nitrogen		Report			
Total Phosphorus		Report			
Net Total Nitrogen (Interim)	Report	Report			
Net Total Nitrogen (Final)	Report	7306			
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 10/1/2013. 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.

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

- Chesapeake Bay Requirements
- Solids Management Requirements
- Sludge Disposal Conditions

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

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

**PA0204641**, Sewage, **George and Kathy Svilar**, 1481 Cavitt Road, Monroeville, PA 15146. Facility Name: Svilar SRSTP. This existing facility is located in Monroeville Borough, **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), Turtle Creek, is located in State Water Plan watershed 19-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 0.0004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	0.0004	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	Report
COD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30				200		
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	1000
Ammonia-Nitrogen						
May 1 - Sep 30	XXX	XXX	XXX	3.0	XXX	6.0
Oct 1 - Apr 30	XXX	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.

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

**PA0223034**, Industrial Waste, SIC Code 3316, **Duferco Farrell Corp**, 15 Roemer Boulevard, Farrell, PA 16121-2201. Facility Name: Duferco Farrell Steel. This existing facility is located in Farrell City, **Mercer County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste, non-contact cooling water and stormwater.

The receiving stream, the Shenango River, is located in State Water Plan watershed 20-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 004 are based on a design flow of 15.408 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Iron	435	XXX	XXX	XXX	4	XXX

The proposed effluent limits for Suboutfall 104 are based on a design flow of 0.05 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	175	409	XXX	Report	Report	1053

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Iron	XXX	XXX	XXX	1.5	3	3.75
Total Lead	0.9	2.6	XXX	Report	Report	7
Total Zinc	1.2	3.5	XXX	Report	Report	9

The proposed effluent limits for Suboutfall 504 are based on a design flow of 0.5 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	1570	4189	XXX	Report	Report	759
Oil and Grease	XXX	1050	XXX	Report	Report	190
Total Iron	XXX	XXX	XXX	Report	XXX	XXX

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

- Temperature (2° rise)
- Chemical Additives
- Solids Disposal
- Electronic DMR reporting requirement

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

The EPA Waiver is not in effect.

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

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

**WQM Permit No. 1511405**, Sewage, **Wawa Inc.**, 260 West Baltimore Pike, Wawa, PA 19063.

This proposed facility is located in West Nottingham Township, **Chester County**.

Description of Action/Activity: Upgrade to existing treatment plant.

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

**WQM Permit No. 6274202**, Industrial Waste, **Amendment No. 1 U.S. Fish and Wildlife Service**, 300 Westgate Center Drive, Hadley, MA 01035-9589

This existing facility the Allegheny National Fish Hatchery, is located in Glade Township, **Warren County**.

Description of Proposed Action/Activity: The proposed modifications include lining the existing waste settling pond, adding a partition wall to enable one side to be taken out of service for cleaning and maintenance, and reconstruction of the inlet and outlet structures. Groundwater underdrains are to be tied into the existing storm sewer, and underdrains in pond to allow one side to be drained.

**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**

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 1506023-R	Liberty Property Trust 500 Chesterfield Parkway Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek (EV)
PAI01 151117	Stephen S. Fisher 105 Lombard Road Oxford, PA 19363	Chester	East Nottingham Township	Little Elk Creek (HQ-TSF-MF)
PAI01 151118	Marlboro Mushrooms 200 Clonmell Upland Road West Grove, PA 19390	Chester	West Marlborough Township	Unnamed Tributary Doe Run (TSF); Unnamed Tributary East Branch White Clay Creek (EV)



## 4000

## NOTICES

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01151119	237 King Street Partners, LLC 789 East Lancaster Ave Suite 250 Villanova, PA 19085	Chester	Willistown Township and Malvern Borough	Crum Creek (HQ-CWF-MF)

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

*Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023911011	Patrick McMackin PPL Electric Utilities 2 N. 9th St. Allentown, PA 18101	Lehigh	Upper Macungie Township	Little Lehigh Creek, HQ-CWF, MF

*Northampton County Conservation District: Greystone Building, 14 Gracedale Avenue, 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>
PAI024811003	Stanton Properties LLC 339 Amwell Road Building C Hillsborough, NJ 08844	Northampton	Williams Township	Fry Run, HQ-CWF, MF; UNT Lehigh River, CWF, MF

*Susquehanna County Conservation District: County Office Building, 31 Public Avenue, Montrose, PA 18801, 570-278-4600*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025811001	Elk Mountain Ski Resort, Inc. RR2, Box 3328 Uniondale, PA 18470	Susquehanna	Herrick Township	East Branch Tunkhannock Creek, HQ-CWF

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

*Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023911011	Patrick McMackin PPL Electric Utilities 2 N. 9th St. Allentown, PA 18101	Lehigh	Upper Macungie Township	Little Lehigh Creek, HQ-CWF, MF

*Northampton County Conservation District: Greystone Building, 14 Gracedale Avenue, 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>
PAI024811003	Stanton Properties LLC 339 Amwell Road Building C Hillsborough, NJ 08844	Northampton	Williams Township	Fry Run, HQ-CWF, MF; UNT Lehigh River, CWF, MF

*Susquehanna County Conservation District: County Office Building, 31 Public Avenue, Montrose, PA 18801, 570-278-4600*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025811001	Elk Mountain Ski Resort, Inc. RR2, Box 3328 Uniondale, PA 18470	Susquehanna	Herrick Township	East Branch Tunkhannock Creek, HQ-CWF

*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>
PAI032111005	FM Carlisle, LLC Rich Hewitt 770 Route 220 Muncy Valley, PA 17758	Cumberland County	South Middleton Township	Letort Spring Run HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F088R	S&A Custom Built Homes, Inc. 2121 Old Gatesburg Rd State College, PA 16803	Centre	Halfmoon Township	Halfmoon Creek HQ-CWF
PAI041411005	Beginning Properties dba Lions Gate Self Storage 1444 Willowbrook Dr Boalsburg, PA 16827	Centre	Benner Township	Buffalo Run HQ-CWF, MF
PAI041411006	Edward Babcock 882 Greenbriar Dr State College, PA 16801	Centre	Patton Township	UNT to Buffalo Run HQ-CWF

**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>
Malcolm Boone 6990 Old Harrisburg Road York Springs, PA 17372	Adams	10.2	220.5	Turkeys	na	renewal

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

### SAFE DRINKING WATER

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

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

**Application No. 6211501** Public Water Supply  
 Applicant **Youngsville Borough WTP**  
 [Township or Borough] Youngsville Borough  
 [County] **Warren**  
 Responsible Official Terry Williams, Manager  
 Type of Facility Public Water Supply  
 Consulting Engineer Clayton J. Fails, PE  
 Application Received June 22, 2011  
 Date  
 Description of Action Upgrade to existing Well #3 to increase the pumping capacity of Well #3 source to provide backup to the existing Well #1 and Well #2 primary sources

**Application No. 1011506** Public Water Supply  
 Applicant **S-2 Properties**  
 [Township or Borough] Lancaster Township  
 [County] **Butler**  
 Responsible Official Daniel Hall

Type of Facility Public Water Supply  
 Consulting Engineer George Wagner  
 Box 419  
 Sturgeon, PA 15082

Application Received June 28, 2011  
 Date

Description of Action Replace reservoir, pumps, pressure tanks

**Application No. 2010501-MA1** Public Water Supply  
 Applicant **Aqua Pennsylvania Inc.**

[Township or Borough] Sadsbury  
 [County] **Crawford**

Responsible Official Dan Long  
 Type of Facility Public Water Supply  
 Consulting Engineer William Dixon

Dixon Engineering  
 1104 Third Avenue  
 Lake Odessa, MI 48849

Application Received June 29, 2011  
 Date

Description of Action Remove existing fabric and install a domed metal roof over the concrete basin

**Application No. 4211501** Public Water Supply  
 Applicant **Clermont Water Association**

[Township or Borough] Sergeant Township  
 [County] **McKean**

Responsible Official Chris Carlson  
 Type of Facility Public Water Supply  
 Consulting Engineer Anthony Coval, P.E.

Application Received July 1, 2011  
 Date

Description of Action Water treatment system for removal of iron and manganese

**Application No. 1011507** Public Water Supply  
 Applicant **Boyers Water & Sewer Company**

[Township or Borough] Marion  
 [County] **Butler**

Responsible Official Vanda Burk  
 Type of Facility Public Water Supply  
 Consulting Engineer Joseph Pacchioni

Herbert, Ropwland & Grubic  
 3755 East State Street  
 Hermitage, PA 16148

Application Received July 1, 2011  
 Date

Description of Action Replacement of sand pressure filter and addition of a disinfectant contact time unit

**Application No. 4211502** Public Water Supply

Applicant **Bradford City Water Authority**

[Township or Borough] Bradford  
 [County] **McKean**

Responsible Official Jeff Andrews  
 Type of Facility Public Water Supply  
 Consulting Engineer Allan Vanderpoel  
 E&M Engineers & Surveyors  
 24 Derrick Road  
 Bradford, PA 16701

Application Received July 5, 2011  
 Date

Description of Action Installation of a booster pump

**Application No. 6256587** Public Water Supply  
 Applicant **Mt Flower Water Vending, LLC**  
 [Township or Borough] Millcreek  
 [County] **Erie**  
 Responsible Official Louis Montefiori  
 Type of Facility Public Water Supply  
 Application Received July 5, 2011  
 Date

Description of Action Installation of a booster pump

**Operations Permit issued to Meadville Housing Corporation, PWSID #6200035**, West Mead Township, **Crawford County**. Permit Number 2087501-MA1 issued July 11, 2011 for the operation of New Chlorine Contact Line and new Hydropneumatic Tank. This permit is issued in reponse to an operation inspection conducted by Department personnel on July 1, 2011.

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

**Application No. 4011504 MA**, Public Water Supply.  
 Applicant **Aqua PA, Inc.**  
 Barrett System  
 [Township or Borough] Exeter Township, **Luzerne County**  
 Responsible Official Aqua Pennsylvania, Inc.  
 Barrett System  
 Mr. Patrick Burke  
 1 Aqua Way  
 White Haven, PA. 18661

Type of Facility Public Water Supply  
 Consulting Engineer CET Engineering Services  
 William A. LaDieu, PE.  
 1240 North Mountain Road  
 Harrisburg, PA. 17112

Application Received July 7, 2011  
 Date

Description of Action This project provides for the installation of a new submersible well pump, pitless adaptor unit and construction of a new well house. The new building has a different footprint and will require the construction of additional raw water main from the pitless unit. The well house piping is the same as that permitted under 4010503 MA.

## 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**

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

**WA-09-1003**, Water Allocation, **Newtown Artesian Water Company**, P. O. Box 217, Newtown, PA 18940-0217. Newtown Township, **Bucks County**. This application is for a subsidiary water allocation permit to purchase up to 0.3 mgd from Pennsylvania American Water Company.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Amos Realty**, Ridley Township, **Delaware County**. Philip Getty, Boucher & James, Inc., 1456 Ferry Building 500, Doylestown, PA 18901, Grey Tax, US Environmental, 409 Boot Road, Downingtown, PA 19335 on behalf of Mike Evans, Amos Realty L.P., 126 Talbot Road, Holmes, PA 19043 has submitted a Notice of Intent to Remediate. Soil and ground at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

533 West Baltimore Avenue, Clifton Heights, **Delaware County**. Chris Hirschmann, Hillman Consulting LLC, 1600 Route 22 East, Union, NJ 07083 on behalf of Stephan Niggerman, SN&JN, LP c/o: Metro Commercial Management Services, 303 Fellowship Road, Suite 202, Mount Laurel, NJ 08054 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of other organics. The intended future use of the property is an automotive service center.

**Rohm and Haas Company BCMCC SWMU**, Bristol Township, **Bucks County**. Howard Klei, URS Corporation, Iron Hill Corporate Center, Sabre Building, Suite 300, 4051 Ogletown Road, Newark, DE 19713, Christopher Beetham, URS 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Robert Casselberry, Rohm and Haas Company, 3100 State Road, Croydon, PA 19021 has submitted a Notice of Intent to Remediate. The future land use at the site maybe open space or passive recreational uses; however, at this time there are no site improvements planned for after soil remediation is completed.

**Mill Pond Center**, Morrisville Borough, **Bucks County**. Thomas Hippensteal, P. G., Environmental Consultants, Inc., P. O. Box 940, Springhouse, PA 19477, on behalf of Ashok Patel, Mill Pond Center, Pennsylvania Avenue and Bridge Street, Morrisville, PA 19067 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of lead and antimony. The future use of the site will remain the same.

**(REVISED) Estate of Trudsell Residence**, Solebury Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Joe Greene, Quick Environmental, Inc., 61 Cunningham Avenue, Hamilton, NJ 05610 on behalf of The Estate of Lynn Trudsell, 6106 Lower York Road, New Hope, PA 18938 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of 3 2 fuel oil. The future use of the site will remain the same. A summary of the Notice to Intent to Remediate was to have been published in *The Intelligence* on February 2, 2011.

**Meenan Oil Company Facility**, Upper Darby, **Delaware County**. Andrew K. Markoski, Patriot Environmen-

tal Management, LLC. PO Box 629, Douglasville, PA 19518 on behalf of Barry Miller, Meenan Oil Company, L.P., P. O. Box 659, Douglasville, PA 19518 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 property will remain commercial as a petroleum bulk storage and distribution facility. A summary of the Notice to Intent to Remediate was to have been published in the *Delaware County Daily Times* on January 7, 2011.

**5526-5548 Vine Street**, City of Philadelphia, **Philadelphia County**. Suzanne Shourds, REPSG, Inc., 6901 Kingsessing Avenue, 2nd Floor, Philadelphia, PA 19412, Charlene Drake REPSG, Inc., 6901 Kingsessing Avenue, 2nd Floor, Philadelphia, PA 19412, Bruce Conus, Liberty Resources, Inc. 714 Market Street, Suite 100, Philadelphia, PA 19106 on behalf of Robert LaBrum, Redevelopment Authority of the City of Philadelphia, 1234 Market Street, 16th Floor Philadelphia, PA 19106 has submitted a Notice of Intent to Remediate. The site is currently vacant, with planned redevelopment to include residential housing.

**Questa Residence**, Upper Merion Township, **Montgomery County**. Richard Trimpi, Trimpi Associates, Inc., 135 Old Plains Road, Pennsburg, PA 18073, Claire Erskin, Allstate Insurance Company, 1200 Atwater Drive, Suite 110, Malvern, PA 19355 on behalf of Charles Questa, 562 Charles Drive, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. A summary of the Notice to Intent to Remediate was to have been published in the *Main Line Media News, Inc.* on March 10th, 2011.

**Camilla Hall Nursing Home**, East Whiteland Township, **Chester County**. Richard J. Burns, Conestoga-Rover & Associates, 410 Eagleview Boulevard, Suite 110, Exton, PA 19341 on behalf of David McDonnell, Sister, Servants of the Immaculate Heart of Mary, 1140 King Road, Immaculate, PA 19345-0200 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of no. 2 fuel oil. The future use of the site will remain the same.

**Lawrie Property**, East Nottingham Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Frank Lynch, Envirolink, Inc., 165 Daleville Road, Cochranville, PA 19330 on behalf of Ed Lawrie, 244 Upper Valley Road, Christiana, PA 17509 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of pesticides. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local News* on April 12, 2011.

**Feasterville Plaza Shopping Center**, Lower Southampton Township, **Bucks County**. Steve Miller, Island Environmental, Inc, 4235 Old National Pike, Suite 4, Middletown, PA 21769 on behalf of Deborah A. Colson, Federal Realty Investment Trust, 1626 East Jefferson Street, Rockville, MD 20852 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of chlorinated solvents and inorganics. The future use of the site is anticipated to remain commercial.

**Secane Dry Cleaners**, Upper Darby Township, **Delaware County**. Douglas B. Schott, P.G. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Avi Nechemia, 4346 Frankford Avenue, LLC, 417 Callowhill Street, Philadelphia, PA 19123 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of inorganics and # 2

heating oil. It is the intent of the current property owner to maintain the property as a multi-tenant shopping center. A summary of the Notice of Intent to Remediate was to have been published in the *Delaware County Daily Times* on June 15, 2011.

**McGinty Nursery**, East Goshen Township, **Chester County**. James H. Mulry, Mulry and Cresswell Environmental, Inc. 1679 Horseshoe Pike, Glenmoore, PA 19343 on behalf of Marita Malloy Hutchinson, Estate of Margurite McGinty, First Niagara Bank Building, 1197 Wilmington Pike, West Chester, PA 19382 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of arsenic. The property is being sold and the potential buyer plans to continue use of the property as both residence and a nursery. A summary of the Notice to Intent to Remediate was to have been published in the *Daily Local News* on June 8, 2011.

**Rohm and Haas Chemical LLC, Philadelphia Plant East Area 2**, 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 Chemicals LLC, 500 Richmond Street, Philadelphia, PA 19137 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the no. 2 fuel oil. The future use of the site will remain the same.

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

**Avalon Cleaners**, 511 Pierce Street, Kingston Borough, **Luzerne County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Notice of Intent to Remediate (on behalf of his client, David T. Andes, 348 Pierce Street, Kingston, PA 18704), concerning the remediation of soil and groundwater found to have been impacted by PCE as a result of historical operations at this former dry cleaning establishment. The applicant proposes to remediate the site to meet the Site-Specific Standard for soil and groundwater. The anticipated future use of the subject property is for non-residential purposes. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**William Lasater Residence**, 35 Fawn Drive, Shillington, PA 19607, Cumru Township, **Berks County**. Barry Isett and Associates, Incorporated, P. O. Box 147, Trexlertown, PA 18087, on behalf of William and Susan Lasater, 35 Fawn Drive, Shillington, PA 19607, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health Standard. The site will remain residential.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Leech Industries, Inc.**, West Mead Township, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412 on behalf of Leech Industries, Inc., 13144 Dickson Road, Meadville, PA 16335 has submitted a Notice of Intent to Remediate. The site is contaminated with chlorinated solvents that have impacted soil and groundwater from a historical release that occurred prior to August 1992. The proposed future use of the property will be non-residential for industrial purposes. The Notice of Intent to Remediate

was published in *The Meadville Tribune* on June 27, 2011. The proposed cleanup standard for the site is the Statewide Health Standard.

### HAZARDOUS WASTE TREATMENT, STORAGE OR DISPOSAL FACILITIES

**Applications received, withdrawn, denied, or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

#### Application Received with Comment Period:

**WMGR097**, Beneficial Use General Permit, Permit Application. An application for the beneficial use of residual waste was received in DEP's Central Office on June 9, 2011, and was found to be administratively complete as of June 17, 2011. The facility is known as Wayward Tire Processing, located at 2348 West 13th Street, Tyrone, PA 16686.

Wayward Tire Processing proposes to operate a mobile tire shredding and hauling business, where a truck equipped with a patent-pending shredder will go directly to the used tire sites such as gas stations and tire businesses. The operation proposes to shred tires at various tire generation sites, then transporting tire shreds directly to end-use processing sites. Beneficial uses may include processing tire shreds into new, recycled commercial products or for use 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.

### RESIDUAL WASTE GENERAL PERMITS

**Application(s) received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**General Permit Application No. WMGR123SW004. Pennsylvania Biodiesel, Inc. d/b/a CleanWater Technologies**, 91 Montgomery Dam Road, Monaca, PA 15061. A registration for a residual waste general permit for an industrial wastewater treatment facility for processing of drilling fluids, raw gas well flow back and produced water generated during hydraulic fracturing and extraction of natural gas from Marcellus Shale geologic formations, for beneficial reuse at the well site. The application was deemed administratively complete by the Regional Office on July 6, 2011.

Comments concerning the application should be directed to Diane McDaniel, Environmental Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application may contact the DEP Southwest Regional Office at 412-442-4000. TDD users may contact

the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

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

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

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

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

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

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

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

### PLAN APPROVALS

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

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

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

**33-185A: Columbia Gas Transmission LLC—Iowa Compressor Station** (41.12932N 79.00884W, Iowa Road, Pine Creek, PA 17739) for construction of two (2) compressor engines and support equipment in Pine Creek Township, **Jefferson County**. This is a State Only facility.

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

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**46-0005AG: Merck, Sharp & Dohme Corp.** (770 Sumneytown Pike, West Point, PA 19486) for transfer and use of 81.0 tons of VOC Emission Reduction Credits in Upper Gwynedd Township, **Montgomery County** from Minnesota Mining & Manufacturing Co. in Bristow Township, **Bucks County**.

**46-0005AH: Merck, Sharp & Dohme Corp.** (770 Sumneytown Pike, West Point, PA 19486) in Upper Gwynedd Township, **Montgomery County** to transfer and use 81.0 tons of VOC Emission Reduction Credits (ERCs) as emission offsets for current projects under 25 Pa. Code § 127.208(2). The 81.0 tons of VOC ERCs are the result of the shutdown of sources at the Minnesota Mining and Manufacturing Co. (3M), Bristol Township, **Bucks County**. Merck, Sharp & Dohme, Corp. is a major facility subject to the emission offset requirements of 25 Pa. Code Chapter 127, Subchapter E. This plan approval authorizes an increase in VOC emissions from 24.993 to 60.693 tons per year. The current projects of this plan approval are the increase in production and corresponding disinfection operations for the Chickenpox/Shingles and Rotavirus vaccines. There will be no air pollution control devices and air emissions will be controlled through the use of on-going good manufacturing and operating practices. Appropriate monitoring and recordkeeping requirements have been incorporated into this plan approval.

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

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

**39-309-080: Lafarge North America, Inc.** (5160 Main Street, Whitehall, PA 18052) for replacement of the induced draft fan for the No. 2 raw mill at their Whitehall Plant in Whitehall Township, **Lehigh County**. The current emission limits for this source will not change as a result of this fan replacement. The Plan Approval will contain additional recordkeeping, testing and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 39-00011. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

*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

**28-05002G: Letterkenny Army Depot—US Department of Defense** (One Overcash Avenue, Chambersburg, PA 17201) for a revision to the Metal Pretreatment Acid Wash VOC emission limit contained in their Reasonably Available Control Technology Plan (RACT) Plan and Title-V operating permit at the facility in Greene / Letterkenny Townships, **Franklin 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 and has made a preliminary determination to approve a revised Reasonably Available Control Technology (RACT) plan and a proposed SIP revision 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 28-05002G is for a revision to the Metal Pretreatment Acid Wash VOC emission limit contained in Letterkenny's Title-V operating permit and Reasonably Available Control Technology (RACT) Plan. The revision involves increasing allowable Metal Pretreatment Acid Wash VOC emissions under Source ID 148 in their Title-V permit by 5.3 tons for a maximum total of 8.0 tons per each 12-month consecutive period at the facility. The proposed project will incorporate Reasonably Available Control Technology (RACT) with the use of High Volume Low Pressure (HVLP) coating application equipment and other work practices designed to minimize VOC emissions. The company shall be subject to and comply with the relevant provisions of Title 25 of the Pa. Code including chapters 123, 127, and 129. 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 proposed SIP revision does not adopt any new regulations. It incorporates the requirements that include emission limitations for the significant VOC sources at the facility.

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 DEP's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

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.

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

Plan approvals issues to sources identified in 25 Pa. Code § 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

**08-00031B: Appalachia Midstream Services, LLC** (6100 North Western Avenue, Oklahoma City OK 73118-1044) for construction of two (2), additional compressor-engines and one (1) additional dehydration unit at their Granville No. 2 Compressor Station in Granville Township, **Bradford County**.

The Department of Environmental Protection's (Department) review of the information submitted by Appalachia indicates that the engine-compressors to be constructed will comply with applicable regulatory requirements pertaining to air contamination sources. These requirements include the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12 as well as the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines specified in 40 CFR 60, Subpart JJJJ. Pursuant to the requirements of BAT, the engine-compressors are restricted to emit emissions for the following pollutants at a rate above; 0.50 g/Bhp-hr for NO<sub>x</sub>, 0.19 g/Bhp-hr for CO, 0.13 g/Bhp-hr for NMNEHC, and 0.04 g/Bhp-hr for formaldehyde. To demonstrate compliance with these limitations, Appalachia will be required to conduct EPA reference method testing on each engine's exhaust for NO<sub>x</sub>, CO, VOC, and CH<sub>2</sub>O emissions. Continuous compliance demonstration will include monitoring of operational parameters of the catalyst and EPA reference method testing for NO<sub>x</sub> and CO on an approximate annual basis.

Each engine-compressor has a site rating of 1775 Bhp and a maximum heat input equal to 12.00 MMBtu/hr. The compressor-engines are required to use only pipeline quality natural gas as fuel for operation. Based on the findings above, the Department proposes to issue a plan approval with annual emission restrictions as well as monitoring, recordkeeping, reporting, and work practice requirements for the proposed construction as summarized below.

The air contaminate emissions from all sources at the proposed compressor station will be restricted to the following annual 12 consecutive month limitations; 88.3 tpy for NO<sub>x</sub>, 45.2 tpy for VOC, and 6.8 tpy for formaldehyde. Compliance requirement for these annual limitations include monthly recordkeeping of actual emissions from each source at the proposed station.

In addition to the emission limitations above, the following is a summary of the types of conditions the Department intends to place in Plan Approval 08-00031B to ensure compliance with applicable Federal and State regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

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

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



Recordkeeping requirements catalyst replacement and service information.

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

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

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

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

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

**49-00047B: Furman Foods, Inc** (PO Box 500, 770 Cannery Road, Northumberland PA 17857-0500) for installation of carbon filter technology on the biogas treatment system associated with an anaerobic digester. The anaerobic digester (Source ID P201 was permitted under Plan Approval 49-00047A for the wastewater treatment plant upgrade at the facility located in Point Township, **Northumberland County**. The new carbon filter technology will scrub the biogas sent to the engine to remove hydrogen sulfide.

The Department of Environmental Protection's (Department) review of the information submitted by Furman Foods, Inc. indicates that the digester and the proposed air cleaning device will comply with applicable regulatory requirements pertaining to air contamination sources including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the installation proposed above.

The hydrogen sulfide (H<sub>2</sub>S) emissions from the digester will be controlled by at least 99% or to an amount no greater than 25 ppm (whichever is greater). In addition to this emission limitations, the following is a summary of the types of conditions the Department intends to place in Plan Approval 49-00047B to ensure compliance with applicable Federal and State regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Monitoring requirement for H<sub>2</sub>S at the inlet and outlet to the carbon filter (ID FILTER).

Daily observations of the condensate drains on each vessel associated with ID FILTER for excess moisture which may foul the carbon filter.

Recordkeeping of the H<sub>2</sub>S readings from the performance of monitoring.

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

Environmental Protection, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512 within 30 days of the publication date for this notice.

**53-00001F: Tennessee Gas Pipeline Company** (1001 Louisiana Street, PO Box 2511, Houston TX 77252-2511) for the existing installation of an oxidation catalyst on an existing reciprocating internal combustion engine located at Station 313 in Hebron Township, **Potter County**. The respective facility is a major facility and operates under Title V Operating Permit 53-00001.

The Department's review of the information contained in the application indicates that the installation of the oxidation catalyst meets all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to issue a plan approval for the installation of an oxidation catalyst. Additionally, if the Department determines that the respective control device is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V Operating Permit 53-00001 via an administrative amendment pursuant to 25 Pa. Code § 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. In addition to the above requirements, the following is a list of conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Pursuant to 25 Pa. Code § 127.12b, the permittee shall equip control device ID C111 with instrumentation to monitor pressure drop across control device ID C111 and the inlet gas temperature of control device ID C111 and shall monitor these parameters on a continuous basis.

2. Pursuant to 25 Pa. Code § 127.12b, the permittee shall keep records of the following information:

(1) The number of hours that source ID P111 is operated on a monthly basis.

(2) The test report and/or supporting calculations used to verify compliance with the nitrogen oxides, particulate matter, and sulfur oxides emissions limitations for Source ID P111.

(3) 4-hour averages of the inlet temperature of control device ID C111.

(4) 1-hour averages of the pressure drop across control device ID C111.

(5) The analysis report(s) of the investigation(s) conducted when the pressure drop increased above the established limit based upon pressure drop data collected during testing.

(6) The date and the total hours of operation of source ID P111 at the time of the catalyst replacement and/or cleaning.

(7) The manufacturer's recommended timeline and frequency of catalyst replacement and/or cleaning.

These records shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

3. Pursuant to 25 Pa. Code § 127.12b, the permittee shall construct and operate control device ID C111 in accordance with the manufacturer's specifications and

good air pollution control practices. The permittee shall follow the manufacturer's recommended timeline and frequency for catalyst replacement and cleaning.

4. Pursuant to 25 Pa. Code § 127.12b, the carbon monoxide emissions from source ID P111 shall be controlled by an oxidation catalyst (control device ID C111). The permittee shall not operate source ID P111 without the simultaneous operation of control device ID C111.

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

**18-00026C: First Quality Products, Inc.** (Clinton County Industrial Park, 121 North Road, McElhatten, PA 17748-0270) for the construction of a Curt G. Joa underpad machine (Line 34) in Wayne Township, **Clinton County**. The emissions from the Curt G. Joa underpad machine will not exceed 0.01 ton of PM, including PM10 and 2.87 tons of VOCs per year. The Department's review of the information contained in the application submitted by First Quality Products, Inc. indicates that the sources and the air-cleaning devices will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the PM emission limitation of 25 Pa. Code § 123.13, the visible emission limitation of 25 Pa. Code § 123.41.

Based on this finding, the Department proposes to issue a plan approval for the proposed construction. In addition to the emission limitations, the following includes the types of conditions the Department intends to place in the plan approval to ensure compliance with all applicable regulatory requirements including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12.

Emission and material usage restrictions to limit the emission of PM10 and VOCs.

Control of PM, including PM10 emissions from the underpad machine by installation of a four-stage filter system.

Work practice requirements to install and operate the source and control device with good air pollution control practices.

Recordkeeping and reporting requirements to verify compliance with the emission limitations and all permitting requirements.

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

**19-00001B: Rieter Automotive North America, Inc.** (480 West 5th Street, Bloomsburg, PA 17815-1563), for the proposed modification of Boiler No. 7 (Source ID 033) at their facility located in Bloomsburg Borough, **Colum-**

**bia County**. The modification is for converting the boiler from burning to fuel oil to burning natural gas. The respective facility is a major facility for which a Title V operating permit (19-00001) has been issued. The modified boiler will have potential to emit CO, SO<sub>x</sub>, PM, PM10, PM2.5, and VOC and projected actual emissions of NO<sub>x</sub> all below the de minimis levels.

The Department's review of the information contained in the application indicates that the proposed sources will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the requirements of 25 Pa. Code §§ 123.13, 123.21, 123.31 and 123.41. Based on this finding, the Department intends to issue a plan approval for the proposed modification. Conditions in Title V operating permit 19-00001 will remain in effect unless superseded or amended by this plan approval. Additionally, if the Department determines that the sources are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the operating permit via an administrative amendment under 25 Pa. Code § 127.450.

The Department proposes to place in the plan approval the following conditions to ensure compliance with all applicable regulatory requirements:

1. [Additional authority for this permit condition is derived from 25 Pa. Code Subchapter E and 40 CFR Section 52.21]

The emission of Nitrogen Oxides (NO<sub>x</sub>) into the outdoor atmosphere from the Source ID 033 shall not exceed 28.67 tons in any 12 consecutive month period.

2. [This condition supersedes Source ID 033, Condition #004 of the February 1, 2011 Revision of TVOP 19-00001]  
Source 033 shall only be fired on natural gas.

3. [Additional authority for this permit condition is derived from 25 Pa. Code Subchapter E and 40 CFR Section 52.21]

The natural gas usage for Source ID 033 shall not exceed 431.2 million cubic feet in any 12 consecutive month period.

4. [Additional authority for this permit condition is derived from 25 Pa. Code §§ 127.511 and 25 Pa. Code Subchapter E and 40 CFR Section 52.21]

To verify compliance with the annual throughput limitation, the permittee shall keep monthly records of the natural gas usage in Source ID 033.

[This condition supersedes Source ID 033, Condition #006 of the February 1, 2011 Revision of TVOP 19-00001]

[Additional authority for this permit condition is derived from 25 Pa. Code §§ 127.511 and 129.95 and 40 CFR 60.48c(g)(2)]

(a) The permittee shall keep records of the following:

(1) the hours Source 033 is operated each month.

(2) the combined usage of each type of fuel oil (No. 4, No. 2, natural gas, etc.) in Sources 032 and 033 each month.

(3) stack test reports.

(b) All records generated pursuant to this condition shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

5. [This condition supersedes Source ID 033, Condition #007 of the February 1, 2011 Revision of TVOP 19-00001]

[Additional authority for this permit condition is derived from 25 Pa. Code § 127.511]

(a) The permittee shall submit semi-annual reports to the Department which list the combined usage of each type of fuel oil (No. 4, No. 2, natural gas etc.) in Sources 032 and 033 each month for each respective six-month period as well as the number of hours Source 033 is operated each month during the respective six-month period.

(b) The semi-annual reports shall be submitted to the Department by no later than September 1 (for the immediately preceding January 1 through June 30 six consecutive month period) and March 1 (for the immediately-preceding July 1 through December 31 six consecutive month period).

6. [This condition supersedes Source ID 033, Condition #008 of the February 1, 2011 Revision of TVOP 19-00001]

Source 033 is a 77 million Btu per hour E. Keeler Model 15118-3, Type DS10-185 natural gas-fired boiler located in Building 18 and identified by the permittee as Boiler #7.

7. [Additional authority for this permit condition is derived from 40 CFR 60.40c—60.48c]

Boiler #7 is subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.40c—60.48c. The permittee shall comply with all applicable requirements of this Subpart as well as any other applicable Subpart of the Standards of Performance, including any recordkeeping and reporting requirements.

Copies of the application and the Department's review of the application 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.

Interested persons may submit written comments, suggestions or objections concerning the proposed plan approval to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period should include the name, address and telephone number of the commentator, identification of proposed plan approval number 19-00001B and a concise statement regarding the relevancy of the information or objections to the issuance of the plan approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512.

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

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

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

**65-00629: CBC Latrobe Acquisition, LLC** (100 33rd Street, Latrobe, PA 15650-1474) to allow installation and initial temporary operation of a 449,000 gallon/day wastewater pretreatment system at their Latrobe Brewery in the City of Latrobe, **Westmoreland County**.

In accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (DEP) intends to issue Air Quality Plan Approval: PA-65-00629 to allow the installation and initial temporary operation of a 449,000 gallon/day wastewater pretreatment system at the Latrobe Brewery in the City of Latrobe, Westmoreland County. Air contamination sources include a direct fired heater, rated at 2 MMBtu/hr, and a biogas-fired ground flare, rated at 9 MMBtu/hr.

Potential emissions from the facility are estimated to be 3.5 tons of nitrogen oxides (NOx), 18 tons of carbon monoxide (CO), 2 tons of volatile organic compounds (VOC), 33 tons of sulfur dioxide (SO<sub>2</sub>), and 0.06 tons of particulate matter and particulate matter less than 10 microns in diameter (PM/PM<sub>10</sub>) per year. Best available technology (BAT) for the proposed sources is good engineering practice, good combustion practices, and proper operation and maintenance. The authorization is subject to State regulations including limitations on visible fugitive & malodors emissions. Plan Approval has been conditioned to ensure compliance with all applicable rules including work practice, maintenance, monitoring, recordkeeping, and reporting conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with Pa. Code Title 25 Subchapter F.

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

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

Identification of the proposed Plan Approval (PA-65-00629).

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

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

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

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

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

**20-040G: Advanced Cast Products, Inc.** (18700 Mill Street, Meadville, PA 16335) for installation of a Torit baghouse to serve the facility's scrap pre-heat operation in Vernon Township, **Crawford County**. This is a Title V

facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the Title V operating permit at a later date.

This construction will result in emissions of ~ 0.65 tpy PM and ~ 0.4 tpy PM<sub>10</sub> & PM<sub>2.5</sub>. This Plan Approval will contain conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:

- No person may permit the emission into the outdoor atmosphere of filterable particulate matter in a manner that the concentration of particulate matter (both filterable & condensable) in the effluent gas exceeds 0.02 grain per dry standard cubic foot.
- The facility shall perform a stack test, shall monitor the control device, and shall maintain adequate records to show compliance.

In accordance with 25 PA Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 PA Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the following:

- Name, address and telephone number of the person submitting the comments
- Identification of the proposed plan approval [20-040G]
- A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to H. Thomas Flaherty, 230 Chestnut St., Meadville, PA 16335; Phone # (814) 332-6940.

In accordance with 25 PA Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

## PLAN APPROVAL

### PUBLIC HEARINGS

*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*

**28-05002G: Letterkenny Army Depot—US Department of Defense** (One Overcash Avenue, Chambersburg, PA 17201) to receive comments on a proposed revision to the Reasonably Available Control Technology (RACT) Plan and amendment to the State Implementation Plan (SIP) for Letterkenny Army Depot facility in Greene / Letterkenny Townships, **Franklin County**. The proposed SIP revision does not adopt any new regulations. It incorporates the requirements that include emission limitations for the significant VOC sources at the facility. The revision involves increasing allowable Metal Pretreatment Acid Wash VOC emissions by 5.3 tons for a maximum total of 8.0 tons per each 12-month consecutive period at the facility. The Department will hold one public hearing on August 24, 2011, at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, from 9:00 A.M. until all scheduled comments are received. Persons wishing to present testimony should contact Mr. Daniel Husted, Environmental Engineering Manager, West Permitting Section, Southcentral Regional Office, at 717-705-4863. Written comments may be submitted to the Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110 until September 6, 2011.

### 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*

**44-05001: Standard Steel, LLC** (500 North Walnut Street, Burnham, PA 17009) for operation of a steel foundry manufacturing railroad wheels and axles in Burnham Borough, **Mifflin 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. This is a renewal of their Title V Operating permit issued in November 2005.

The subject facility had actual emissions in 2010 of approximately 247 tons of CO, 57 tons of NO<sub>x</sub>, 35 tons of PM<sub>10</sub>, 21 tons of PM<sub>2.5</sub>, 8 tons of SO<sub>x</sub>, 17 tons of VOC, and 2 tons of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

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

Daniel C. Husted, P.E., West Permitting Section Chief may be contacted at (717) 705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**25-00025: GE Transportation Systems** (2901 East Lake Road, Erie, PA 16531) for re-issuance of a Title V Permit for their locomotive manufacturing facility in Lawrence Park Township, **Erie County**. The facility's major emission sources include four natural gas-fired boilers (3 at 98.6 million Btu/hr each and 1 at 133 million Btu/hr), paint booths, varnish application systems, vacuum pressure impregnation systems, diesel engine test cells, machining and grinding operations, emergency diesel-fired generators and emergency natural gas-fired generators, and gasoline and diesel storage tanks. The facility is a major facility due to its potential to emit Nitrogen Oxides (NO<sub>x</sub>) and Volatile Organic Compounds (VOCs) and Carbon Monoxide (CO).

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

*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*

**28-05019: New Enterprise Stone & Lime Co., Inc.—d/b/a Valley Quarries, Inc.** (169 Quarry Road, Chambersburg, PA 17201) for their Chambersburg Black-top Plant in Guilford Township, **Franklin County**.

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

The subject facility has the following actual emissions: 47 TPY of CO; 14 TPY of NO<sub>x</sub>; 10 TPY SO<sub>x</sub>; 3 TPY of PM<sub>10</sub>; 1 TPY of VOC; and 1 TPY of aggregate HAPs. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. Both

of the batch asphalt plants are subject to 40 CFR Part 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.

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

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

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

**S11-017: Kraft Foods Global, Inc.** (at 12000 East. Roosevelt Blvd. Philadelphia, PA 19116) to operate a baking facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes one 38.0 MMBTU/hr and one 9.4 MMBTU/hr boilers, six non-yeast baking ovens, two yeast-baking ovens controlled by a catalytic oxidizer, a fumigation process and material handling with a central vacuuming system, particulate controls, and baghouse.

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

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

**S11-005: Commander Navy Region Mid-Atlantic.** (at 700 Robbins Avenue, Philadelphia, PA 19111) for the operation of office building in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one (1) 29.3 MMBTU/hr boiler burning natural gas or No. 4 or No. 6 oil, two (2) 32.66 MMBTU/hr boilers

burning natural gas or No.4 or No.6 oil, two (2) 1.3 MMBTU/hr boilers burning natural gas, one (1) 0.75 MMBTU/hr boiler burning natural gas, three (3) boiler and water heaters less than 0.25 MMBTU/hr burning natural gas, six (6) emergency generators, a fire pump, a carpentry shop, a paint booth, and a gasoline storage and dispensing tank.

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

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

**N06-005: Frankford Plating, Inc.** (2505 Orthodox Street, Philadelphia, PA 19137) for the operation of a metal plating facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one (1) Decroative hexavalent chrome plating tank with wetting agent.

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

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

#### PLAN APPROVALS

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

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

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

**52-303-003 Eureka Stone Quarry, Inc.—Milford Quarry** (PO Box 249, Chalfont, PA 18914) for installation of a Recycled Asphalt System (RAP) and Waste oil heater Milford Borough, **Pike 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 Eureka Stone Quarry, Inc.—Milford Quarry (PO Box 249, Chalfont, PA 18914) for their facility located in Milford Borough, Pike County. This Plan Approval No. 52-303-003 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 52-303-003 is for the installation of a Recycled Asphalt System (RAP) and Waste oil heater. The company is subject to NSPS Subpart I requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. 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.

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, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

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

Identification of the proposed permit No.: 52-303-003.

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

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

**48-399-069 Praxair Distribution Mid Atlantic LLC db's GTS Welco** (145 Shimersville Road, Bethlehem, PA 18015) for installation of an Ethylene Oxide Scrubber system for their facility in Bethlehem, **Northampton 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 Praxair Distribution Mid Atlantic LLC—db's GTS Welco (145 Shimersville Road, Bethlehem, PA 18015) for their facility located in Bethlehem, Northampton County. This Plan Approval No. 48-399-069 will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-399-069 is for the installation of an Ethylene Oxide Scrubber system. 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.

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, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

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

Identification of the proposed permit No.: 48-399-069.

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

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone # 570-826-2511 within 30 days after publication date.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of suffi-

cient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

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

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

### *Coal Applications Received*

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

**03851303 and NPDES No. PA0213462, McVile Mining Company**, (301 Market Street, Kittanning, PA 16201), to revise the permit for the Clementine Mine #1 in North Buffalo Township, **Armstrong County** and related NPDES permit to install the North Buffalo Shaft Site. Surface Acres Proposed 16.2. Receiving stream: Unnamed Tributary No. 20 to Nicholson Run, classified for the following use(s): WWF. Application received March 28, 2011.

**30841316 and NPDES No. PA0213535, Consol Pennsylvania Coal Company, LLC**, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine & Prep Plant in Richhill and Aleppo Townships, **Greene County** to add acreage for development mining. Underground Acres Proposed 165.0, Subsidence Control Plan Acres Proposed 165.0. No additional discharges. Application received May 2, 2011.

**30841601 and NPDES No. NA. Consolidation Coal Company**, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317), to renew the permit for the Robena Preparation Plant in Monongahela Township, **Greene County**. Application received March 4, 2011.

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

**56060102 and NPDES No. PA0249912. Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530, revision of an existing bituminous surface mine to change land use from cropland to wildlife habitat in Stonycreek Township, **Somerset County**, affecting 83.7 acres. Receiving stream(s): UTs to/and Schrock Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received June 21, 2011.

**56050106 and NPDES No. PA0249807. Marquise Mining Corporation**, P. O. Box 338, Blairsville, PA 15717, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 122.5 acres. Receiving stream(s): UTs to/and Dixie Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received April 4, 2011.

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

**10070101. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface mine in Clay Township, **Butler County** affecting 7.7 acres. Receiving streams: Unnamed tributaries A & B to Muddy Creek, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 1, 2011.

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

**14940101 and NPDES No. PA0219932. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866). Renewal of an existing bituminous surface mine located in Rush Township, **Centre County** affecting 522.0 acres. Receiving streams: unnamed tributaries to Moshannon Creek and Moshannon Creek classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: July 1, 2011.

**17960104 and NPDES No. PA0220281. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Renewal for reclamation activities only on an existing bituminous surface mine located in Beccaria Township, **Clearfield County** affecting 79.0 acres. Receiving streams: Cofinan Run classified for cold water fishery to Clearfield Creek classified for warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 29, 2011.

**17990107 and NPDES No. PA0238309. River Hill Coal Co., Inc.** (P. O. Box 141, Kylertown, PA 16847). Renewal for the continued operation and restoration of a bituminous surface mine located in Bigler Township, **Clearfield County** affecting 234.5 acres. Receiving streams: Pine Run classified for cold water fishery to Clearfield Creek classified for warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 27, 2011.

**17030112 and NPDES No. PA0243566. Clearfield Properties, Inc.** (2151 Lisbon Road, Kennerdell, PA 16374). Transfer of an existing bituminous surface mine from U.S. Operating Services Co., located in Chest Township, **Clearfield County** affecting 148.9 acres. Receiving streams: unnamed tributaries to North Camp Run to Chest Creek classified for cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: June 30, 2011.

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

**54850204R5 and NPDES Permit No. PA0592749. Jeddo-Highland Coal Company**, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite coal refuse reprocessing operation in Porter Township, **Schuylkill County** affecting 1756.0 acres, receiving stream: Wiconisco Creek, classified for the following use: cold water fishes. Application received: June 21, 2011.

**54-305-018GP12. Waste Management & Processors, Inc.**, (P. O. Box K, Frackville, PA 17931), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12

on Surface Mining Permit No. 54080201 in Port Carbon & Mechanicsburg Boroughs, **Schuylkill County**. Application received: July 1, 2011.

**49-305-001GP12R. D. Molesevich & Sons Construction Co., Inc.**, (333 South Pine Street, Mt. Carmel, PA 17851). Renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 49851602 in Mt. Carmel Township, **Northumberland County**. Application received: July 6, 2011.

*Noncoal Applications Received*

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

**7575SM1 and NPDES No. PA0594296. Hempt Brothers, Inc.**, 205 Creek Road, P. O. Box 278, Camp Hill, PA 17001, revision of an existing surface mine to convert 25.3 acres of existing permitted support area to mineral extraction within the current SMP in Silver Spring Township, **Cumberland County**, affecting 196.2 acres. Receiving stream(s): unnamed tributary to/and Hogestown Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is located on Conodoguinet Creek approximately five miles downstream from the quarry. The water supply is owned and operated by PA American Water Company West. Application received: June 29, 2011.

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

**8275SM3C7 and NPDES Permit No. PA0117986. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc.**, (PO Box 550, Blue Ball, PA 17506), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Caernarvon Township, **Lancaster County**, receiving stream: unnamed tributary to Conestoga River, classified for the following use: warm water fishes. Application received: June 20, 2011.

**4874SM2C2 and NPDES Permit No. PA0123544. Pennsy Supply, Inc. d/b/a Oldcastle Industrial Minerals**, (550 S. Biesecker Road, Thomasville, PA 17364), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Jackson Township, **York County**, receiving stream: Little Conewago Creek, classified for the following use: trout stock fishery. Application received: July 7, 2011.

**67000301C3 and NPDES Permit No. PA0224065. Pennsy Supply, Inc. d/b/a Oldcastle Industrial Minerals**, (550 S. Biesecker Road, Thomasville, PA 17364), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Jackson Township, **York County**, receiving stream: Little Conewago Creek, classified for the following use: trout stock fishery. Application received: July 7, 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.

<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

*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:

limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

*Effluent Limits for Noncoal Mining Activities*

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*		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*

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

**NPDES No. PA0213527 (Mining Permit No. 30841317), Consol Pennsylvania Coal Company, LLC**, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15234). A revision to the NPDES and mining activity permit for Enlow Fork Mine in East Finley Township, **Washington County** and Richhill Township, **Greene County** to construct Phase 2 of an overland conveyor to transport coal from the Oak Spring Slope to the Bailey Mine Complex Preparation Plant. Three NPDES discharge points will be added. Surface Acres Affected 361.9. Receiving streams: Unnamed Tributary to Rocky Run, classified for the following use: TSF, Unnamed Tributary to Enlow Fork, classified for the following use: WWF, and Enlow Fork, classified for the following use: TSF. TMDL NA. Application received March 31, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The proposed average daily discharge rate for Outfall 031 is 0.918 MGD (Instantaneous maximum)

Outfall 031 discharges to: Unnamed Tributary 32714B to Rocky Run

The proposed effluent limits for Outfall 031 Lat: 39° 59' 52" Long: 80° 24' 53" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily aximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		Monitor & Report		
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow		Monitor & Report		
Osmotic Pressure (mOs/kg)			6,371	
Total Dissolved Solids (mg/l)		Monitor & Report		
Sulfates (mg/l)		Monitor & Report		

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

The proposed average daily discharge rate for Outfall 032 is 0.763 MGD (Instantaneous maximum)

Outfall 032 discharges to: Unnamed Tributary 32644D to Enlow Fork

The proposed effluent limits for Outfall 032 Lat: 39° 59' 20" Long: 80° 25' 9" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	3.2	
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow		Monitor & Report		
Osmotic Pressure (mOs/kg)			135	
Total Dissolved Solids (mg/l)		Monitor & Report		
Sulfates (mg/l)		Monitor & Report		

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

The proposed average daily discharge rate for Outfall 033 is 0.097 MGD (Instantaneous maximum)

Outfall 033 discharges to: Enlow Fork

The proposed effluent limits for Outfall 033 Lat: 39° 58' 33" Long: 80° 25' 3" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		Monitor & Report		
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90
Flow		Monitor & Report		
Osmotic Pressure (mOs/kg)			23,563	
Total Dissolved Solids (mg/l)		Monitor & Report		
Sulfates (mg/l)		Monitor & Report		

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

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

**NPDES No. PA0249807 (Mining permit no. 56050106), Marquise Mining Corporation**, P. O. Box 338, Blairsville, PA 15717, renewal of an NPDES permit for surface coal mining operation in Shade Township, **Somerset County**, affecting 122.5 acres. Receiving stream(s): unnamed tributaries to Dixie Run and Dixie Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: April 4, 2011. Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributaries to Dixie Run and Dixie Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Treatment Pond 1	No
002—Treatment Pond 2	
003—Treatment Pond 3	

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

Alkalinity must exceed acidity at all times

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004—Sedimentation Pond 1	No
005—Sedimentation Pond 2	
006—Sedimentation Pond 3	

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.9
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

Alkalinity must exceed acidity at all times

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0227188 (Permit No. 37960301). ESSROC Cement Corp.** (P. O. Box 779, Bessemer, PA 16112) Renewal of an NPDES permit for a large industrial minerals surface mine in North Beaver & Mahoning Townships, **Lawrence County**, affecting 308.0 acres. Receiving streams: Unnamed tributary to Mahoning Creek, classified for the following uses: WWF; and unnamed tributary to Hickory Run, classified for the following uses: TSF. Application received: June 13, 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 outfall(s) listed below discharge to unnamed tributary to Mahoning Creek & unnamed tributary to Hickory Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TPA	N
TPB	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

The outfall(s) listed below discharge to unnamed tributary to Mahoning Creek & unnamed tributary to Hickory Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SPA	N
SPB	N
SPC	N
SPD	N
SPE	N
SPF	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

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

**NPDES Permit No. PA0117986 on 8275SM3C6. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc.,** (PO Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit from a quarry operation in Caernarvon and East Earl Townships, **Lancaster County** affecting 123.0 acres. Receiving stream: unnamed tributary to Conestoga River, classified for the following use: warm water fishes: Application received: June 20, 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 outfall listed below discharge to unnamed tributary to Conestoga River:

<i>Outfall No.</i>	<i>New Outfall</i>
001	No

**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 permit shall submit comments,

suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E51-248. Conergy Projects, Inc.,** 101 Lindenwood Drive, Malvern, PA 19355, City and County of **Philadelphia**, ACOE Philadelphia District.

To place and maintain approximately 2500 cubic yards of clean fill in and along the 100-year flood plain of the Schuylkill and Delaware rivers, for the purpose of construction of a Solar Photovoltaic facility.

The site is located in the former U.S. Navy incinerator and ash disposal site, near the intersection of Langley Avenue and Basin Bridge Road, Philadelphia, PA USGS map N: 9.6 inches; W: 5.2 inches.

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

**E67-887: James Gross**, York City Public Works, 50 West King Street, PO Box 509, York, PA 17405, in West Manchester Township and York City, **York County**, ACOE Baltimore District

To remove a portion of the existing stream enclosure and to relocate and maintain 700.0 feet of an unnamed tributary to Willis Run (WWF, MF) for the purpose of increasing the capacity of the current conveyance system during high flows. The project is located at the southwest corner of the intersection of Marbrook Lane and Roosevelt Avenue (West York, PA Quadrangle; N: 18.25 inches, W: 1.0 inch; Latitude: 39°58'34.36", Longitude: -76°45'25.59") in West Manchester Township and York City, York County.

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

**E08-473. Central New York Oil & Gas Company, LLC**, 800 Robison Road, Owego, NY, 13827-6801. Water Obstruction and Encroachment Joint Application, MARC-I Hub Line, in Wilmont & Wyalusing Townships, **Bradford County**, ACOE Baltimore District (Laceyville NW, PA Quadrangle N: 41° 42' 15"; W: 76° 12' 58").

To construct, operate and maintain 13.5 miles of 30" natural gas pipeline within the North and West Branch of the Susquehanna River watersheds (Warm Water Fishery). Construction of the pipeline loop will require thirty-four (34) waterbody crossings. The project is centered approximately 4 miles northeast of the Village of Wyalusing in Bradford County.

**E57-121. Central New York Oil & Gas Company, LLC**, 800 Robison Road, Owego, NY, 13827-6801. Water Obstruction and Encroachment Joint Application, MARC-I Hub Line, in Cherry, Davidson & Laporte Townships, **Sullivan County**, ACOE Baltimore District (Colley, PA Quadrangle N: 41° 33' 2"; W: 76° 21' 11").

To construct, operate and maintain 22.5 miles of 30" natural gas pipeline within the North and West Branch of the Susquehanna River watersheds (Warm Water Fishery). Construction of the pipeline loop will require ninety-five (95) waterbody crossings. The project is centered approximately 3 miles north of the Village of Dushore in Sullivan County.

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

**E5729-014: Chesapeake Appalachia, LLC**, 101 N. Main Street, Athens, PA 18810, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 16.0 inch diameter temporary water lines and a 20 foot wide equipment mat impacting 2561 square feet of palustrine forested (PFO) wetland adjacent to Elk Creek (EV) (Shunk Quadrangle 41°33'37"N 76°40'41"W),

(2) two 16.0 inch diameter temporary water lines and a 20 foot wide equipment mat across Elk Creek (EV) impacting 26 linear feet (Shunk Quadrangle 41°33'37"N 76°40'40"W),

(3) two 16.0 inch diameter temporary water lines and a 12 foot wide equipment mat impacting 963 square feet of palustrine emergent (PEM) wetland (Shunk Quadrangle 41°33'39"N 76°40'37"W),

(4) two 16.0 inch diameter temporary water lines and a 20 foot wide equipment mat across an unnamed tributary to Elk Creek (EV) impacting 52 linear feet (Shunk Quadrangle 41°33'38"N 76°40'21"W),

(5) two 16.0 inch diameter temporary water lines and a 20 foot wide equipment mat impacting 6342 square feet of a palustrine forested (PFO) wetland (Shunk Quadrangle 41°33'40"N 76°40'13"W),

(6) two 16.0 inch diameter temporary water lines over an existing culvert in an unnamed tributary to Lake Run (EV) impacting 3 linear feet adjacent to Lake Road (Shunk Quadrangle 41°33'49"N 76°40'00"W),

(7) two 16.0 inch diameter temporary water lines over an existing culvert in an unnamed tributary to Lake Run (EV) impacting 2 linear feet adjacent to Lake Road (Shunk Quadrangle 41°33'52"N 76°40'02"W),

(8) two 16.0 inch diameter temporary water lines over an existing culvert in an unnamed tributary to Lake Run (EV) impacting 3 linear feet adjacent to the intersection of Lake Road and North Street (Shunk Quadrangle 41°33'54"N 76°40'03"W),

(9) two 16.0 inch diameter temporary water lines over an existing culvert in Lake Run (EV) impacting 6 linear feet adjacent to North Street (Shunk Quadrangle 41°33'54"N 76°40'03"W),

(10) two 16.0 inch diameter temporary water lines and a 20 foot wide equipment mat impacting 1194 square feet of palustrine emergent (PEM) wetland (Shunk Quadrangle 41°33'52"N 76°39'58"W),

(11) two 16.0 inch diameter temporary water lines and a 20 foot wide equipment mat across an unnamed tributary to Lake Run (EV) impacting 4 linear feet (Shunk Quadrangle 41°33'49"N 76°39'47"W).

The project will result in 96 linear feet of temporary stream impacts and 11060 square feet of temporary wetland impacts from water lines and temporary mat crossings. These crossings will accumulate a total of 0.04 acres of watercourse impacts and 0.25 acres of wetland impacts all for the purpose of installing temporary water lines with associated access roadways for Marcellus well development.

**E5929-020: SWEPI LP**, 190 Thorn Hill Road, Warrendale, PA 15086, Rutland Township, **Tioga County**, ACOE Baltimore District.

To construct and maintain:

1) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 29 linear feet of an unnamed tributary to Mill Creek (TSF, MF) (Roseville, PA Quadrangle 41°51'46"N 76°59'16"W);

2) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and

a fiber optic cable impacting 16 linear feet of an unnamed tributary to Mill Creek (TSF, MF) (Roseville, PA Quadrangle 41°51'48"N 76°59'18"W);

3) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 12 linear feet of an unnamed tributary to Mill Creek (TSF, MF) (Roseville, PA Quadrangle 41°51'49"N 76°59'19"W);

4) a temporary road crossing using 20 foot long, 78 inch diameter corrugated metal pipes, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 43 linear feet of Mill Creek (TSF, MF) (Roseville, PA Quadrangle 41°51'55"N 76°59'25"W);

5) a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 10 linear feet of an unnamed tributary to Mill Creek (TSF, MF) (Roseville, PA Quadrangle 41°51'55"N 76°59'25"W);

6) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipes, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 37 linear feet of an unnamed tributary to Mill Creek (TSF, MF) (Millerton, NY PA Quadrangle 41°52'39"N 76°59'43"W);

7) a temporary road crossing using 20 foot long, 60 inch diameter corrugated metal pipes, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 19 linear feet of Bailey Creek (TSF, MF) (Jackson Summit, PA Quadrangle 41°53'09"N 77°00'03"W);

8) a temporary road crossing using a 20 foot long, 18 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 11 linear feet of an unnamed tributary to Bailey Creek (TSF, MF) (Jackson Summit, PA Quadrangle 41°53'16"N 77°00'11"W);

9) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipes, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 6 linear feet of an unnamed tributary to Hibbard's Run (TSF, MF) (Jackson Summit, PA Quadrangle 41°53'54"N 77°01'05"W);

10) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipes, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 12 linear feet of an unnamed tributary to Hibbard's Run (TSF, MF) (Jackson Summit, PA Quadrangle 41°53'54"N 77°01'06"W);

11) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipes, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 7 linear feet of an unnamed tributary to Hibbard's Run (TSF, MF) (Jackson Summit, PA Quadrangle 41°53'55"N 77°01'07"W);

12) a temporary road crossing using 20 foot long, 24 inch diameter corrugated metal pipes, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 17 linear feet of Painter Run (TSF, MF) (Jackson Summit, PA Quadrangle 41°54'02"N 77°01'27"W);

13) a temporary road crossing using 20 foot long, 24 inch diameter corrugated metal pipe, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 6 linear feet of an unnamed tributary to Painter Run (TSF, MF) (Jackson Summit, PA Quadrangle 41°54'02"N 77°01'27"W);

14) a temporary road crossing using 20 foot long, 18 inch diameter corrugated metal pipes, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 8 linear feet of an unnamed tributary to Painter Run (TSF, MF) (Jackson Summit, PA Quadrangle 41°54'05"N 77°01'36"W);

15) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 1,029 square feet of a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°51'36"N 76°59'06"W);

16) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 1,453 square feet of a palustrine forested (PFO) wetland (Roseville, PA Quadrangle 41°51'44"N 76°59'14"W);

17) two temporary road crossings using wood mat bridges, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 12,080 square feet of a palustrine forested and scrub-shrub (PFO/PSS) wetland (Roseville, PA Quadrangle 41°51'57"N 76°59'28"W);

18) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 2,359 square feet of a palustrine forested, scrub-shrub, and emergent (PFO/PSS/PEM) wetland (Roseville, PA Quadrangle 41°52'00"N 76°59'31"W);

19) a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 1,111 square feet of a palustrine emergent (PEM) wetland (Millerton, NY PA Quadrangle 41°52'39"N 76°59'44"W);

20) two temporary road crossings using wood mat bridges, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 42,082 square feet of a palustrine scrub-shrub (PSS) wetland (Jackson Summit, PA Quadrangle 41°53'07"N 77°00'00"W);

21) a temporary road crossing using a wood mat bridge impacting 185 square feet of a palustrine emergent and scrub-shrub (PEM/PSS) wetland (Jackson Summit, PA Quadrangle 41°53'10"N 77°00'03"W);

22) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 9,368 square feet of a palustrine forested and scrub-shrub (PFO/PSS) wetland (Jackson Summit, PA Quadrangle 41°53'10"N 77°00'04"W);

23) a temporary road crossing using a wood mat bridge, a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 6,409 square feet of a palustrine forested (PFO) wetland (Jackson Summit, PA Quadrangle 41°53'17"N 77°00'12"W);

24) a 24 inch diameter and an 8 inch diameter natural gas gathering line, a 10 inch diameter and a 6 inch diameter fresh water line, and a fiber optic cable impacting 297 square feet of a palustrine emergent (PEM) wetland (Jackson Summit, PA Quadrangle 41°54'00"N 77°01'22"W);

The project will result in 233 linear feet of temporary stream impacts, 44,704 square feet (1.03 acres) of temporary wetland impacts, and 31,669 square feet (0.727 acres) of permanent wetland impacts all for the purpose of installing natural gas gathering lines, fresh water lines, a fiber optic cable, and associated access roadways.

**E4129-011: Anadarko Marcellus Midstream, LLC**, PO Box 1330, Houston, TX 77251, Loyalsock, Eldred, Gamble, & Cascade Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 31,088 square feet of a palustrine emergent (PEM) wetland adjacent; (Montoursville North Quadrangle 41°17'7"N 76°58'13"W).

(2) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Millers Run (WWF-MF) impacting 2 linear feet; (Montoursville North Quadrangle 41°17'47"N 76°58'11"W).

(3) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Mill Creek (TSF-MF) impacting 8 linear feet and 2,159 square feet of adjacent palustrine emergent (PEM) wetland; (Montoursville North Quadrangle 41°17'59"N 76°57'43"W).

(4) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Lick Creek (TSF-MF) impacting 3 linear feet and 7,066 square feet of adjacent palustrine emergent (PEM) wetland; (Montoursville North Quadrangle 41°18'49"N 76°58'17"W).

(5) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Lick Run (TSF-MF) impacting 11 linear feet and 14,661 square feet of adjacent palustrine emergent (PEM) wetland; (Montoursville North Quadrangle 41°18'55"N 76°58'19"W).

(6) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 14,084 square feet of a palustrine emergent (PEM) wetland; (Montoursville North Quadrangle 41°19'5"N 76°58'21"W).

(7) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across Lick Run (TSF-

MF) impacting 4 linear feet and 409 square feet of adjacent palustrine forested (PFO) wetlands; (Montoursville North Quadrangle 41°19'7"N 76°58'21"W).

(8) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Mill Creek (TSF-MF) impacting 3 linear feet; (Montoursville North Quadrangle 41°19'43"N 76°58'12"W).

(9) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across Mill Creek (TSF-MF) impacting 24 linear feet adjacent to Pleasant Valley Road; (Montoursville North Quadrangle 41°20'14"N 76°57'54"W).

(10) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 439 square feet of a palustrine scrub shrub (PSS) wetland adjacent to Mill Creek; (Montoursville North Quadrangle 41°20'17"N 76°57'54"W).

(11) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across Calebs Run (EV, MF) impacting 6 linear feet; (Montoursville North Quadrangle 41°22'14"N 76°57'16"W).

(12) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Murray Run (EV, MF) impacting 2 linear feet; (Bodines Quadrangle 41°23'13"N 76°56'20"W).

(13) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across unnamed tributaries to Murray Run (EV, MF) impacting 17 linear feet; (Bodines Quadrangle 41°23'20"N 76°56'21"W).

(14) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across Murray Run (EV, MF) impacting 26 linear feet; (Bodines Quadrangle 41°23'29"N 76°56'13"W).

(15) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Wallis Run (EV, MF) impacting 2 linear feet adjacent to Wallis Run Road; (Bodines Quadrangle 41°23'40"N 76°55'49"W).

(16) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Wallis Run (EV, MF) impacting 3 linear feet adjacent to Wallis Run Road; (Bodines Quadrangle 41°24'13"N 76°55'36"W).

(17) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Wallis Run (EV, MF) impacting 3 linear feet and 5,836 square feet of adjacent palustrine forested (PFO) wetland adjacent to Wallis Run Road; (Bodines Quadrangle 41°24'13"N 76°55'35"W).

(18) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line across Roaring Run (EV, MF) impacting 9 linear feet; (Bodines Quadrangle 41°24'17"N 76°55'23"W).

(19) two 6 inch and one 24 inch gas pipelines, one 16 inch waterline, and electrical line impacting 13,979 square feet of a palustrine emergent (PEM) wetland; (Bodines Quadrangle 41°24'49"N 76°55'14"W).

(20) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed tributary to Roaring Run (EV, MF) impacting 2 linear feet; (Bodines Quadrangle 41°24'54"N 76°55'30"W).

(21) two 6 inch and one 16 inch gas pipelines, one 16 inch waterline, and electrical line across an unnamed

tributary to Roaring Run (EV, MF) impacting 12 linear feet and 1,397 square feet of adjacent palustrine forested (PFO) wetland; (Bodines Quadrangle 41°25'0"N 76°55'33"W).

The project will result in 137 linear feet of temporary stream impacts and 91,118 square feet of wetland impacts from utility line crossings. These crossings will accumulate a total of 0.31 acres of watercourse impacts and 2.09 acres of wetland impacts all for the purpose of installing a natural gas gathering line with associated access roadways for Marcellus well development.

**E5829-006: Appalachia Midstream Services, LLC**, 101 N. Main Street, Athens, PA 18810, Elkland Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 20.0-inch diameter natural gas gathering line impacting 50 feet of unnamed tributary to Deer Lick Creek (CWF) (Auburn Center, PA Quadrangle, Latitude: 41° 44' 07", Longitude: 76° 02' 578"),
2. a 20.0-inch diameter natural gas gathering line impacting 9,400 square feet of a palustrine emergent (PEM) wetland (Auburn Center, PA Quadrangle, Latitude: 41° 44' 07" , Longitude: 76° 02' 07"),
3. a 20.0-inch diameter natural gas gathering line impacting 50 feet of unnamed tributary to Deer Lick Creek (CWF) (Auburn Center, PA Quadrangle, Latitude: 41° 44' 33", Longitude: 76° 01' 44"),
4. a 20.0-inch diameter natural gas gathering line impacting 75 feet of unnamed tributary to Deer Lick Creek (CWF) (Auburn Center, PA Quadrangle, Latitude: 41° 44' 44", Longitude: 76° 01' 34"),
5. a 20.0-inch diameter natural gas gathering line boring beneath Deer Lick Creek (CWF) impacting 5 feet of channel (Auburn Center, PA Quadrangle, Latitude: 41° 44' 56", Longitude: 76° 01' 14"),

6. four 24-inch corrugated metal culverts for access road across Deer Lick Creek (CWF) permanently impacting 44 feet (Auburn Center, PA Quadrangle, Latitude: 41° 44' 57", Longitude: 76° 01' 17"),

7. a 16.0-inch diameter natural gas gathering line impacting 4,880 square feet of a palustrine emergent wetland (Lawton, PA Quadrangle, Latitude: 41 °45' 44", Longitude: 76° 01' 36"),

8. a 16.0-inch diameter natural gas gathering line impacting 50 feet of Lake Stream (CWF) (Lawton, PA Quadrangle, Latitude: 41° 46' 00", Longitude: 76° 01' 31"),

9. a permanent access road across impacting 1,529 square feet of a palustrine emergent (PEM) wetland (Lawton, PA Quadrangle, Latitude: 41° 45' 52" N, Longitude: 76° 01' 38").

The project will result in 230 lineal feet of temporary stream impacts, 44 lineal feet of permanent stream impacts, and 16,822 square feet (0.37 acres) of temporary wetland impacts from the natural gas gathering line installation and associated access roads all for the purpose of installing and maintaining a natural gas gathering line with associated access roads for Marcellus gas well development.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA67-018, Brad Pealer**, 90 Spring Lane Road, Dillsburg, PA 17019, Carroll Township, **York County**, ACOE Baltimore District

To install a channel block and remove approximately 200 linear feet of gravel bar material in Dogwood Run (CWF, MF) for the purpose of restoring Dogwood Run back to its historic channel, located approximately 200 linear feet northeast of the intersection of Dogwood Run and State Route 74 in Carroll Township, York County (Latitude: 40° 08' 09"; Longitude: -77° 02' 14").

**ACTIONS**

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT  
FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE  
ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY  
MANAGEMENT (WQM) PERMITS**

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

<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

*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>
PA0032352 (Sewage)	Hepburn-Lycoming Elementary School 355 Route 973 East Cogan Station, PA 17728-9345	Lycoming County Hepburn Township	Lycoming Creek (10-A)	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>
PA0098558 Sewage	Wilson C. Fox 390 Wilson Fox Road New Stanton, PA 15672	Westmoreland County Hempfield Township	UNT to Sewickley 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>
PA0101478	SNPJ Recreation Center 270 Martin Road Enon Valley, PA 16120	Lawrence County North Beaver Township	Unnamed tributary of Sugar Creek 20-B	Y

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

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

**NPDES Permit No. PA0052566**, Sewage, **Christopher Hopkins**, 2015 Valley Road, Newtown Square, PA 19073-2722.

This proposed facility is located in Edgmont Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 400 gpd of treated sewage from a facility known as Hopkins SRSTP to an Unnamed Tributary to Ridley Creek in Watershed 3G.

**NPDES Permit No. PA0053635**, SW, **Buckeye Terminals, LLC**, P. O. 9999 Hamilton Boulevard TEK Park 5, Breinigsville, PA 18031.

This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge wastewater from a facility known as Buckeye Pipe Line Malvern Terminal to Little Valley Creek in Watershed 3F.

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

**NPDES Permit No. PA0043893**, Sewage, SIC Code 4952, **Western Clinton County Municipal Authority**, P. O. Box 363, Renovo, PA 17764-0363.

This existing facility is located in Renovo Borough, **Clinton County**.

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

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


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

**WQM Permit No. 1810401**, Sewerage 4952, **City of Lock Haven**, 20 South Hanna Street, Lock Haven, PA 17745.

This facility is located in City of Lock Haven, **Clinton County**.

Description of Proposed Action/Activity: The applicant is approved to convert the existing 3.75 MGD contact stabilization treatment plant to a Sequencing Batch Reactor (SBR) plant capable of nutrient removal in order to meet the Department's Chesapeake Bay Tributary Strategy.

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

**WQM Permit No. WQG016186**, Sewerage, **John W. Majors**, 469 Route 68, New Brighton, PA 15066

This proposed facility is located in Daugherty Township, **Beaver County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment facility.

**WQM Permit No. 0410402**, Sewerage, **Municipal Water Authority of Aliquippa**, 60 Hopewell Avenue, Aliquippa, PA 15001

This proposed facility is located in Aliquippa Borough, **Beaver County**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers and pump station and force main.

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

**WQM Permit No. WQG018806**, **Alan Tomczak**, 11290 Lake Pleasant Road, Union City, PA 16438.

This proposed facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018810**, **David J. Hinckley**, 5471 Old State Road, Edinboro, PA 16412

This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

**WQM Permit No. 4311401**, Sewerage, **Scenic Mobile Home Park Inc.**, 524 West Locust Street, Woodstock, VA 22664

This existing facility is located in Pymatuning Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of a Water Quality permit for modifications of the existing Sewage Treatment Plant (formerly under Permit No. 368S030) to replace an existing unpermitted dechlorinator with a larger unit of the same type, install a sludge holding tank, add a sludge tank blower, to comply with a Consent Order and Agreement.

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**IV. NPDES Stormwater Discharges from MS4 Permit Actions**


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**V. NPDES Waiver Stormwater Discharges from MS4 Actions**


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**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 511009	JERC Partners XIII, LP 171 State Route 173 Suite 201 Asbury, NJ 08802	Philadelphia	City of Philadelphia	Unnamed Tributary Pennypack Creek - Pennypack Creek (TSF-MF)
PAI01 511102	Delaware River City Corporation 5301 Tacony Street Philadelphia, PA 19137	Philadelphia	City of Philadelphia	Delaware River (WWF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0627 11 002	Mr. Barry George BGCN Enterprises LLC 10509 Route 68 Rymersburg PA 16248	Forest	Jenks Township	Salmon Creek HQ-CWF

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


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The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision in 40 CFR 123.23(d).

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**List of NPDES and/or Other General Permit Types**


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PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated with Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater from Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	CAFOs
PAG-13	Stormwater Discharges from MS4

*Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 5, PO Box 8476, Harrisburg, PA 17105-8476*

*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>
Parker Township Butler County	PAG2101011003	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT to Bear Creek (CWF)	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 717-783-1311
Warwick Township Bucks County	PAG0200 0911031	Central Bucks School District 320 West Swamp Road Doylestown, PA 18901	Unnamed Tributary Neshaminy Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Makefield Township Bucks County	PAG0200 0911011	Charles E. Young 7 Old Cabin Road Newtown, PA 18940	Houghs Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bristol Township Bucks County	PAG0200 0911030	Joseph DiEgido Upper Makefield Township PO Box 946 Bensalem, PA 19020	Mill Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Caln Township Chester County	PAR10-G431- RR-A1	High Associates, Inc. 1853 William Rinn Way PO Box 10008 Lancaster, PA 17605-0008	Rock Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Oxford Township Chester County	PAG0200 1511024	Jacob L. Fisher 120 Quarry Road Oxford, PA 19363	Unnamed Tributary Leach Run (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<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>
New Garden Township Chester County	PAG0200 1511014	Harlow Pointe, LP 1020 Broad Run Road Landenberg, PA 19350	Unnamed Tributary Broad Run/White Clay Watershed (CWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Sharon Hill Borough Delaware County	PAG0200 2311008	Southeast Delco School District 1560 DelMar Drive Folcroft, PA 19032	Darby Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chadds Ford Townships Delaware County	PAG0200 2306050-1	Corner Ford, LP 139 Rocky Hill Road Chadds Ford, PA 19317	Brandywine Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAG0200 2306012-R	Toll Bros., Inc. 1180 Station Road Chester Springs, PA 19425	Chester Creek (TSF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Merion Township Montgomery County	PAG0200 4611010	Archdioceses of Philadelphia 111 South 38th Street Philadelphia, PA 19104	Schuylkill River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG0200 4609045	Audubon Land Development 2620 Egypt Road Audubon, PA 19403	Perkiomen Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511108	Ajile Properties, LLC 2 Bala Cynwyd Plaza, Suite 300 Bala Cynwyd, PA 19004	Delaware River (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Penn Twp., Mahoning Twp., Parryville Borough, Carbon County	PAG2001306006R-1	Pa Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Lehigh River, TSF, MF; Pohopoco Creek, CWF, MF	Carbon Co. Cons. Dist. 610-377-4894
Upper Saucon Twp., Lehigh County	PAG02003905013(R)	Michael Gambone Locust Manor Residential, LP 1030 W. Germantown Pike PO Box 287 Fairview Village, PA 19409	Unnamed Tributary to Saucon Creek, CWF, MF; Saucon Creek, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583
Wright Twp., Luzerne County	PAG02004011001	Greater Wilkes-Barre Industrial Fund Tom Williams 2 Public Square Wilkes-Barre, PA 18701	Tributary to Bow Creek, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Bridgewater Twp., Susquehanna County	PAG02005811003	Adam Diaz 7686 State Route 167 Kingsley, PA 18826	Meshoppen Creek, CWF, MF	Susquehanna Co. Cons. Dist. 570-278-4600
Reading Township Adams County	ESCGP10111801	Rockford Corporation 22845 NW Bennett St. Suite 150 Hillsboro, OR 97124  William Brett Texas Eastern Transmission, LP 890 Winter Street Suite 300 Waltham, MA 02451	UNT to Mud Run, Market Run, and Red Run WWF,MF/ WWF,MF/ WWF,MF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 (717) 334-0636

<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>
Cumberland Township Adams County	ESCGP10111802	NiSource Columbia Gas Transmission LLC 1700 MacCorkle Ave., Charleston, WV 25314	Willoughby Run/Other	PA DEP Watershed Management Program 900 Elmerton Ave. Harrisburg, PA 17110-8200 717-705-4802
Southampton Township Cumberland County	PAG02002106020R	Keswick Heights Dwight Martin 18321 Dry Run Rd. W. Spring Run, PA 17262	Bulls Head Branch of Green Spring Creek/ CWF	Cumberland Co Conservation District 310 Allen Road Carlisle, PA 17013 717-240-7812
Silver Spring Township Cumberland County	PAG02002111012	Tom Carper Mechanicsburg Terminal Corp. PO Box 2621 Harrisburg, PA 17105	Hogestown Run/CWF	Cumberland Co Conservation District 310 Allen Road Carlisle, PA 17013 717-240-7812
Blair Township Blair County	PAG2000711005R	S&A Homes, Dave Palmer, 2121 Old Gatesburg Road State College, PA 16803	Blair Gap Run (TSF) & Beaverdam Branch Juniata River (TSF)	Blair County Conservation District 814-696-0877 ext. 5
Greenfield Township Blair County	PAG2000711007	Pennsylvania Department of Transportation	South Poplar Run (TSF) & UNT Frankstown Branch Juniata River (TSF)	Blair County Conservation District 814-696-0877 ext. 5
South Waverly Borough Bradford County	PAG2000811007	Scott Lang McDonald's USA, LLC 3025 Chemical Rd, Ste 100 Plymouth Meeting, PA 19462	Cayuta Creek WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Wyalusing Borough Bradford County	PAG2000811008	Daniel T. Driscoll Utility Line Services, Inc. 644 W Baumstown Rd Birdsboro, PA 19508	UNT to Wyalusing Creek WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Spring Township Centre County	PAG2001411008	Steve Dynan Piezo Kinetics, Inc. 660 E Rolling Ridge Dr Bellefonte, PA 16823	UNT to Logan Branch CWF, MF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Hemlock Township Columbia County	PAG2001911001	Peter Walmsley All Occasion Rentals 35 Pony Trail Dr Bloomsburg, PA 17815	Little Fishing Creek CWF, MF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102
Delaware Township Northumberland County	PAG2004910021	Kenneth Weaver Pineview Development SR 1007 Susquehanna Trl McEwensville, PA 17749	UNT to Warrior Run WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 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>
Liberty Township Tioga County	PAG2005911009	Keith Brubacher 539 Lambert Rd Narvon, PA 17555	UNT to Zimmerman Creek HQ-CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, X 3
Charleston Township Tioga County	PAG2005911010	Edward Fidurko PO Box 426 Mount Jewett, PA 16740	UNT to North Elk Run CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, X 3
Cranberry Township Butler County	PAG02 0010 11 006	Terry Dammeyer Winegardner & Hammons Inc 4243 Hunt Road Cincinnati OH 45242	UNT Brush Creek WWF	Butler Conservation District 724-284-5270
Girardville Borough & Butler Twp. Schuylkill County	PAG2-1154-06-05	PA DEP Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18701-1915	Mahanoy Creek (CWF)	PA DEP Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18701-1915 (570) 826-2371

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
1065 Belvoir Road Plymouth Meeting, PA 19462 Plymouth Township Montgomery County	PAR800162	First Student, Inc. c/o Strata Environmental 110 Perimeter Park, Suite E Knoxville, TN 37922	UNT Plymouth Creek	Southeast Region Water Management 484.250.5970
Allied Concrete & Supply Dresher Plant 1752 Limekiln Pike Dresher, PA 19025 Upper Dublin Township Montgomery County	PAR210024	Allied Concrete & Supply Corporation 1752 Limekiln Pike Dresher, PA 19025	UNT Sandy Run	Southeast Region Water Management 484.250.5970
Doylestown Township Bucks County	PAG040155	Mr. Jeff Klimaski 132 Foxcroft Drive Doylestown, PA 18901	Unnamed Tributary To Neshaminy Creek—2F	Southeast Region Water Management 484.250.5970
City of Philadelphia Philadelphia County	PAR600106	Delco Metals, Inc. 1500 6th Street Camden, NJ 08104	Frankford Creek—3J	Southeast Region Water Management 484.250.5970
Lancaster County Ephrata Borough	PAR803694	Morgan Truck Body LLC Dba Morgan Corporation PO Box 588 Morgantown, PA 19543	Cocalico Creek / WWF	DEP—SCRO Water Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Washington Township	PAR203522	RiteScreen Company, Inc. 4314 Route 209 Elizabethville, PA 17023	Wiconisco Creek / WWF	DEP—SCRO Water Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Upper Paxton Township	PAR203595	MI Metals ProPlastix International, Inc. PO Box 148B Millersburg, PA 17061	Wiconisco Creek / WWF	DEP—SCRO Water Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant's Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
York County Fairview Township	PAR803616	FedEx Ground Package System, Inc. 1000 FedEx Drive Moon Township, PA 15108	Fishing Creek / TSF	DEP—SCRO Water Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Bloomsburg Borough Columbia County	PAR124806	Windsor Foods 595 W. 11th Street Bloomsburg, PA 17815	Unnamed Tributary to Susquehanna River—5-D	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Middlecreek Township Snyder County	PAR224811	Wood Mode Inc. 1 Second Street Kreamer, PA 17833	Middle Creek and Unnamed Tributary to Middle Creek—6-A	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Beech Creek Township Clinton County	PAR144802	Armstrong World Ind. Inc. P. O. Box 405 325 Eagle Valley Road Beech Creek, PA 16822	Unnamed Tributary to Bald Eagle Creek—9-C	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Covington Township Tioga County	PAR214837	Centre Concrete, Inc. P. O. Box 859, 2280 East College Avenue State College, PA 16804	Unnamed Tributary to Tioga River—4-A	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Beavertown Borough Snyder County	PAR224846	Conestoga Wood Specialties Corp. 441 W. Market Street Beavertown, PA 17812	Luphers Run—6-A	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Bradford Township Clearfield County	PAR224831	Domtar Paper Co. LLC 100 Center Street Johnsonburg, PA 15845	Roaring Run—8-C	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Union City Borough Erie County	PAR238317	Molded Fiber Glass Companies 55 Fourth Avenue Union City, PA 16438	Municipal storm sewers to South Branch French Creek 16-A	DEP NWRO Water Management 230 Chestnut Street Meadeville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County*

<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>
Potter Township Centre County	PAG045274	EUTAW Centre SFTE, Inc. 117 Chestnut Street Spring Mills, PA 16875-9000	Unnamed Tributary to Potter Run—6-A	DEP Northcentral Regional Office Water Management 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664
Daugherty Township Beaver County	PAG046422	John W. Majors 469 Route 68 New Brighton, PA 15066	Blockhouse Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Greene Township Erie County	PAG041039	Alan Tomczak 11290 Lake Pleasant Road Union City, PA 16438	Unnamed tributary to East Branch LeBoeuf Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Washington Township Erie County	PAG041045	David J. Hinckley 5471 Old State Road Edinboro, PA 16412	Unnamed Tributary to Conneautee Creek 16-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-5**Facility Location:  
Municipality &  
County*

<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>
Franklin Township Beaver County	PAG056247	Alan R. Welsh 117 South River Road Ellwood City, PA 16117-4169	Connoquenessing Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-12**Facility Location:  
Municipality &  
County*

<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>
Lancaster County Mount Joy Township	PAG123643	Lynn H. Royer Blossomelle Holsteins 273 Green Tree Road Elizabethtown, PA 17552	UNT Little Chickies Creek / TSF	DEP—SCRO Water Management 909 Elmerton Avenue Harrisburg, PA 17101 717-705-4707
Huntingdon County Dublin Township	PAG123708	Tyler J. Snider Snider Swine CAFO 22357 Mountain Foot Road Neelyton, PA 17239	UNT Shade Creek / TSF	DEP—SCRO Water Management 909 Elmerton Avenue Harrisburg, PA 17101 717-705-4707
Beaver Township, Snyder County	PAG124840	Country View Family Farms, 1301 Fulling Mill Road, Suite 3000, Middletown, PA 17057	Kern Run/ CWF	Northcentral Regional Office Watershed Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3667



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

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

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

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

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

**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Graywood Farms LLC Byron Graybeal 225 Mason Dixon Road Peach Bottom, PA 17563	Lancaster	903.2	1900.33	Dairy	HQ	Approved

**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is

not needed to file an appeal with the Board.

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Operations Permit 2311505** issued to: **Chester Water Authority**, 415 Welsh Street, P. O. Box 467, Chester, PA 19016

PWSID#1230004 Little Britain Township, **Chester County**, on June 21, 2011, for operation of Facilities approved under construction permit 2310505 for an Alum Feed System and Storage, Little Britain Township, Chester County.

**Operations Permit 4611519** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster, Bryn Mawr, PA 19010

PWSID#1460073 Abington Township, **Montgomery** on June 11, 2011, for operation of Facilities approved under construction permit 4610513 for Hillside Tank Rechlorination Facility, Abington Township **Montgomery County**.

## SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

#### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Zerbe Township	800 Mahanoy Trevorton, PA 17881	Northumberland

#### Plan Description:

The plan proposes to replace the existing 360,000 GPD sewage treatment plant with a new 500,000 CSBR sewage treatment plant and spend \$20,000 each year to reduce the infiltration and inflow in the system. The Department's review of the Sewage Facilities Update Revision has not identified any significant negative environmental impacts resulting from this proposal.

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

### Notice of Proposed Interim Response Jacksonville TCE HSCA Site Northampton Township, Bucks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, Act of October 18, 1988, P. L. 756, No. 108, 35 P. S. §§ 6020.101—6020.1305 ("HSCA"), is proposing a response action at the Jacksonville TCE HSCA Site (Site) in Northampton Township, Bucks County, Pennsylvania.

The Department, under the authority of HSCA, has been conducting an environmental investigation of the Site. This investigation includes the sampling of private drinking water supply wells located along portions of Jacksonville Road, North Traymore Avenue, and South Traymore Avenue. Sampling revealed levels of Tetrachloroethene (PCE), Trichloroethene (TCE), and/or 1,1-Dichloroethene exceeding Safe Drinking Water Maximum Contaminant Levels.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes to implement a response action at the Site under Sections 501(a) of HSCA, 35 P. S. § 6020.501(a). The Department hereby proposes the installation of a waterline, including water mains and lateral connections to the public water supply. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. Other possible alternatives include no action or the installation and continued monitoring and maintenance of whole-house carbon filtration units and/or supplying bottled water.

An Administrative Record, which contains more detailed information concerning this proposed response action, is available for public inspection. The Administrative Record may be examined from 8 a.m. until 4 p.m. at the Department's office at 2 East Main Street, Norristown PA 19401. Those interested in examining the Administrative Record should contact Bonnie McClennen at (484) 250-5965 to arrange for an appointment. Additional copies of the Administrative Record are available for review at the Northampton Township Administration Building.

Pursuant to Section 506(d) of HSCA, 35 P. S. § 6020.506(d), the Department shall conduct a public hearing on August 25, 2011 at 7 p.m. at the Northampton Township Administration Building, 55 Township Road, Richboro, PA. Anyone who would like to present formal oral comments regarding this proposed response may do so by calling DEP Community Relations Coordinator Lynda Rebarchak, at (484) 250-5820 to register.

Any person with a disability who wishes to attend the public hearing and will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the telephone number listed above or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. The public may also submit written comments regarding the Department's proposed Interim Response action during the period of public comment. In accordance with Section 506(c) of HSCA, 35 P. S. § 6020.506(c), the Department has established a period for public comment that is now open until close of business October 21, 2011. Written comments should be addressed to Bonnie McClennen, Project Officer, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Anyone with questions regarding this notice should contact Bonnie McClennen at (484) 250-5965.

## 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*

**Esperanza Health Center**, City of Philadelphia, **Philadelphia County**. John Luxford, Malcolm Pirnie, 640 Freedom Business Center, Suite 310, King of Prussia, PA 19406, Meredith Langille, Malcolm Pirnie, 640 Freedom Business Center, Suite 310, King of Prussia, PA 19406 on behalf of Susan Post, Esperanza Health Center, 4417-53 North 6th Street, Philadelphia, PA 19140 has submitted a Remedial Investigation /Cleanup Report concerning remediation of site groundwater contaminated with arsenic. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Former McGinty's Nursery**, East Goshen Township, **Chester County**. James H. Mulry, P.G., Mulry and Cresswell Environmental, Inc., 1679 Horseshoe Pike, Glenmore, PA 19343 on behalf of Marita Hutchinson, Esq., Niagara Bank Building, 1197 Wilmington Pike, West Chester PA 19382 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Secane Dry Cleaner**, Upper Darby Township, **Delaware County**. Douglas B. Schott, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Avi Nechemia, 4346 Frankford Avenue, Inc. 417 Callowhill Street, Philadelphia, PA 19123 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.

**Flounders Residence**, Nether Providence Township, **Delaware County**. Marc Brenner, Lewis Environmental, Inc. 101 Carroll Drive, New Castal, PA 19720, Jodi Deep, Superior Plus Energy Services, 760 Brooks Avenue, Rochester NY 14619 on behalf of William Founders, 855 Parkridge Drive, Media, PA 19063 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.

**Amoroso Property** Falls Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains, Pennsburg, PA 18703, Ms. Christine Dimming, State Farm Insurance Company—Claim # 38-P931-806, PO Box 8061, Ballston Spa, NY 12020-8061 on behalf of Anthony Amoroso, 82 Blue Spruce Lane, Levittown, PA 19054 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.

**Mac & Sons, Inc.**, Clifton Height Borough, **Delaware County**. Richard S. Werner, P.G. Environmental Consulting, Inc. 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of James Salmon, Clifton Heights Community and Economic Development Corporation, PO Box 83, Clifton Heights PA 19018 has submitted a Remedial Investigation/Risk Assessment and Final Re-

port concerning remediation of site groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard and Statewide Health Standard.

**201 South Caln Road Multi Family**, Caln Township, **Chester County**. Michael S. Welsh, P. E., Welsh Environmental, Inc. 11 Clearview Drive, Downingtown, PA 19355 has submitted a Risk Assessment/Remedial Investigation 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 Site Specific Standard.

**Norfolk Southern Railway Company Right of Way in Lower Merion**, Lower Merion Township, **Montgomery County**. Mike Shannon, AECOM, 4 Neshaminy Interplex, Suite300, Trevose, PA 19053 on behalf of John Casey, Norfolk Southern Railway Company, 4600 Deer Path Road, Room 14B, Harrisburg, PA 17110-3927 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Questa Residence**, Upper Merion Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Claire Erskin, Allstate Insurance, 1200 Artwater Drive, Suite 110, Malvern, PA 19355 on behalf of Charles Questa, 562 Charles Drive, King of Prussia, PA 19406 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.

**Lawrie Property**, East Nottingham Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073, Frank Lynch, EvnroLink, Inc., 165 Daleville Road, Cochranville, PA 19330 on behalf of Ed Lawrie, 244 Upper Valley Road, Christiana, PA 17509 has submitted a Final Report concerning remediation of site soil contaminated with pesticides. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Meehan Oil Company Facility**, Upper Darby Township, **Delaware County**. Andrew K. Markoski, P. G., Patriot Environmental Management, P. O. Box 629, Douglasville, PA 19518 on behalf of Barry D. Miller Meenan Oil Company, Inc., P. O. Box 659, Douglasville, PA 19518 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.

**FDR Park Recreation Maintenance Building**, City of Philadelphia, **Philadelphia County**. Leslie Thurman, BT Environmental Health & Safety Consultant, 3984 Penn Avenue, Sinking, Spring, PA 19608, Michael J. Bendetti, BT Environmental Health & Safety Consultant, 3984 Penn Avenue, Sinking Spring, PA 19608 on behalf of Martin Lieberman, City of Philadelphia Department of Public Property, 1515 Arch Street, Philadelphia, PA 19102 has submitted a Final Report concerning remediation of site groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Carey Residence**, Whitpain Township, **Montgomery County**. Staci Cottone, J&J Spill Service and Supplies, Inc. P. O. Box 370, Blue Bell, PA 19422 on behalf of Francis Carey, 485 Lewis Lane, Ambler, PA 19002 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.

**Peco Wyncote MGP**, Township of Cheltenham, **Montgomery County**. Matthias Ohr, URS Corporation, 335 Commerce Drive, Fort Washington, PA 19034, Keith Kowalski, P. G. PECO, an Exelon Company, 2301 Market Street, S7-2, PO Box 8699, Philadelphia, PA 19101 on behalf of David Kraynik, Cheltenham Township Manager, 8230 Old York Street, Elkins Park, PA 19027 has submitted a Final Report concerning remediation of site soil contaminated with pah's and other organics. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site Specific Standard.

**Prozillo Residence**, Warrington Township, **Bucks County**. Jill S. Haimson, Preferred Environmental Services, 323 Merrick Avenue, North Merrick, NY 11566, Staci Cottone, J&J Spill Service and Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Pasquale an Doris Prozillo, 2348 Upper Barness Road, Warrington, PA 18976 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.

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

**Larry Moore Property**, 148 Main Street, North Manheim Township, **Schuylkill County**. Bridget E. Shadler and Katlyn E. Heberlig, Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602 have submitted a Final Report (on behalf of their client, Lawrence Moore, 18 Overlook Drive, Pottsville, PA 17901), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from an aboveground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Republican-Herald* on May 31, 2011.

**Helen Mase Property**, Bethlehem City, **Lehigh County**. Jeremy W. Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038, has submitted a Final Report on July 5, 2011 (on behalf of his client, Ms. Helen Mase, 1522 Greenview Drive, Bethlehem, PA 18018), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of an accidental release from an aboveground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard for soils. A public notice regarding the submission of the Final Report was published in *The Express-Times* on April 12, 2008.

**Former Greener Property**, 1733 Brandywine Road, South Whitehall Township, **Lehigh County**. Richard Trimpi and Janine Jacobs, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 have submitted a Final Report (on behalf of their client, Reza S. Imrani, 1733 Brandywine Road, Allentown, PA 18104), concerning the remediation of soil and groundwater found to have been impacted by No 2 fuel oil as a result of a release from a 275-gallon underground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard for soil and groundwater. A public notice regarding the submission of the Final Report was published in *The Express Times* on June 22, 2011.

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

10 Boathouse Road Hershey, PA 17033, Derry Township, **Dauphin County**. URS Corporation, 4507 N. Front Street, Harrisburg, PA 17110, on behalf of Hershey Trust Company, 100 Mansion Road East, Hershey, PA 17033, submitted a Final Report concerning remediation of site soils, groundwater and surface water contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Standard Steel, LLC—Machine Shop #1**, 500 North Walnut Street, Derry Township and Burnham Borough, **Mifflin County**. Mountain Research, LLC, 825 25th Street, Altoona PA 16601, on behalf of Standard Steel, LLC, 500 North Walnut Street, Altoona, PA 16601, submitted a Remedial Investigation Report and a Final Report concerning remediation of site groundwater contaminated with machining oil. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Donald Zentner Property**, 1202 Huffs Church Road, Barto, PA 19504, Hereford Township, **Berks County**. Center Point Tank Services, 536 East Ben Franklin Highway, Douglassville, PA 19518, on behalf of Donald Zentner, Jr., 1204 Huffs Church Road, Barto, PA 19504, submitted a Final Report concerning remediation of site soils contaminated with leaded and unleaded gasoline. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

**CBS Corporation, Forest Hills, Allegheny County**. Cummings Riter Consultants, Inc. 10 Duff Road, Pittsburgh PA 15235 on behalf of CBS Corporation, Avenue A and West Street, Forest Hills PA 15221 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with volatile organics, inorganics and PCB's. The Remedial Investigation Report was noticed in the Pittsburgh Post-Gazette on June 22, 2011.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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**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).**

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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 dem-

onstrate 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*

**Unitog Rental Service Facility, Bristol Borough Bucks County.** Peter Milionis, ARCADIS, US, Inc., 6 Terry Drive, Suite 300, Newtown, PA 18940 on behalf of Craig Eckstein, Lester Block, LLC, 420 Howell Street, Bristol, PA 19007 has submitted a Final Report concerning the remediation of site soil contaminated with chlorinate solvents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 6, 2011.

**Pilcicki Residence, East Pike Township Chester County.** John C. Lydzinski, P. G., Marshall Miller Associates, Inc. 3913 Hartsdale Drive Suite 3913, Camp Hill, PA 17011, Paul C., Emory, Paul C. Emory Company, 2377 Kimberton Road, Phoenixville, PA 19460 on behalf of Tom and Beth Pilcicki, 151 Silver Springs Road, Phoenixville PA 19460 has submitted a 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 June 14, 2011.

**Estate of Trudsell, Solebury Township Bucks County.** Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Joe Greene, Quick Environmental, Inc, 61 Cunningham Avenue, Hamilton, NJ 05610 on behalf of The Estate of Lynn Trudsell, 6106 Lower York Road, New Hope, PA 18938 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 May 10, 2011.

**Kennedy Company, Horsham Township Montgomery County.** Ryan C. Winnan, Strob Environmental, Inc, 410 North Easton Road, Willow Grove, PA 19056, Robert Kennedy, The Kennedy Companies, 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 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 May 16, 2011.

**Campbell Property, Caln Township Chester County.** Thomas Schultz, Lewis Environmental, 101 Carroll Drive, New Castle, PA 19720 on behalf of Lena Campbell, 1104 Caln Meeting House Road, Coatesville, PA 19320 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 May 18, 2011.

**Coplan Residence, Lower Merion Township Montgomery County.** Staci Cottone, J&J Spill Services and Supplies Inc., PO Box 370, Blue Bell, PA 19422 behalf of James Coplan, 116 Saint George Road, Ardmore, PA 19003 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 May 19, 2011.

961 West Penn Drive, West Goshen Township **Chester County.** Craig Herr, RT Environmental Services, Inc. 215 West Church Road, King of Prussia, PA 19406 on behalf of Kimberly Hall, 961 West Penn Drive, West Chester, PA 19380 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with leaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 10, 2011.

2800 North American Street, City of Philadelphia **Philadelphia County.** Michelle Glowers, REPSG, PO Box 5377, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Stephanie Hernandez, Congreso de Latinos Unidos, Inc. 280 North American Street, Philadelphia, PA 19133 has submitted a Cleanup Plan concerning the remediation of site groundwater and soil contaminated with organics. The Cleanup Plan was approved by the Department on May 20, 2011.

**Lonza Inc., Upper Merion Township Montgomery County.** Michael Gonshor, Roux Associates, Inc, 1222 Forest Parkway, Suite 1909, West Deptford, NJ 08006 on behalf of Paul Sieracki, Lonza Inc., 90 Boroline Road, Allendale, NJ 07401 has submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site groundwater and soil contaminated with inorganic. The Remedial Investigation/Risk Assessment Report was disapproved by the Department on May 4, 2011.

**El Dupont De Nemours & Co Dupont Marshall Lab, City of Philadelphia, Philadelphia County.** Matthew Brill, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034-2623 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 April 29, 2011.

**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 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 19, 2011.

**Carey Residence**, Whitpain Township **Montgomery County**. Staci Cottone, J&J Spill Service, Inc., PO Box 370 Blue Bell, PA 19422 on behalf of Francis Carey, 485 Lewis Lane, Ambler, PA 19002 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 15, 2011.

**HP Hood LLC**, West Goshen Township **Chester County**. Mark Bedle, B&B Diversified Enterprises, Inc., PO Box 188 Gwynedd, PA 19436 on behalf of Andrew Beland, HP Hood LLC, 6 Kimball Lane, Lynnfield, MA 01490 has submitted a Final Report concerning the remediation of site soil contaminated with other organics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 29, 2011.

**Goff Suds & Soda**, Upper Darby Township **Delaware County**. Kevin Brein, Monridge Environmental, LLC, 451 Lenni Road, PO, Box 26, Lenni, PA 19052, Thomas Smith, Service One, LLC, 2999 Brambling Lane, Norristown, PA 19403 on behalf of James Lai, Monridge Construction, Inc. 451 Lenni Road, PO Box 26, Lenni PA 19052 has submitted a Remedial Investigation Final Report concerning the remediation of site groundwater and soil contaminated with no. 2 fuel oil. The Remedial Investigation/Final Report was approved by the Department on June 24, 2011.

**Conocophillips Trainer Refiner**, Marcus Hook and Trainer Boroughs **Delaware County**. Brandt Butler, 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/Clean Plan concerning the remediation of site soil and groundwater contaminated with pcb and unleaded gasoline. The Remedial Investigation/Cleanup Plan was approved by the Department on June 23, 2011.

**Lyle Residence**, Bristol 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 the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 2, 2011.

**School District 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 J. O'Hara, Jr. The Estate of Betty E. O'Hara, 405 Rock Creek Circle, 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 approved by the Department on June 17, 2011.

**Rohm & Hass 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 the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide and was approved by the Department on May 11, 2011.

**Hughes Residence**, West Nantmeal Township **Chester County**. James LaRegina, Herbert, Rowland & Grubic Inc, 369 East Park Drive, Harrisburg, PA 17111, Mable Hughes, 334 Grub Drive, Elverson, PA 19520 on behalf of Alvin Horning, PO Box 251, Morgantown, PA 19543 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with kerosene. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 11, 2001.

**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 the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 24, 2011.

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

**Costello 1V Well Site**, State Route 3023, Dimock Township, **Susquehanna County**. James Pinta and David Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a Final Report (on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276), concerning the remediation of soil found to have been impacted as a result of a release from a leaking pipe that supplies methanol from a storage drum to the wellhead. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on July 5, 2011. The report was originally submitted within 90 days of the release.

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

**Bolton Metal Products, formerly Cerro Metal Products-South Spring, Eastern Hillside and South Yard**, Spring Township, **Centre County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of The Marmon Group, LLC, 181 West Madison St., Chicago, IL 60602 has submitted a Final Report concerning the remediation of site soil contaminated with metals. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 11, 2011.

**REGISTRATION FOR GENERAL  
PERMIT—RESIDUAL WASTE**

**Registration issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**General Permit Registration No. WMGR123NC004. Chesapeake Appalachia, LLC, 238 Sollicks Road, Towanda, PA 18848.** Registration to operate under General Permit No. WMGR123 for treatment and reuse of gas well frac water and production water. The registration was approved by NorthCentral Regional Office on July 7, 2011.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**40-329-014GP9: Haines & Kibblehouse** (PO BOX 196, 2052 Lucon Road, Skippack, PA 19474) on June 29, 2011, to install and operate a Diesel I/C engine at the site in Foster Township, **Luzerne County**.

**40-310-087GP3: Haines & Kibblehouse** (PO BOX 196, 2052 Lucon Road, Skippack, PA 19474) on June 29, 2011, to install and operate a portable crushing operation with water sprays at their site in Foster Township, **Luzerne County**.

**64-329-004GP9: E.R. Linde Construction** (9 Collan Park, Honesdale, PA 18431) on June 30, 2011, to construct and operate of diesel IC engines at their site in Damascus Township, **Wayne County**.

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

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

**GP3-28-03047C: Valley Quarries, Inc.** (169 Quarry Road, Chambersburg, PA 17201) on June 30, 2011, for their portable crushing unit, screen and conveyors under GP3 at the Williamson Quarry in St Thomas Township, Peters Township, **Franklin County**.

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

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

**GP19-19-202: Mobile Aggregate Recycling Services** (HC1 Box 1374, Brodheadsville PA 18322) on June 27, 2011, to construct and operate a 400-hp compression ignited engine pursuant to the General Plan Approval and General Operating Permit for Diesel or #2 Fuel-fired Internal Combustion Engines, at their White Pines Landfill facility in Pine Township, **Columbia County**.

**GP3-19-202: Mobile Aggregate Recycling Services** (HC1 Box 1374, Brodheadsville PA 18322) on June 27, 2011, to construct and operate a portable crushing plant, pursuant to the General Plan Approval and General Operating Permit for Portable Nonmetallic Mineral Processing Plants, at the White Pines Landfill facility in Pine Township, **Columbia County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**67-03027A: Pretium Packaging LLC** (1 Devco Drive, Manchester, PA 17345-1337) on July 5, 2011, for construction and temporary operation of three (3) plastic blow mold lines controlled by and existing wet caustic scrubber, at their plastic bottle manufacturing facility in East Manchester Township, **York County**.

**36-05152A: Kellogg USA, Inc.** (2050 State Road, Caller Box 3006, Lancaster, PA 17604) on July 6, 2011, for the use of VOC-containing sanitizers and cleaning chemicals in specific processing and packaging areas in the breakfast cereal manufacturing facility located in East Hempfield Township, **Lancaster County**.

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

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

**47-00014B: US Gypsum Co.** (60 PPL Road, Danville PA 17821) for revision to the emission restrictions for the kiln at their Washingtonville Plant in Derry Township, **Montour County** from a lb/MMBtu basis and lb/hr basis for volatile organic compound, particulate matter and formaldehyde emissions. The revision does not increase the potential emissions (lb/hr and tpy) from the kiln.

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

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

**62-150C: Superior Tire & Rubber, Inc.** (1818 Pennsylvania Avenue West, Warren, PA 6365) on July 1, 2011, a plan approval for the installation of a new automated adhesive spray system and the increase in VOC emissions for the surface coating operation at the facility located in the City of Warren, **Warren County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**04-00065C: WHEMCO—Steel Castings Inc.** (1 12th Street, Midland, PA 15059) on July 6, 2011, to extend the period of temporary operation of a head burning booth controlled by an existing baghouse until January 7, 2012, at Midland Foundry Division located in Midland Borough, **Beaver County**. The plan approval has been extended.

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

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

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

**23-00023: United Parcel Service** (1 Hog Island Road, Philadelphia, PA 19153) on July 7, 2011, for operation of a Distribution and Transportation Facility which contains the following air emission sources; 38 space heaters, 4 emergency generators, Gasoline & Diesel Storage Dispensing, and Jet A Fuel Dispensing in Tincicum Township, **Delaware County**. This issuance is for a Title V Operating Permit renewal. The facility is required to have a Title V Operating Permit under 40 CFR part 60, § 62.14480. This renewal of the Title V Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The Title V Operating Permit contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

**18-00006: Dominion Transmission Inc.** (445 West Main St., Clarksburg, WV 26302-2450) on June 30, 2011, to issue a revised Title V Operating Permit, Revision No. 1, for their Leidy Compressor Station facility in Leidy Township, **Clinton County**. Revision No. 1 was issued on June 30, 2011, for an administrative amendment to incorporate revised stack testing deadlines for Source IDs P101 through P113. The revision became effective on June 30, 2011. All revised requirements of the revised Title V operating permit became effective on June 30, 2011. The Title V operating permit will expire on March 22, 2016. This revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**01-03020: Philips Professional Luminaries NA** (100 Craftway, Littlestown, PA 17340-1651) on June 28, 2011, for the indoor and outdoor lighting products manufacturing facility in Littlestown Borough, **Adams 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*

**25-00931: PA Department of Corrections—SCI at Albion** (10745 Route 18, Albion, PA 16475) on July 1, 2011, the Department re-issued this Synthetic Minor Operating Permit, located in Albion Borough, **Erie County**. The facility's primary emissions are from the five (5) boilers used to provide comfort heat and hot water to the facility.

**61-00188: National Fuel Gas Supply Corp.—Van Compressor Station** (1404 Whippoorwill Road, Van, Cranberry Township, PA 16319) on July 1, 2011, the Department re-issued a Natural Minor Operating Permit to operate a Natural Gas Compressor Station located in Cranberry Township, **Venango County**.

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**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.**

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

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

**41-00049: Danzer Veneer Americas, Inc.** (PO Box 3455, 240 North Reach Road, Williamsport, PA 17701), issued a revision to State Only Operating Permit 41-00049 on June 21, 2011 for their veneer mill facility in City of Williamsport, **Lycoming County**. This permit revision incorporates the change of ownership from David R. Webb Co. Inc. to Danzer Veneer Americas, Inc. The state only operating permit contains applicable requirements including monitoring, recordkeeping and reporting conditions to ensure compliance with Federal and State Regulation.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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).

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*Coal Applications Returned*

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

**49100102. Clinton M. Wynn Mining**, (491 Shingara Lane, Sunbury, PA 17801), commencement, operation and restoration of an anthracite surface mine operation in Zerbe and West Cameron Townships, **Northumberland County** affecting 59.8 acres, receiving streams: Zerbe Run and Mahanoy Creek. Application received: May 19, 2010. Application withdrawn: July 6, 2011.

*Coal Permits Actions*

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

**30841312 and NPDES No. PA0013790, Consolidation Coal Company**, (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville Mine No. 2 in Gilmore Township, **Greene County** and related NPDES permit to install Roberts Run Airshaft and add new discharge point 002. Surface Acres Proposed 22.5. Receiving stream: Unnamed tributary to Roberts Run, classified for the following use(s): WWF. Application received: April 27, 2010. Permit issued: July 5, 2011.

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

**56100105 and NPDES No. PA0263079. Wilson Creek Energy, LLC**, 140 West Union Street, Somerset, PA 15501, transfer of an existing bituminous surface mine from Svonavec, Inc., 150 W. Union Street, Suite 201, Somerset, PA 15501, in Black Township, **Somerset County**, affecting 141 acres. Receiving stream(s): Wilson and Coxes Creek classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 16, 2010. Permit issued: June 30, 2011.

**56070102 and NPDES No. PA0262307. Wilson Creek Energy, LLC**, 140 West Union Street, Somerset, PA 15501, transfer of an existing bituminous surface mine from Godin Brothers, Inc., P. O. Box 216, 195 E. Philadelphia Street, Armagh, PA 15920 located in Lincoln Township, **Somerset County**, affecting 24.8 acres. Receiving stream(s): Quemahoning Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Greater Johnstown Water Authority. Application received: October 21, 2010. Permit issued: July 5, 2011.

**56920110 and NPDES No. PA0212229. Wilson Creek Energy, LLC**, 140 West Union Street, Somerset, PA 15501, transfer of an existing bituminous surface mine from Svonavec, Inc., 150 West Union Street, Suite 201, Somerset, PA 15501, located in Black Township, **Somerset County**, affecting 355.4 acres. Receiving stream(s): unnamed tributaries to Wilson Creek, unnamed tributaries to Laurel Run, and unnamed tributaries to Coxes Creek all to Coxes Creek classified for the following use(s): all warm water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: November 19, 2010. Permit issued: July 5, 2011.

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

**65090101 and NPDES Permit No. PA0251593. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Permit revised to include a permit boundary change for haulroad access with no change in

permit acreage, and a stream/road variance for support activities at an existing bituminous surface mining site located in Rostraver Township, **Westmoreland County**, affecting 166.4 acres. Receiving streams: unnamed tributaries to the Monongahela River and the Monongahela River. Application received: February 18, 2011. Revised permit issued: July 6, 2011.

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

**33850123. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830) Renewal of an existing bituminous surface mine in Washington Township, **Jefferson County** affecting 203.2 acres. Receiving streams: Unnamed tributary to Mill Creek and unnamed tributary to Rattlesnake Run. This renewal is for reclamation only. Application received: April 8, 2011. Permit Issued: July 5, 2011.

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

**17960104 and NPDES No. PA0220281. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Renewal for reclamation activities only on an existing bituminous surface mine located in Beccaria Township, **Clearfield County** affecting 79.0 acres. Receiving streams: Cofinan Run classified for cold water fishery to Clearfield Creek classified for warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 29, 2011. Permit issued: July 7, 2011.

**17100106 and NPDES No. PA0257346. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661). Commencement, operation and restoration of a bituminous surface mine located in Bigler Township, **Clearfield County** affecting 68.4 acres. Receiving streams: Clearfield Creek classified for warm water fishery and an unnamed tributary to Clearfield Creek classified for cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 25, 2010. Permit issued: July 6, 2011.

*Noncoal Permits Actions*

*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 in 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. Permit issued: July 7, 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. Permit issued: July 7, 2011.

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

**45092801. Elmer F. Possinger & Sons, Inc.**, (920 Rimrock Road, P. O. Box 520, Bartonsville, PA 18321), commencement, operation and restoration of a quarry operation in Hamilton Township, **Monroe County** affect-

ing 5.0 acres, receiving stream: none. Application received: November 17, 2009. Permit issued: July 7, 2011.

**64102801. Kevin Schrader**, (P. O. Box 262, Lake Como, PA 18437), commencement, operation and restoration of a quarry operation in Buckingham Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received: March 25, 2010. Permit issued: July 8, 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*

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

**24114003. Tamburlin Brothers Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830) Blasting activity permit to blast on GFCC No. 24-08-03 in Jay Township, **Elk County**. This blasting activity permit will expire on September 30, 2011. Permit Issued: July 7, 2011.

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

**59114105. Midstream Explosives, LLC** (289 Southside Drive, Newville, PA 17241-8951). Blasting for a pipeline located in Charleston, Duncan and Morris Townships, **Tioga County**. Permit issued: June 30, 2011. Permit expires: June 29, 2012.

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

**58114117. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Montrose Lateral Pipeline in Forest Lake and Jessup Townships, **Susquehanna County** with an expiration date of July 1, 2012. Permit issued: July 6, 2011.

**58114118. Maurer & Scott Sales, Inc.**, (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Delaware Stone Saw Plant Yard expansion in Dimock Township, **Susquehanna County** with an expiration date of July 1, 2012. Permit issued: July 6, 2011.

**58114021. Doug Wathen, LLC**, (11934 Fairway Lakes Drive, Suite 1, Fort Myers, FL 33913), construction blasting for the J Lopatofsky Gas Pad in Springville Township, **Susquehanna County** with an expiration date of July 1, 2012. Permit issued: July 7, 2011.

**58114022. Doug Wathen, LLC**, (11934 Fairway Lakes Drive, Suite 1, Fort Myers, FL 33913), construction blasting for the Modridge Gas Pad in Springville Township, **Susquehanna County** with an expiration date of July 1, 2012. Permit issued: July 7, 2011.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E60-209. Robert G. & Anita Bogdan**, 14 Nalbene Court, Yardville, NJ 08620-9714. 132 Jolleys Grove Lane cabin elevating, Weikert, PA, in Hartley Township, **Union County**, ACOE Baltimore District (Weikert, PA Quadrangle N: 40°51'20.74"; W: -77°17'46.34").

To elevate a 42-foot by 40-foot cabin 6.5 feet off the ground to a point 4.5 feet above the 100-year flood elevation to reduce flooding of the cabin that is located 670 feet upstream on Jolleys Grove Lane from the intersection with White Mountain Road in the left floodway of Penns Creek. This permit was issued under Section 105.13(e) "Small Projects."

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under sec-

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

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

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

*Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA*

01/24/2011

ESCGP-1 No.: ESX11-051-0002

Applicant Name: Laurel Mountain Midstream LLC

CONTACT: Lisa Reaves

Address: 1550 Coraopolis Heights Rd, Suite 140

City: Moon Township State: PA Zip Code: 15108

County: Fayette Township(s): Springhill & Nicholson

Receiving Stream(s) And Classifications: Georges Creek

WWF & UNT to Georges Creek WWF, UNT to Monongahela River WWF, Lower Monongahela Watershed, Other

06/10/2011

ESCGP-1 No.: ESX11-051-0017

Applicant Name: Burnett Oil Co. Inc.

Contact Person: Robert Hilliard

Address: 601 Technology Drive Suite 120

City: Canonsburg State: PA Zip Code: 15317

County: Fayette Township(s): German

Receiving Stream(s) and Classifications: Browns Run, Other

4/28/2011

ESCGP-1 No.: ESX10-051-0041 Major Revision

Applicant Name: Laurel Mountain Midstream c/o

Williams Companies, Inc.

Contact Person: Clay Roesler

Address: 1605 Coraopolis Heights Road

City: Moon Township State: PA Zip Code: 15108-4310

County: Fayette Township(s): German, Luzerne, and Menallen

Receiving Stream(s) and Classifications: UNT's to Monongahela River, Meadow Run, Kelley Run, Rush Run, Wallace Run, Lilly Run, Middle Run and Dunlap Creek, Other

5/24/2011

ESCGP-1 No.: ESX10-051-0019 Major Revision

Applicant Name: Atlas America LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Fayette Township(s): Luzerne

Receiving Stream(s) and Classifications: UNT to Wallace Run/Middle Monongahela River Watershed, Other

5/16/2011

ESCGP-1 No.: ESX11-063-0006

Applicant Name: Atlas America LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: Pa Zip Code: 15748

COUNTY Indiana Township(s): Green

Receiving Stream(s) and Classifications: Rock Run, South Branch Two Lick Creek HQ-CWF, HQ

5/31/2011

ESCGP-1 No.: ESX10-059-0009 Major Revision

Applicant Name: Chief Oil & Gas LLC

Contact Person: Michael D. Hirtz

Address: 6051 Wallace Road, Ext., Suite 210

City: Wexford State: PA Zip Code: 15090

County: Greene Township(s): Gilmore

Receiving Stream(s) and Classifications: Garrison Fork WWF, Other

5/17/2011

ESCGP-1 No.: ESX11-005-0009

Applicant Name: Appalachia Midstream LLC

Contact Person: Larry M Sanders

Address: 3000 Ericsson Drive, Suite 200

City: Warrendale State: PA Zip Code: 15086

County: Armstrong Township(s): Rayburn

Receiving Stream(s) and Classifications: UNT to Cowanshannock Creek WWF, UNT to Hays Run WWF, Other

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

ESCGP-1 # ESX11-015-0125

Applicant Name Talisman Energy USA, Inc.

Contact Person Tracy Gregory

Address 337 Daniel Zenker Drive

City, State, Zip Horseheads, NY 14845

County Bradford

Township(s) Columbia Twp.

Receiving Stream(s) and Classification(s) Wolfe Cr (TSF-MF)

ESCGP-1 # ESX11-015-0126

Applicant Name Appalachia Midstream Services, LLC

Contact Person Patrick Myers

Address 100 1st Center

City, State, Zip Horseheads, NY 14845

County Bradford

Township(s) Smithfield & Ulster Twps.

Receiving Stream(s) and Classification(s) Toad Hollow & NT to Toad Hollow (WWF/MF)

ESCGP-1 # ESX11-117-0070

Applicant Name SWEPI LP

Contact Person James Sewell

Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086

County Tioga

Township(s) Farmington Twp.

Receiving Stream(s) and Classification(s) UNT to Cummings Cr, Cummings Cr, Thornbottom Cr, Cowanesque R—WWF—Susquehanna R Basin in PA—Tioga R

ESCGP-1 # ESX11-117-0067

Applicant Name SWEPI LP

Contact Person James Sewell

Address 190 Thorn Hill Road

City, State, Zip Warrendale, PA 15086

County Tioga

Township(s) Richmond Twp.

Receiving Stream(s) and Classification(s) UNT to Lambs Cr, Lambs Cr, Manns Cr—CW; Tioga R/Susquehanna River Basin in PA—Susquehanna R

ESCGP-1 # ESX11-015-0124

Applicant Name Talisman Energy USA, Inc.

Contact Person Tracy Gregory

Address 337 Daniel Zenker Dr  
City, State, Zip Horseheads, NY 14845

County Bradford

Township(s) Columbia Twp.

Receiving Stream(s) and Classification(s) UNT to N Br of Sugar Cr (TSF); UNT to Mill Cr (TSF)

ESCGP-1 # ESX10-015-0389(01)

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main Street  
City, State, Zip Athens, PA 18810

County Bradford

Township(s) Asylum & Terry Twps.

Receiving Stream(s) and Classification(s) UNT to Susquehanna R (WWF,MF); UNT to Durrell Cr (WWF, MF)

ESCGP-1 # ESX11-015-0103

Applicant Name Talisman Energy USA, Inc.

Contact Person Tracy Gregory

Address 337 Daniel Zenker Dr  
City, State, Zip Horseheads, NY 14845

County Bradford

Township(s) Columbia & Troy Twps.

Receiving Stream(s) and Classification(s) UNTs to Sugar Cr, N Br Sugar Cr (TSF,MF)

ESCGP-1 # ESX11-023-0007

Applicant Name J-W Operating Company

Contact Person Brenda Reed

Address 2200 Georgetown Drive, Suite 301  
City, State, Zip Sewickley, PA 15143

County Cameron

Township(s) Shippen Twp.

Receiving Stream(s) and Classification(s) Finley Run (CWF-MF); Driftwood Br Sinnemahoning Cr

ESCGP-1 # ESG11-117-0025

Applicant Name Ultra Resources, Inc.

Contact Person Erika Tokarz

Address 5 East Avenue, #108  
City, State, Zip Wellsboro, PA 16901-1613

County Tioga

Township(s) Elk Twp

Receiving Stream(s) and Classification(s) Chaffee Run—EV, CWF; Elk Run—EV/MF

ESCGP-1 # ESX11-081-0059

Applicant Name PVR Marcellus Gas Gathering LLC

Contact Person Kevin Roberts

Address 25 West Third Street  
City, State, Zip Williamsport, PA 17701

County Lycoming

Township(s) Cummings and Cogan House Twps.

Receiving Stream(s) and Classification(s) Jacobs Hollow, First Fork Larrys Cr, Dog Run, Little Dog Run, Buckhorn Run, Little Gap Run, Hogland Run (HQ-EV)

ESCGP-1 # ESX11-081-0004(01)

Applicant Name PVR Marcellus Gas Gathering LLC

Contact Person Kevin Roberts

Address 25 West Third Street  
City, State, Zip Williamsport, PA 17701

County Lycoming

Township(s) Cummings, Mifflin, Anthony, Lycoming, and

Cogan House Twps.

Receiving Stream(s) and Classification(s) 1st Fork Larrys Cr, Dog Run, Harbor Run, 2nd Fork Larrys Cr, Little Harbor Run, Roaring Run, Little Sandy Hollow, Mash Run, Stony Gap Run, Little Gap Run, Hoagland Run (HQ-EV)

ESCGP-1 # ESX11-015-0133

Applicant Name Southwestern Energy Production Company

Contact Person Dave Sweeley

Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18675

County Bradford

Township(s) Herrick Twp.

Receiving Stream(s) and Classification(s) UNT to Rummerfield Cr (CWF); Susquehanna R (WWF)

ESCGP-1 # ESX11-015-0134

Applicant Name Southwestern Energy Production Company

Contact Person Dave Sweeley

Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18675

County Bradford

Township(s) Herrick Twp.

Receiving Stream(s) and Classification(s) Cold Cr (WWF); Wyalusing Cr (WWF)

ESCGP-1 # ESX11-115-0061

Applicant Name Southwestern Energy Production Company

Contact Person Dave Sweeley

Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18675

County Bradford

Township(s) Herrick Twp.

Receiving Stream(s) and Classification(s) UNT to Tunkhannock Cr (CWF); Tunkhannock Cr (CWF), Susquehanna (WWF)

ESCGP-1 # ESX11-081-0057

Applicant Name Anadarko E&P Company LP

Contact Person Bertha Nefe

Address P. O. Box 1330  
City, State, Zip Houston, TX 77251-1330

County Lycoming

Township(s) Cummings, Mifflin, Cogan House Twps.

Receiving Stream(s) and Classification(s) Cool Spring, 2nd Fork Larry's Cr, Thompson Hollow, UNT 2nd Fork Larrys Cr, UNT Long Run, Long Run, Larrys Cr—All EV

ESCGP-1 # ESX11-081-0058

Applicant Name Anadarko E&P Company LP

Contact Person Bertha Nefe

Address P. O. Box 1330  
City, State, Zip Houston, TX 77251-1330

County Lycoming

Township(s) McHenry Twp.

Receiving Stream(s) and Classification(s) Pine Cr (HQ-TSF, MF); UNT Miller Run, McClure Run, Browns Run (all HQ-CWF, MF)

ESCGP-1 # ESX11-015-0136

Applicant Name Chesapeake Appalachia, LLC

Contact Person Eric Haskins

Address 101 North Main St  
City, State, Zip Athens, PA 18810

County Bradford

Township(s) Leroy Twp.

Receiving Stream(s) and Classification(s) UNT to Towanda Cr, Susquehanna R

## ESCGP-1 # ESX11-015-0138

Applicant Name EOG Resources Inc  
 Contact Person Jon Jorgenson  
 Address 400 Southpointe Blvd, Plaza 1, Ste 300  
 City, State, Zip Canonsburg, PA 15317  
 County Bradford  
 Township(s) Athens Twp.  
 Receiving Stream(s) and Classification(s) UT Apple Cr,  
 Apple Cr

## ESCGP-1 # ESX10-015-0296(01)

Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 101 North Main Street  
 City, State, Zip Athens, PA 18810  
 County Bradford  
 Township(s) Terry Twp.  
 Receiving Stream(s) and Classification(s) UNT to  
 Susquehanna R (WWF, MF), UNT to Durell Cr  
 (WWF, MF)

## ESCGP-1 # ESX11-117-0068

Applicant Name SWEPI LP  
 Contact Person James Sewell  
 Address 190 Thorn Hill Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Rutland Twp.  
 Receiving Stream(s) and Classification(s) Mill Cr, UNTs  
 to Mill Cr, UNT to Seeley Cr—TSF

*Northwest Region: Oil and Gas Program Manager, 230  
 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-031-0018—Maple Grove Gathering  
WP-15

Applicant Northeast Natural Energy, LLC  
 Contact Brett Loflin  
 Address 707 Virginia Street East, Suite 1400  
 City Charleston State WV Zip Code 25301  
 County Clarion Township(s) Porter & Toby(s)  
 Receiving Stream(s) and Classification(s) East Fork of  
 Wildcat Run (CWF)—Other- Secondary Water Redbank  
 Creek (TSF)

ESCGP-1 #ESX11-083-0045—Goodman—Petitt Phases I  
& II

Applicant Dallas Energy, LLC  
 Contact Steven Morris  
 Address 103 South Kendall Avenue  
 City Bradford State PA Zip Code 16701  
 County McKean Township(s) Foster(s)  
 Receiving Stream(s) and Classification(s) Bolivar Run and  
 Latchaw Creek—Other- Secondary Water Tunungwant  
 Creek

ESCGP-1 #ESX11-083-0046—SRC 17H AND 19H WELL  
PADS

Applicant EOG Resources  
 Contact William Burket  
 Address 400 Southpointe Boulevard  
 City Canonsburg State PA Zip Code 15317  
 County McKean Township(s) Sergeant(s)  
 Receiving Stream(s) and Classification(s) Gum Boot Run,  
 Buck Run, and Red Mill Brook

## ESCGP-1 #ESX11-047-0024—HM2 WT 3256 PAT

Applicant Hunt Marcellus Operating Company, LLC  
 Contact David Hulslander  
 Address 106 North Michael Street, Suite 3  
 City St. Mary's State PA Zip Code 15857

County Elk Township(s) Jones(s)  
 Receiving Stream(s) and Classification(s) Little Wolf  
 Run—HQ-CWF, Bear Creek—HQ-CWF

## ESCGP-1 #ESG11-121-0003—Carter Pipeline

Applicant Range Resources Appalachia, LLC  
 Contact Alan J. Wolff  
 Address 1369 Cochran Road  
 City Carlton State PA Zip Code 16311  
 County Venango Township(s) Oakland(s)  
 Receiving Stream(s) and Classification(s) UNT to East  
 Branch Sugar Creek & UNT to Twomile Run—other

## ESCGP-1 #ESX11-053-0051—Cornplanter State Forest

Applicant Devonian Resources, Inc  
 Contact Stan Thompson  
 Address P. O. Box 329  
 City Pleasantville State PA Zip Code 16341  
 County Forest Township(s) Harmony & Tionesta(s)  
 Receiving Stream(s) and Classification(s) McCaferdy Run,  
 Hunter Run and Jamison Run/Allegheny River / CWF

## ESCGP-1 #ESX11-053-0015—Cornplanter State Forest

Applicant Devonian Resources Inc  
 Contact Stan Thompson  
 Address P. O. Box 329  
 City Pleasantville State PA Zip Code 16341  
 County Forest Township(s) Harmony(s)  
 Receiving Stream(s) and Classification(s) McCaferdy Run,  
 Hunter Run and Jamison Run/Allegheny River / CWF

## ESCGP-1 #ESX09-065-0004B—Brookville Wood Products

Applicant EXCO Resources (PA), LLC  
 Contact Mr. Larry Sanders  
 Address 3000 Ericsson Drive  
 City Warrendale State PA Zip Code 15086  
 County Jefferson Township(s) Pine Creek(s)  
 Receiving Stream(s) and Classification(s) UNT Five Mile  
 Run (CWF), Five Mile Run (CWF) & UNT to O'Donnell  
 Run (CWF)

## ESCGP-1 #ESX11-065-0028—Himes Well Project

Applicant EQT Production Company  
 Contact Mr. Todd Klaner  
 Address 455 Racetrack Road, Suite 101  
 City Washington State PA Zip Code 15301  
 County Jefferson Township(s) Knox(s)  
 Receiving Stream(s) and Classification(s) 2 Unnamed  
 Tributaries of Indian Camp Run CWF, Unnamed Tribu-  
 tary of Lick Run CWF.

ESCGP-1 #ESX11-053-0016—Weld McCool Lease Appli-  
cant D & S Energy Corporation

Contact Gary Neely  
 Address P. O. Box 102  
 City Tiona State PA Zip Code 16352  
 County Forest Township(s) Howe(s)  
 Receiving Stream(s) and Classification(s) Receiving  
 Water/Watershed Name: Tionesta Creek / Unnamed  
 Tributary High Quality. Secondary Water: Allegheny  
 River

## ESCGP-1 #ESX11-121-0004

Applicant Seneca Resources Corporation  
 Contact Michael C Klinger  
 Address 51 Zentz Blvd  
 City Brookville State PA Zip Code 15825  
 County Venango Township(s) Victory and Mineral(s)  
 Receiving Stream(s) and Classification(s) UNT Williams  
 Run (CWF), UNT South Sandy Creek (CWF), and  
 Lyons Run (CWF)

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## SPECIAL NOTICES

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### Abandoned Mine Land Reclamation

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

**R. H. Dotts Contracting, LLC**, GFCC No. 17-09-05, Machipongo Operation, Woodward Township, **Clearfield County** (Unnamed Tributary to Goss Run to Beaver Run to Moshannon Creek -Upper West Branch Watershed): A no-cost construction contract has been awarded to R. H. Dotts Contracting, LLC that will result in the reclamation of approximately 3.2 acres of abandoned mine land with extensive deep mine subsidence and the recovery of approximately 3,250 tons of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. Alkaline addition will be added to the mining area as a Best Management Practice (BMP) at a rate of 50 tons per acre. A total of at least 160 tons of alkaline material will be placed on the site. The estimated value of the reclamation work is \$35,000 which will be done at no cost to the Commonwealth. The site is located just northwest of the Borough of Brisbin on lands formerly mined and subsequently abandoned by Ben Vogle in the early 1960s. Blasting and refuse reprocessing are prohibited at the site.

### Request for Comments on the Proposed Total Maximum Daily Loads (TMDLs) Developed for the Armstrong Creek Watershed in Dauphin County

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the Armstrong Creek Watershed in Dauphin County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation from agriculture.

There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment in the Armstrong Creek Watershed. The sediment loadings were allocated among cropland, hay/pasture land, transitional land and stream bank categories present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loadings for the watershed. Overall load reductions necessary in order to meet the TMDLs are also identified.

#### *Summary of TMDL Based Load Reductions in the Armstrong Creek Watershed*

POLLUTANT	<i>EXISTING LOAD (lbs./yr.)</i>	<i>EXISTING LOAD (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>PERCENT REDUCTION</i>
Sediment	4,782,188	13,102	4,234,866	11,602	11%

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the proposed TMDLs contact:

Gary M. Gocek, Water Program Specialist  
Watershed Protection Division, Central Office  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
Harrisburg, PA 17105  
Phone: 717-772-1674, e-mail: [ggocek@state.pa.us](mailto:ggocek@state.pa.us)

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 45 days after publication in the *PA Bulletin*. A public meeting to discuss the technical merits of the TMDLs will be held upon request.

[Pa.B. Doc. No. 11-1224. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Agricultural Advisory Board Meeting Cancellation

The Agricultural Advisory Board meeting scheduled for August 17, 2011, has been cancelled. The next meeting is scheduled to occur on October 19, 2011, at 10 a.m. in Susquehanna Room A of the Department of Environmental Protection Southcentral Regional Office Building.

Questions concerning the cancellation of the August 17, 2011, meeting or the October 19, 2011, meeting should be directed to Frank Schneider, Bureau of Watershed Management, (717) 772-5972, [fschneider@state.pa.us](mailto:fschneider@state.pa.us). The agenda and materials for the October 19, 2011, 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).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5972 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1225. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Bid Opportunity

**BOGM 11-3, Cleaning Out and Plugging One Abandoned Oil Well (Daniel L. Van Dyke Property), Pine Township, Allegheny County.** The principal items of work and approximate quantities are to clean out and plug one abandoned oil well, estimated to be 2,000 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well site; and to mobilize and demobilize plugging equipment. This project issues on July 22, 2011, and bids will be opened on August 30, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for July 27, 2011, at 12 p.m. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1226. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Bid Opportunity

**BOGM 11-4, Cleaning Out and Plugging Six Abandoned Gas, Oil and Gas/Oil Wells (Lenzner Bus Lines, c/o Charles Lenzner; Ross Township, c/o Wayne Jones, Manager; Kenco Development Corporation, LLC, Anthony G. Bruni and Richard Mongiovi, Members; Victoria V. Wilczynski; and Prestige Land Development, c/o John F. Vellano, Association President Properties), Ohio, Ross and Kennedy Townships, Allegheny County.** The principal items of work and approximate quantities are to clean out and plug six abandoned gas, oil and gas/oil wells, estimated to be between 2,000 feet and 3,500 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well sites; and to mobilize and demobilize plugging equipment. This project issues on July 22, 2011, and bids will be opened on August 30, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for July 27, 2011, at 12 p.m. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1227. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Bid Opportunity

**D19:075-101.1, Valley View Dam Breach Project, Little Greenwood Township, Columbia County.** The principal items of work and approximate quantities include stream diversion and dewatering; mobilization and demobilization; implementation of the erosion and sediment control plan; clearing and grubbing; excavation 4,800 cubic yards; grouted riprap 170 square yards; riprap R-7 340 square yards; riprap R-4 100 square yards; removal of concrete and metal structures; vinyl sheet

piling 1,600 square feet; erosion control blanket 1,200 square yards; single wall plastic corrugated polyethylene pipe 400 linear feet; No. 2A coarse aggregate 1,400 square yards; and seeding. This bid issues July 22, 2011, and bids will be opened on August 23, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1228. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Bid Opportunity

**DEP-HSCP-6-098-101.1, Site Remediation Project, Currie Landfill Site, Millcreek Township, Erie County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the erosion and sediment control plan; decontamination; hazardous material; clearing and grubbing; imported soil fill 92,510 cubic yards; imported soil fill—Millcreek stockpile 35,000 cubic yards; excavation 121,950 cubic yards; scrap tire processing 2,000 each; imported rock fill 3,810 tons; imported choking material 4,360 tons; landfill cap; revegetation; sediment basin; constructed wetland; Riparian Buffer/West Branch Cascade Creek restoration; culverts; perimeter fencing with gate 1,800 linear feet; parking areas and access roads; survey monuments; and monitoring well abandonment. This bid issues July 22, 2011, and bids will be opened on September 8, 2011, at 2 p.m. Bid documents cost \$20 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1229. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Bid Opportunity

**OSM 37(6255)101.1, Abandoned Mine Reclamation Project, Mount Air South, Little Beaver Township, Lawrence County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the erosion and sediment control plan; grading 148,370 cubic yards; channel excavation 270 cubic yards; rock lining and filter fabric 350 square yards; permanent pond; subsurface drain 1,050 linear feet; wetland construction; fence 2,105 linear feet; and seeding 12 acres. This bid issues July 22, 2011, and bids will be opened on August 25, 2011, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until

payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 11-1230. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Clean Air Interstate Rule; Final 2011 Allocation of Remaining 2010 Vintage Nitrogen Oxides Allowances Set Aside to Offset Sulfur Dioxide Emissions from Qualifying Units

In accordance with 25 Pa. Code § 145.212(f)(2) and (5) (relating to CAIR NO<sub>x</sub> allowance allocations), the Department of Environmental Protection (Department) is providing notice of the final issuance of the remaining 2010 vintage Clean Air Interstate Rule (CAIR) nitrogen oxides (NO<sub>x</sub>) allowances set aside for the owners or operators of qualifying fossil fuel-fired units that did not receive any sulfur dioxide (SO<sub>2</sub>) allowances under the United States Environmental Protection Agency's (EPA) Acid Rain Program.

Notice of a 30-day public comment period on the proposed limits was published at 41 Pa.B. 2660 (May 21, 2011). The public comment period offered the public an opportunity to review the information and data to ensure the information was correct. No comments were received.

The Commonwealth's CAIR NO<sub>x</sub> Annual Trading Program budget contained 99,049 CAIR NO<sub>x</sub> allowances for 2010, of which 97,761 were allocated to CAIR units at 40 Pa.B. 297 (January 9, 2010). The remaining 1,288 CAIR NO<sub>x</sub> allowances, 1.3% of the CAIR NO<sub>x</sub> Annual Trading Program budget, were set aside for certain Independent Power Producers (IPP) that were exempted from many of the provisions of the Federal Acid Rain Program but were not exempted from the CAIR requirements. The additional CAIR NO<sub>x</sub> allowances will help offset the cost of complying with the SO<sub>2</sub> emission trading requirements of the CAIR rule. The Department received two requests for allocations of CAIR NO<sub>x</sub> allowances by a January 31, 2011, regulatory deadline, and finalized those 555 NO<sub>x</sub> allowance allocations at 41 Pa.B. 1580 (March 19, 2011) leaving 733 CAIR NO<sub>x</sub> allowances.

In accordance with 25 Pa. Code § 145.212(f)(5), the Department has considered written requests from the owners/operators of qualifying IPPs, received after January 31, 2011, for these remaining 733 vintage 2010 CAIR NO<sub>x</sub> allowances. On a prorated basis, the Department is allocating these allowances on a ratio of one CAIR NO<sub>x</sub> allowance to every 8 tons of SO<sub>2</sub> emitted by the unit in 2010, minus any excess CAIR NO<sub>x</sub> allowances already allocated to the unit for the 2010 control period that were not used to cover NO<sub>x</sub> emissions for the 2010 control period. The result is the allocation of an additional 535 CAIR NO<sub>x</sub> allowances.

The following table identifies the facilities from which the Department received requests after January 31, 2011, and to whom additional CAIR NO<sub>x</sub> allowances were granted. The table lists the Facility name, ORIS number

and Unit identification number, if applicable, and number of CAIR NO<sub>x</sub> allowances allocated.

Facility name	ORIS #	Unit ID	# of NO <sub>x</sub> allowances
Ebensburg Power Company	10603		90
Piney Creek Power Plant	54144		180
Scrubgrass Generating Plant	50974	Unit 1	119
		Unit 2	117
Wheelabrator-Frackville	50879		29

On June 21, 2011, the EPA was notified to make the final allocation.

Action at the Federal or State level could affect the allocated NO<sub>x</sub> allowances. CAIR NO<sub>x</sub> allowances do not constitute property rights.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may 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*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Questions concerning this notice should be directed to Randy Bordner, Chief, Stationary Source Section, Bureau of Air Quality at (717) 772-3921. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

MICHAEL L. KRANCER,  
Secretary

[Pa.B. Doc. No. 11-1231. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Pennsylvania Phase 2 Chesapeake Bay Watershed Implementation Plan Summit

The Department of Environmental Protection (Department) provides notice of the upcoming Pennsylvania



Phase 2 Chesapeake Bay Watershed Implementation Plan Summit (Summit). This Summit marks the beginning of the development of Pennsylvania's Phase 2 Chesapeake Bay Watershed Implementation Plan (WIP).

Pennsylvania's Phase 1 Chesapeake Bay WIP outlined the State's plan to address nutrient and sediment loadings that drain to the Chesapeake Bay. The Phase 1 WIP was prepared following the United States Environmental Protection Agency's (EPA) November 4, 2009, guidance that outlined their expectations for WIPs, and was revised based on public comments, workgroup input and comments received from the EPA. Pennsylvania's Phase 1 Chesapeake Bay WIP was prepared to address the EPA's expectations for the Chesapeake Bay Total Maximum Daily Load (TMDL) that was published on December 29, 2010.

The EPA is expected to announce on August 1, 2011, revised nutrient and sediment allocations for the Chesapeake Bay TMDL. The allocations are the result of the EPA's development of a revised Watershed Model. Using the revised allocations, the EPA expects the states to develop a Phase 2 Chesapeake Bay WIP which will further subdivide the loads by local area (county). The EPA has established a December 1, 2011, deadline for submission of the Draft Phase 2 Chesapeake Bay WIP, and a March 30, 2012, deadline for the final plan. The EPA expects the Phase 2 Chesapeake Bay WIP to contain greater detail about the first stage of implementation, which will last from when the EPA established the Chesapeake Bay TMDL in December 2010 until 2017.

The Summit is scheduled to be held on August 3, 2011, from 1 p.m. to 4 p.m. at the Keystone Conference Center, Farm Show Complex & Expo Center, 2300 N. Cameron Street, Harrisburg, PA 17110.

For those individuals who cannot attend in person, the Penn State Cooperative Extension will host a broadcast of the Summit through a webinar at <https://meeting.psu.edu/agenpartnership>. To attend by means of webinar follow these guidelines:

- Use a computer with high speed Internet access (not dial up). For persons who do not have access to high speed Internet at home or office, consider visiting the local library or contact the county's Conservation District Office or Extension Office.
- Obtain a Friends of Penn State (FPS) account. Interested persons can sign up for an FPS account by going to <https://breeze.psu.edu/AgEnvPartnership>. At this location, individuals will be directed to a site to register for the free FPS account. Record the user name and password as it will be required for each entry to the webinar location.
- A few minutes prior to the start time on August 3, 2011, go to <http://breeze.psu.edu/AgEnvPartnership> and type in the user ID and password. This will lead to the meeting "web" location. To ensure that audio is working, go to the "Meeting" tab at the top left and choose "Manage My Settings." Then choose "Audio Setup Wizard" and test the sound input by clicking on "Test."
- There is no need to have a microphone for this session. Individuals who have questions can type them into the chat box and the program moderator will ensure that the speakers receive them.

This webinar will be recorded and following the Summit can be accessed by going to <http://extension.psu.edu/aec>.

For further information contact Karen Price, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-

2063, (717) 772-4785, [kprice@state.pa.us](mailto:kprice@state.pa.us) or visit the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Chesapeake Bay").

MICHAEL L. KRANCER,  
*Secretary*

[Pa.B. Doc. No. 11-1232. Filed for public inspection July 22, 2011, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale

#### Northampton County

The Department of General Services will accept bids for the purchase of 0.48 acre ± of land and building formerly known as the Easton Job Center located at 220 Ferry Street, City of Easton, Northampton County. Bids are due Tuesday, August 23, 2011. Interested parties wishing to receive a copy of Solicitation No. 94428 should view the Jackson Cross Partners, LLC web site at [http://www.jacksoncross.com/public\\_files/files/2010/03/220-Ferry-Street-Bid-Solicitation-No.-94428-7-20112.pdf](http://www.jacksoncross.com/public_files/files/2010/03/220-Ferry-Street-Bid-Solicitation-No.-94428-7-20112.pdf) or call John Morrissey at (610) 265-7700, Ext. 124.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 11-1233. Filed for public inspection July 22, 2011, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Comprehensive Pain Centers for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Comprehensive Pain Centers has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.7-3.4.1.2 (relating to stretchers in class B facilities) and 3.7-3.4.2.1(1) (relating to phase II recovery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1234. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Application of Easton Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Easton Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-8.5.3.2 (relating to technology distribution rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1235. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Applications for Exception to 28 Pa. Code § 153.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facilities specifi-

cally request exception from the following standard contained in this publication: 2.1-8.3.7 (relating to call systems):

Coordinated Health Hospital Allentown Clinic  
Coordinated Health Hospital Brodheadsville Clinic  
Coordinated Health Hospital East Stroudsburg Clinic  
Coordinated Health Hospital Easton Clinic  
Coordinated Health Hospital Emerick Clinic  
Coordinated Health Hospital Highland Clinic  
Coordinated Health Hospital Lehighton Clinic  
Coordinated Health Hospital Schoenersville Clinic

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1236. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Application of Frick Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Frick Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.6.6, 2.2-2.6.7 and 2.2-2.6.8 (relating to support areas).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1237. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Application of Grand View Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grand View Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1238. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Application of Holy Redeemer Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Holy Redeemer Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1239. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Application of McCandless Endoscopy Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that McCandless Endoscopy Center, LLC has requested an exception to the requirements of 28 Pa. Code § 553.31 (relating to administrative responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1240. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Application of Magee Womens Hospital, The Heart Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Magee Womens Hospital, The Heart Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.4.8.1(3), 3.1-3.9.4.1 and 3.1-3.2.2.2(2) (relating to patient waiting areas; dressing room; and exam table clearance).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1241. Filed for public inspection July 22, 2011, 9:00 a.m.]

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### Application of Magee Womens Hospital, Multi Discipline Suite for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Magee Womens Hospital, Multi Discipline Suite has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-7.2.2.3(6)(a), 2.2-3.4.5.1, 3.1-4.1.3.2(1) and 3.1-7.2.2.1(1).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1242. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Application of Magee Womens Hospital, OB/GYN Suite for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Magee Womens Hospital, OB/GYN Suite has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-7.2.2.1(1), 3.1-3.2.2.2(2) and 3.1-3.2.2.2(1) (relating to corridor width; exam table clearance; and area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1243. Filed for public inspection July 22, 2011, 9:00 a.m.]

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### Application of St. Luke's Riverside Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Riverside Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1244. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Application of UPMC McKeesport for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC McKeesport has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-8.5.3.3 (relating to technology distribution room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1245. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Application of Wills Eye Institute for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wills Eye Institute has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-8.7.2, 2.2-3.3.3, 2.2-3.3.3.4 and 2.2-5.7.

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1246. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold public meetings on Wednesday, August 17, 2011, from 9 a.m. to 4 p.m. and on Thursday, August 18, 2011, from 9 a.m. to 2:30 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at the previous number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

ELI N. AVILA, MD, JD, MPH, FCLM,  
Secretary

[Pa.B. Doc. No. 11-1247. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Guardian Elder Care Center  
147 Old Newport Street  
Nanticoke, PA 18634  
FAC ID 191502

Jefferson Hills Manor  
448 Old Clairton Road  
Jefferson Hills, PA 15025

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.9(a) (relating to corridors).

Pleasant Valley Manor, Inc./Monroe County Home  
4227 Manor Drive  
Stroudsburg, PA 18360  
FAC ID 161702

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on this exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and 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. 11-1248. Filed for public inspection July 22, 2011, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Bingo! '11 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Bingo! '11.

2. *Price:* The price of a Pennsylvania Bingo! '11 instant lottery game ticket is \$3.

3. *Play Symbols:*

(a) Each Pennsylvania Bingo! '11 instant lottery game ticket will contain six play areas designated as "Card 1," "Card 2," "Card 3," "Card 4," "Card 5" and "Card 6." Each "Card" will consist of 25 spaces on a 5 by 5 grid. The 76 play symbols located in the six play areas are: The numbers 1 through 75 and the "FREE" symbol. The "FREE" symbol is a free space.

(b) Each ticket will also contain a "CALLER'S CARD" area and a "5 BONUS NUMBERS" area. The "CALLER'S CARD" area will consist of 25 play symbols and the "5 BONUS NUMBERS" area will consist of 5 play symbols. The play symbols that may be located in the "CALLER'S CARD" area and the "5 BONUS NUMBERS" area are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; the letter O with a number 61 through 75; and a Cash (CASH) symbol.

4. *Prizes:* The prizes that can be won in this game are: \$3, \$6, \$10, \$20, \$30, \$60, \$90, \$150, \$300, \$1,000, \$2,000, \$3,000 and \$30,000. The player can win up to seven times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Bingo! '11 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols in an "X" pattern, extending through the "FREE" space in the "N" column, and through to each of the four corner spaces, on "Card 6," shall be entitled to a prize of \$30,000.

(b) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols in an "X" pattern, extending through the "FREE" space in the "N" column, and through to each of the four corner spaces, on "Card 5," shall be entitled to a prize of \$3,000.

(c) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols in an "X" pattern, extending through the "FREE" space in the "N" column, and through to each of the four corner spaces, on "Card 4," shall be entitled to a prize of \$2,000.

(d) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols to four spaces appearing in a "Diamond" pattern, which includes the space appearing in the top horizontal row in the "N" column; the spaces appearing in the third horizontal row from the top in the "B" and "O" columns; and the space appearing in the fifth horizontal row from the top in the "N" column on "Card 6," shall be entitled to a prize of \$1,000.

(e) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols in an "X" pattern, extending through the "FREE" space in the "N" column, and through to each of the four corner spaces, on "Card 3," shall be entitled to a prize of \$1,000.

(f) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols to four spaces appearing in a "Diamond" pattern, which includes the space appearing in the top horizontal row in the "N" column; the spaces appearing in the third horizontal row from the top in the "B" and "O" columns; and the space appearing in the fifth horizontal row from the top in the "N" column on "Card 5," shall be entitled to a prize of \$300.

(g) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols in an "X" pattern, extending through the "FREE" space in the "N" column, and through to each of the four corner spaces, on "Card 2," shall be entitled to a prize of \$300.

(h) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols to four spaces appearing in a "Diamond" pattern, which includes the

space appearing in the top horizontal row in the "N" column; the spaces appearing in the third horizontal row from the top in the "B" and "O" columns; and the space appearing in the fifth horizontal row from the top in the "N" column on "Card 3" or "Card 4," shall be entitled to a prize of \$150.

(i) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols in an "X" pattern, extending through the "FREE" space in the "N" column, and through to each of the four corner spaces, on "Card 1," shall be entitled to a prize of \$150.

(j) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols in the four corners on "Card 5" or "Card 6," shall be entitled to a prize of \$90.

(k) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols in the four corners on "Card 3" or "Card 4," shall be entitled to a prize of \$60.

(l) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols in the four corners on "Card 2," shall be entitled to a prize of \$30.

(m) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols to four spaces appearing in a "Diamond" pattern, which includes the space appearing in the top horizontal row in the "N" column; the spaces appearing in the third horizontal row

from the top in the "B" and "O" columns; and the space appearing in the fifth horizontal row from the top in the "N" column on "Card 1," shall be entitled to a prize of \$30.

(n) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols in a five-space horizontal, vertical or diagonal line on "Card 5" or "Card 6," shall be entitled to a prize of \$10.

(o) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols in the four corners on "Card 1," shall be entitled to a prize of \$10.

(p) Holders of tickets with a Cash (CASH) symbol, in either the "CALLER'S CARD" area or the "5 BONUS NUMBERS" area, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols in a five-space horizontal, vertical or diagonal line on "Card 4," shall be entitled to a prize of \$6.

(r) Holders of tickets matching the "CALLER'S CARD" or the "5 BONUS NUMBERS" play symbols in a five-space horizontal, vertical or diagonal line on "Card 1," "Card 2" or "Card 3," shall be entitled to a prize of \$3.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 10,800,000 Tickets</i>
LINE CARD 1	\$3	20	540,000
LINE CARD 2	\$3	25	432,000
LINE CARD 3	\$3	25	432,000
(LINE CARD 1) + (LINE CARD 2)	\$6	50	216,000
(LINE CARD 1) + (LINE CARD 3)	\$6	50	216,000
(LINE CARD 2) + (LINE CARD 3)	\$6	50	216,000
LINE CARD 4	\$6	50	216,000
\$10 w/CASH	\$10	500	21,600
FOUR CORNERS CARD 1	\$10	333.33	32,400
LINE CARD 5	\$10	166.67	64,800
LINE CARD 6	\$10	125	86,400
(\$10 w/CASH) + (FOUR CORNERS CARD 1)	\$20	500	21,600
(\$10 w/CASH) + (LINE CARD 5)	\$20	500	21,600
(\$10 w/CASH) + (LINE CARD 6)	\$20	500	21,600
(FOUR CORNERS CARD 1) + (LINE CARD 6)	\$20	500	21,600
(LINE CARD 5) + (LINE CARD 6)	\$20	333.33	32,400
(\$10 w/CASH) + (LINE CARD 5) + (LINE CARD 6)	\$30	960	11,250
DIAMOND CARD 1	\$30	1,091	9,900
FOUR CORNERS CARD 2	\$30	1,091	9,900
(\$10 w/CASH) + (DIAMOND CARD 1) + (LINE CARD 5) + (LINE CARD 6)	\$60	4,000	2,700
(\$10 w/CASH) + (FOUR CORNERS CARD 1) + (FOUR CORNERS CARD 2) + (LINE CARD 6)	\$60	4,000	2,700
(DIAMOND CARD 1) + (FOUR CORNERS CARD 2)	\$60	6,000	1,800
FOUR CORNERS CARD 3	\$60	6,000	1,800
FOUR CORNERS CARD 4	\$60	6,000	1,800
(\$10 w/CASH) + (FOUR CORNERS CARD 1) + (DIAMOND CARD 2) + (LINE CARD 6)	\$90	2,400	4,500
(DIAMOND CARD 1) + (DIAMOND CARD 2)	\$90	3,000	3,600
(DIAMOND CARD 1) + (FOUR CORNERS CARD 4)	\$90	4,000	2,700
(FOUR CORNERS CARD 2) + (FOUR CORNERS CARD 3)	\$90	4,000	2,700
FOUR CORNERS CARD 5	\$90	4,000	2,700

<i>Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 10,800,000 Tickets</i>
FOUR CORNERS CARD 6	\$90	4,000	2,700
(\$10 w/CASH) + (FOUR CORNERS CARD 3) + (FOUR CORNERS CARD 4) + (LINE CARD 5) + (LINE CARD 6)	\$150	17,143	630
(DIAMOND CARD 2) + (FOUR CORNERS CARD 5)	\$150	30,000	360
(FOUR CORNERS CARD 3) + (FOUR CORNERS CARD 6)	\$150	24,000	450
"X" CARD 1	\$150	20,000	540
DIAMOND CARD 3	\$150	30,000	360
DIAMOND CARD 4	\$150	30,000	360
("X" CARD 1) + (DIAMOND CARD 4)	\$300	40,000	270
(DIAMOND CARD 2) + (DIAMOND CARD 4) + (FOUR CORNERS CARD 5)	\$300	30,000	360
(DIAMOND CARD 3) + (DIAMOND CARD 4)	\$300	24,000	450
(FOUR CORNERS CARD 3) + (FOUR CORNERS CARD 4) + (FOUR CORNERS CARD 5) + (FOUR CORNERS CARD 6)	\$300	20,000	540
"X" CARD 2	\$300	40,000	270
DIAMOND CARD 5	\$300	40,000	270
(FOUR CORNERS CARD 1) + ("X" CARD 2) + (DIAMOND CARD 3) + (DIAMOND CARD 4) + (DIAMOND CARD 5) + (FOUR CORNERS CARD 6)	\$1,000	40,000	270
"X" CARD 3	\$1,000	40,000	270
DIAMOND CARD 6	\$1,000	60,000	180
(\$10 w/CASH) + ("X" CARD 1) + ("X" CARD 2) + ("X" CARD 3) + (DIAMOND CARD 4) + (DIAMOND CARD 5) + (FOUR CORNERS CARD 6)	\$2,000	60,000	180
"X" CARD 4	\$2,000	60,000	180
("X" CARD 3) + ("X" CARD 4)	\$3,000	120,000	90
"X" CARD 5	\$3,000	120,000	90
"X" CARD 6	\$30,000	240,000	45

Reveal a "CASH" (CASH) symbol in the "CALLER'S CARD" or "5 BONUS NUMBERS" area, win \$10 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Bingo! '11 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Bingo! '11, prize money from winning Pennsylvania Bingo! '11 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Bingo! '11 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Bingo! '11 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 11-1249. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Pennsylvania Power 7s Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Power 7s.

2. *Price:* The price of a Pennsylvania Power 7s instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Power 7s instant lottery game ticket will contain one play area. The play symbols and their captions printed in black ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14



(FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Black 7 (BLACK7) symbol and POWER (POWER) symbol. The play symbols and their captions printed in red ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Red 7 (RED7) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the play area are: \$5<sup>00</sup> (FIV DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$14<sup>00</sup> (FORTN), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$70<sup>00</sup> (SEVENTY), \$84<sup>00</sup> (ETY FOR), \$100 (ONE HUN), \$700 (SVN HUN), \$7,000 (SVN THO) and \$70,000 (SVY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$7, \$10, \$14, \$20, \$40, \$50, \$70, \$84, \$100, \$700, \$7,000 and \$70,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,440,000 tickets will be printed for the Pennsylvania Power 7s instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a Black 7 (BLACK7) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$70,000 (SVY THO) appears in the "prize" area under that Black 7 (BLACK7) symbol, on a single ticket, shall be entitled to a prize of \$70,000.

(b) Holders of tickets with a Black 7 (BLACK7) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$7,000 (SVN THO) appears in the "prize" area under that Black 7 (BLACK7) symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(c) Holders of tickets with a Black 7 (BLACK7) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$700 (SVN HUN) appears in the "prize" area under that Black 7 (BLACK7) symbol, on a single ticket, shall be entitled to a prize of \$700.

(d) Holders of tickets with a POWER (POWER) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the "prize" areas and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$700.

(e) Holders of tickets with a Black 7 (BLACK7) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Black 7 (BLACK7) symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with a POWER (POWER) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the "prize" areas and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a Black 7 (BLACK7) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$84<sup>00</sup> (ETY FOR) appears in the "prize" area under that Black 7 (BLACK7) symbol, on a single ticket, shall be entitled to a prize of \$84.

(h) Holders of tickets with a POWER (POWER) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in 14 of the "prize" areas and a prize symbol of \$14<sup>00</sup> (FORTN) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$84.

(i) Holders of tickets with a Black 7 (BLACK7) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$70<sup>00</sup> (SEVENTY) appears in the "prize" area under that Black 7 (BLACK7) symbol, on a single ticket, shall be entitled to a prize of \$70.

(j) Holders of tickets with a Red 7 (RED7) symbol, with the symbol and caption printed in red ink, and a prize symbol of \$70<sup>00</sup> (SEVENTY) appears in the "prize" area under that Red 7 (RED7) symbol, on a single ticket, shall be entitled to a prize of \$70.

(k) Holders of tickets with a Black 7 (BLACK7) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$50<sup>00</sup> (FIFY) appears in the "prize" area under that Black 7 (BLACK7) symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets with a Black 7 (BLACK7) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "prize" area under that Black 7 (BLACK7) symbol, on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets with a Black 7 (BLACK7) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "prize" area under that Black 7 (BLACK7) symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets with a Black 7 (BLACK7) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$14<sup>00</sup> (FORTN) appears in the "prize" area under that Black 7 (BLACK7) symbol, on a single ticket, shall be entitled to a prize of \$14.

(o) Holders of tickets with a Black 7 (BLACK7) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "prize" area under that Black 7 (BLACK7) symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets with a Black 7 (BLACK7) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears in the "prize" area under that Black 7 (BLACK7) symbol, on a single ticket, shall be entitled to a prize of \$7.

(q) Holders of tickets with a Black 7 (BLACK7) symbol, with the symbol and caption printed in black ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "prize" area under that Black 7 (BLACK7) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Reveal A "BLACK 7" (BLACK7) Symbol, Win Prize Shown Under That Symbol. Win With Prize(s) Of:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,440,000 Tickets:	
\$5	\$5	12.5	835,200
\$7	\$7	20	522,000
\$5 x 2	\$10	60	174,000
\$10	\$10	60	174,000
\$7 x 2	\$14	60	174,000
\$14	\$14	120	87,000
\$5 x 4	\$20	200	52,200
\$10 x 2	\$20	300	34,800
(\$5 x 2) + \$10	\$20	200	52,200
\$20	\$20	150	69,600
\$5 x 8	\$40	600	17,400
\$10 x 4	\$40	600	17,400
\$20 x 2	\$40	600	17,400
(\$7 x 5) + \$5	\$40	120	87,000
(\$10 x 2) + \$20	\$40	600	17,400
\$40	\$40	600	17,400
\$70 w/RED7	\$70	727.27	14,355
\$7 x 10	\$70	727.27	14,355
\$10 x 7	\$70	1,412	7,395
(\$20 x 3) + \$10	\$70	1,600	6,525
\$10 + \$20 + \$40	\$70	1,600	6,525
\$70	\$70	1,200	8,700
POWER w/[( \$5 x 14) + \$14]	\$84	3,429	3,045
(\$70 w/RED7) + \$14	\$84	2,667	3,915
\$7 x 12	\$84	1,333	7,830
(\$10 x 7) + \$14	\$84	3,429	3,045
\$84	\$84	2,400	4,350
POWER w/[( \$5 x 10) + (\$10 x 5)]	\$100	2,667	3,915
(\$70 w/RED7) + (\$10 x 3)	\$100	3,429	3,045
(\$70 w/RED7) + \$20 + \$10	\$100	3,000	3,480
\$10 x 10	\$100	6,000	1,740
\$20 x 5	\$100	4,800	2,175
(\$7 x 10) + (\$5 x 4) + \$10	\$100	4,800	2,175
\$10 + \$20 + \$70	\$100	6,000	1,740
\$100	\$100	4,800	2,175
POWER w/[( \$20 x 10) + (\$100 x 5)]	\$700	60,000	174
(\$70 w/RED7) x 10	\$700	120,000	87
(\$70 w/RED7) + (\$50 x 11) + (\$20 x 2) + \$40	\$700	40,000	261
\$100 x 7	\$700	60,000	174
\$700	\$700	60,000	174
\$700 x 10	\$7,000	267,692	39
\$7,000	\$7,000	497,143	21
\$70,000	\$70,000	497,143	21

"RED 7" (RED7) symbol = win \$70 instantly.

"POWER" (POWER) symbol = win all 15 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Power 7s instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Power 7s, prize money from winning Pennsylvania Power 7s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Power 7s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Power 7s or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 11-1250. Filed for public inspection July 22, 2011, 9:00 a.m.]

## INSURANCE DEPARTMENT

### First Priority Life Insurance Company—BlueCare PPO Individual Conversion; Rate Filing

By filing No. 1653-FP-CONV-RATE-1/1/2012 First Priority Life Insurance Company (FPLIC) requested approval to change the current deductible options for the BlueCare PPO Individual Conversion Plan. FPLIC currently offers deductible options of \$100, \$500 and \$1,000. The filing proposes deductible options of \$1,200, \$2,500, \$3,500, \$5,000 and \$7,500 along with an increase in the ER copay of \$250. The rating impact of the benefit changes will vary with the deductible option chosen by the member from -43.4% to 20.1%.

The proposed changes would affect approximately 306 members. The requested effective date of the change is January 1, 2012.

Unless formal administrative action is taken prior to October 6, 2011, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To access the filing, under "How to Find . . ." click on "View Current Rate Filings."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Office.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Rashmi Mathur, Insurance Department, Insurance Product Regulation and Administration, 1311 Strawberry Square, Harrisburg, PA 17120, [rmathur@state.pa.us](mailto:rmathur@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1251. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Pennsylvania 2010 Private Passenger Automobile Data Call (Act 6 Data Call)

Each year, the Insurance Department (Department) conducts routine "Data Calls" to companies licensed to write motor vehicle insurance in this Commonwealth. Data Calls are used to monitor the auto insurance marketplace and to collect data for statutory reports. On July 15, 2011, the Department sent notification of Data Calls to be completed by companies who are licensed to write private passenger automobile insurance in this Commonwealth. The 2010 Data Call letter, instructions and data formats are available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov).

Companies with Pennsylvania private passenger automobile direct written premium in 2010 are required to complete Parts 1 and 2. Data for more than one insurance company may not be combined into a single submission. This information is to be submitted to the Department no later than October 15, 2011.

Insurance companies with no Pennsylvania private passenger automobile direct written premium in 2010 are

required to submit only Part 2. This is to be submitted to the Department no later than October 15, 2011.

Consistent with previous Data Calls, the Department will consider the data submitted as proprietary and handle the data accordingly. See the instructions for additional information regarding the completion of the individual parts.

Submissions and inquires should be directed to Bojan Zorkic, Insurance Department, Insurance Product Regulation and Administration, 1311 Strawberry Square, Harrisburg, PA 17120, [bzorkic@state.pa.us](mailto:bzorkic@state.pa.us), (717) 787-6968.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1252. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Aneesah Mahasin-Beyah; file no. 11-188-104006; Geico Indemnity Company; Doc. No. P11-07-002; August 18, 2011, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 11-1253. Filed for public inspection July 22, 2011, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 5

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 5 on September 7, 2011, at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 5. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2010 and 2011; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 5. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 5.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on August 5, 2011, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on August 5, 2011, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on August 10, 2011, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as

an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on August 24, 2011, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on August 31, 2011, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 11 a.m. on August 25, 2011.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

For persons who require this information in an alternate format, call (717) 787-4194 or (800) 654-5984 (Pennsylvania AT&T Relay Service for TDD Users).

TIM MOYER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-1254. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Hearing and Presubmission Schedule; Milk Marketing Area No. 6

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on September 7, 2011, at 11 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 6. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2010 and 2011; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store

handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 6. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 6.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on August 5, 2011, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on August 5, 2011, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@pa.gov](mailto:deberly@pa.gov).

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on August 10, 2011, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on August 24, 2011, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on August 31, 2011, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 1 p.m. on August 25, 2011.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

For persons who require this information in an alternate format, call (717) 787-4194 or (800) 654-5984 (Pennsylvania AT&T Relay Service for TDD Users).

TIM MOYER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-1255. Filed for public inspection July 22, 2011, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 8, 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.

**Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.***

**A-2011-2240903. (Corrected) Osman I. Bahar, t/a Tayba Medical Transportation** (1534-B. Gregg Street, Philadelphia, PA 19115)—in paratransit service, between points in the City and County of Philadelphia.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Michael R. Barnett;  
Doc. No. C-2011-2235754; A-00122677*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Michael R. Barnett, Respondent, maintains his principal place of business at 227 Quaking Aspen Lane, Marietta, PA 17547.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on September 8, 2006 at A-00122677.

3. That on August 29, 2008, Respondent received an initial assessment of \$88.00. On September 9, 2009, Respondent received an initial assessment of \$93.00 and on August 25, 2010, Respondent received an initial

assessment of \$149.00. Respondent failed to pay these assessments; therefore, a balance is due in the amount of \$330.00.

4. That Respondent has an outstanding assessment of \$330.00.

5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That Respondent, by failing to pay the assessments, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless Respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience issued to Respondent, notifies the Pennsylvania Department of Revenue that Respondent's Certificate of Public Convenience has been revoked, notifies Respondent's insurance carrier that Respondent's Certificate of Public Convenience has been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman, Director

#### NOTICE

A. You must file an Answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this complaint and Notice, 52 Pa. Code § 1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. DWM Trucking, LLC;  
Doc. No. C-2011-2235758; A-00122074*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That DWM Trucking, LLC, Respondent, maintains its principal place of business at P. O. Box 366 Thomasville, PA 17364.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on September 14, 2005 at A-00122074.

3. That on January 3, 2008, Respondent received an initial assessment of \$26.00. Respondent failed to pay this assessment; therefore, a balance is due in the amount of \$26.00.

4. That Respondent has an outstanding assessment of \$26.00.

5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That Respondent, by failing to pay the assessments, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless Respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience issued to Respondent, notifies the Pennsylvania Department of Revenue that Respondent's Certificate of Public Convenience has been revoked, notifies Respondent's insurance carrier that Respondent's Certificate of Public Convenience has been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman, Director

NOTICE

A. You must file an Answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Scott A. Williams, LLC;  
Doc. No. C-2011-2235215; A-00124120*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Scott A. Williams, LLC, Respondent, maintains its principal place of business at 880 Appleway Street, St. Thomas, PA 17252.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on October 15, 2007 at A-00124120.

3. That on September 9, 2009, Respondent received an initial assessment of \$369.00 and on August 25, 2010, Respondent received an initial assessment of \$590.00. Respondent failed to pay these assessments; therefore, a balance is due in the amount of \$959.00.

4. That Respondent has an outstanding assessment of \$959.00.

5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That Respondent, by failing to pay the assessments, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

*Wherefore*, unless Respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience issued to Respondent, notifies the Pennsylvania Department of Revenue that Respondent's Certificate of Public Convenience has been revoked, notifies Respondent's insurance carrier that Respondent's Certificate of Public Convenience has been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Michael E. Hoffman, Director  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman, Director

NOTICE

A. You must file an Answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial

Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau  
 of Transportation and Safety v. Kenneth S. Fisher,  
 t/a Kenneth S. Fisher Trucking;  
 Doc. No. C-2011-2235750; A-00122465*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Kenneth S. Fisher, t/a Kenneth S. Fisher Trucking, Respondent, maintains his principal place of business at 100 Barn Lane, Kittanning, PA 16201.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on April 6, 2006 at A-00122465.

3. That on August 25, 2010, Respondent received an initial assessment of \$453.00. Respondent failed to pay this assessment; therefore, a balance is due in the amount of \$453.00.

4. That Respondent has an outstanding assessment of \$453.00.

5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That Respondent, by failing to pay the assessments, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless Respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience issued to Respondent, notifies the Pennsylvania Department of Revenue that Respondent's Certificate of Public Convenience has been revoked, notifies Respondent's insurance carrier that Respondent's Certificate of Public Convenience has been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Michael E. Hoffman, Director  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman, Director

#### NOTICE

A. You must file an Answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:



Bureau of Administrative Services  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at 717-787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. SSL Trucking, Inc.;*  
*Doc. No. C-2011-2236261; A-00118947*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That SSL Trucking, Inc., Respondent, maintains its principal place of business at P. O. Box 176, Glassport, PA 15045.
2. That Respondent was issued a Certificate of Public Convenience by this Commission on June 19, 2002 at A-00118947.
3. That on September 9, 2009, Respondent received an initial assessment of \$5,599.00. Respondent failed to pay this assessment; therefore, a balance is due in the amount of \$5,599.00.
4. That Respondent has an outstanding assessment of \$5,599.00.
5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).
6. That Respondent, by failing to pay the assessments, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless Respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience issued to Respondent, notifies the Pennsylvania Department of Revenue that Respondent's Certificate of Public Convenience has been revoked, notifies Respondent's insurance carrier that Respondent's Certificate of Public Convenience has been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Michael E. Hoffman, Director  
 Bureau of Transportation and Safety  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, Michael E. Hoffman, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Michael E. Hoffman, Director

#### NOTICE

A. You must file an Answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Stephanie Cab Co.;*  
*Doc. No. C-2010-2135174; A-00118480*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings, which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Stephanie Cab Co., Respondent, maintains a principal place of business at 100 Spring Street, Philadelphia, PA 19123.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on January 18, 2002, at A-00118480.

3. That Respondent was advised by letter dated May 10, 2005, that its medallion authority was being transferred to the Philadelphia Parking Authority. At that time, Respondent was advised that its taxicab service which had an origin and destination outside of the City of Philadelphia remained subject to the regulatory oversight of the PA PUC.

4. That Respondent was advised by letter dated September 11, 2009, that it failed to file a valid tariff with this Commission as required by 52 Pa. Code § 23.11. Respondent was provided 60 days to file an acceptable tariff. To date, Respondent has not filed an acceptable tariff. The Bureau of Transportation and Safety's Motor Carrier Services and Enforcement Prosecutory Staff's proposed civil penalty for this violation is \$250.00.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Stephanie Cab Co., the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in the complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA. 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty. Each day you continue to violate any regulation, direction, requirement or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this complaint by filing an acceptable tariff and by paying the fine proposed in this Complaint by certified check or money order. The tariff must be filed with the:

Compliance Office, Bureau of Transportation  
and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

The fine payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of an acceptable tariff and payment of the proposed fine, the complaint proceeding shall be closed.

D. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format to this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 11-1256. Filed for public inspection July 22, 2011, 9:00 a.m.]

## Smart Meter Procurement and Installation

Public Meeting held  
June 30, 2011

*Commissioners Present:* Robert F. Powelson, Chairperson;  
John F. Coleman, Jr., Vice Chairperson; Tyrone J.  
Christy; Wayne E. Gardner; James H. Cawley

*Smart Meter Procurement and Installation;*  
*Doc. No. M-2009-2092655*

### Tentative Order

*By the Commission:*

The Pennsylvania General Assembly (General Assembly) has directed that electric distribution companies (EDCs) with more than 100,000 customers file smart meter technology procurement and installation plans with the Commission for approval. 66 Pa.C.S. § 2807(f). Act 129 of 2008 (Act 129) requires these EDCs to make available to third parties, including electric generation suppliers (EGSs) and providers of conservation and load management services, with customer consent, direct access to the meter and electronic meter data. 66 Pa.C.S. § 2807(f)(3).

On June 18, 2009, this Commission adopted a Smart Meter Procurement and Installation Implementation Order<sup>1</sup> (Implementation Order) to establish the standards each plan must meet and to provide guidance on the procedures to be followed for submittal, review and approval of all aspects of each smart meter plan. This Implementation Order required covered EDCs to work through the Electronic Data Exchange Working Group (EDEWG) to develop electronic data interchange (EDI) transaction standards to fully achieve the capabilities of smart meter technology.<sup>2</sup>

On December 7, 2009, EDEWG submitted a Preliminary Proposal for the Development of Smart Meter Data Exchange Standards (Preliminary Proposal). We have reviewed the Preliminary Proposal and through this Tentative Order propose further direction and clarification about the role of EDEWG and covered EDCs in the development of statewide smart meter data exchange standards and formats.

### Background

The EDCs obligated to deploy smart meter technology under Act 129 include the Duquesne Light Company (Duquesne); Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, West Penn Power Company (collectively FirstEnergy); PECO Energy Company (PECO); and PPL Electric Utilities Corporation (PPL). All of these EDCs have filed a Smart Meter Technology Procurement and Installation Plan (Smart Meter Plan) with the Commission for approval. All of these EDCs, with the exception of West Penn Power Company, have received Commission approval of their respective Smart Metering Plans.

The Implementation Order required covered EDCs to address, among other things, standards and formats for electronic data communications with customers and customer authorized third parties. Specifically, the Commission noted that these EDCs were required to implement an EDI transaction related to customers enrolled in a real time price or time-of-use rate program, as well as a new historical interval usage transaction, in order to provide

customers and their designated agents with 12 months of interval usage data.<sup>3</sup> The Commission directed that the historical usage data transaction must facilitate third-party exchange of historical interval usage data recorded at the meter level.<sup>4</sup> Furthermore, the Commission noted that an EDI transaction must be developed and implemented to exchange monthly, billing quality interval usage data recorded at the meter level versus the account level.<sup>5</sup>

To meet these and other potential data requirements related to smart meter technology capabilities and access requirements, the Commission directed the EDCs to propose EDI capabilities through the EDEWG for Commission review no later than January 1, 2010.<sup>6</sup>

The Preliminary Proposal was developed by an EDEWG sub-team of EDCs consisting of Duquesne, FirstEnergy, PECO and PPL. The initial draft version of the Preliminary Proposal was published on the EDEWG List Serve for review by the entire EDEWG. The Preliminary Proposal was then reviewed and discussed at the December 3, 2009, EDEWG meeting, after which the Preliminary Proposal was submitted to the Commission on December 7, 2009.

### Discussion

The Commission appreciates the time and commitment of resources generously provided by the EDCs and the full membership of the EDEWG for their on-going, dedicated service to the collaborative process for developing standards and formats for electronic communications. The Preliminary Proposal submitted by EDEWG addresses various aspects of meter and data access by customers and their designated third-party representatives. The Proposal recommends data exchange standards for current and new business processes, a timeline for the development of smart meter data exchange standards with a final version to be published on January 31, 2011. To date, the final version of the Smart Meter Data Exchange Standards has not been published as proposed by EDEWG. As this issue continues to be of significant importance to the Commission, we propose and release for comment additional clarification and directives for the development and implementation of standards and formats for smart meters and data access as set forth below.

### Data Exchange Standards for Current Business Processes

The Implementation Order required EDCs to convey the following data electronically to customers and their designated agents: (1) real-time and time-of-use prices; (2) historical interval usage; and (3) bill quality interval usage.<sup>7</sup> The EDEWG Sub-Team in its Preliminary Proposal asserted that the continuation of current EDC business practices is capable of handling these meter data access requirements.<sup>8</sup> We now propose further clarification of these EDI transactions below.

#### 1. Real-Time and Time-of-Use Prices

The Preliminary Proposal explained that EDC enrollments of customers into real-time and time-of-use pricing programs is not an electronic data interchange ("EDI") function, but that use of the existing 814 Enrollment Request transaction is capable of supporting enrollment of customers into similar pricing programs offered by an EGS. For EDCs that provide Rate Ready billing, the EGS would enroll customers utilizing the appropriate Rate-

<sup>1</sup> This Order was entered on June 24, 2009, at Docket No. M-2009-2092655.

<sup>2</sup> See Implementation Order at 24-28.

<sup>3</sup> See Implementation Order at 25.

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> See Implementation Order at 25.

<sup>8</sup> Preliminary Proposal at 3.

Ready rate code. For EDCs that offer Dual Billing and Bill Ready Consolidated Billing, EGS and EDC interactions would function under a scenario where the EGS calculates its own charges and bills the customer directly, or provides a Bill-Ready EDI 810 transaction to the EDC.<sup>9</sup>

The Commission agrees that these current practices of providing Dual Billing and Bill Ready Consolidated Billing should be approved for the enrollment and billing of EGS customers who purchase service under a real-time and time-of-use pricing option for all EDCs. As such, we propose that covered EDCs be required to submit the appropriate EDI change control requests for the appropriate EDI transactions to EDEWG within 30 days of the entry of a Final Order in this proceeding, and effect implementation of these changes on an immediate, high priority basis.

## 2. Historical Interval Usage

The Preliminary Proposal stated that the existing 867 Historical Interval Usage (HIU) transaction meets the requirement of the Implementation Order, to provide customers and their agents with 12 months of interval usage data at the meter level. The Preliminary Proposal, however, noted that this transaction is currently optional except in the case of PPL, which limits the provision of this data at the account level. Due to the estimated, high volume of 15-minute meter reads over a 12-month period, the Preliminary Proposal recommended that EDEWG explore the use of alternative methods for the provision of HIU data at the meter level.<sup>10</sup>

The Commission agrees that the use of the 867 HIU transaction may not be the most economically efficient method for providing historical interval usage data at the meter level. We, therefore, propose that EDEWG explore its options with covered EDCs and to identify an alternate solution that can be implemented by the EDCs within 180 days of the entry of a Final Order in this proceeding.

## 3. Bill Quality Interval Usage

The Implementation Order required the development and implementation of an EDI transaction for the exchange of monthly bill-quality interval usage data that has been recorded at the meter level.<sup>11</sup> The Preliminary Proposal stated that the existing 867 Interval Usage (IU) transaction currently meets this requirement; however, some of the EDCs currently use this transaction to provide interval usage data at the account level. The EDCs agreed to initiate a change to the 867 IU to require meter level data and asked the Commission for sufficient time to modify their systems and to complete the testing process. EDCs requested approval for implementing these at the expiration of their respective smart meter 30-Month grace period.<sup>12</sup>

The Commission agrees with the proposal to the use a modified 867 IU transaction to communicate meter level data. Regarding the schedule for deployment, we propose that EDCs complete system changes and testing of the modified 867 IU no later than 12 months prior to the expiration of the respective 30-Month grace period in their approved smart meter plans. In our view, allowing additional time to complete this task could interfere with the development of advanced metering technologies in the marketplace and will create a disservice to customers who

plan to purchase these technologies in the near future and to those who currently participate in complex pricing programs.

## *Data Exchange Standards for New Business Processes*

The Implementation Order required EDCs and third-parties to participate in EDEWG to develop any new system data capabilities that are recognized as necessary and justifiable by EDCs in their respective smart meter plans. To facilitate the identification of business process alternatives in their smart meter plan filings, EDCs were encouraged to look at smart meter standards-setting activities by national organizations such as the North American Energy Standards Board.<sup>13</sup>

The Preliminary Proposal recommended that an expanded EDEWG Smart Meter Sub-Team (Expanded Sub-Team) be created to address the Implementation Order EDI transaction requirements. The Preliminary Proposal asserted that a symbiotic relationship between EDCs, who would comprise the Sub-Team, and all other interested parties, who would comprise the Expanded Sub-Team, would meet the needs of all stakeholders. The Preliminary Proposal defined "other interested parties" as EGSs, Conservation Service Providers (CSPs) and others. The Preliminary Proposal recommended that the expanded Sub-Team would work in parallel with the EDCs' efforts during their 30-Month grace period. It suggested that while EDCs work through their respective 30-Month grace periods, EDCs would submit proposals to the Expanded Sub-Team for review of proposed changes to their smart meter plans. Concurrently, the Expanded Sub-Team would conduct thorough analyses of proposed new standards and applicable national standards for EDCs to consider.<sup>14</sup>

We agree that EDCs, EGS, CSPs and other interested parties should be engaged in the process of identifying and developing new data exchange standards for access to meters and data by customers and their designated third parties. We have concerns that the EGSs, CSPs and other interested parties would be working in tandem, separate and apart from the EDCs, as it may not provide an acceptable result for all involved.

The Implementation Order clearly expanded the scope of EDEWG's focus to include new technology related to smart meter data access by customers and their designated third parties. EDC smart meter plans and comments of the parties to the Commission's Proposed Implementation Order<sup>15</sup> and to the various pleadings filed in the respective EDC smart meter plan cases, recognized that the identification and development of such standards is appropriately addressed by EDEWG and not by any single EDC or group of EDCs.

Therefore, we propose that the identification and development of new standards and formats to support Act 129 smart meter statutory requirements, along with the ongoing maintenance of existing standards and processes for this purpose, be developed by EDEWG and presented to the Commission for review. We further propose that the development and ongoing maintenance of these standards and processes be done in a manner that includes all EDEWG participants, specifically, all EDCs, licensed EGSs, registered CSPs, and all other interested parties.

<sup>9</sup> See Implementation Order at 25.

<sup>10</sup> Preliminary Proposal at 6 and 7.

<sup>11</sup> These comments were submitted in response to the Commission issued Secretarial Letter dated March 30, 2009, seeking comments on a draft staff proposal and additional questions regarding EDC smart meter procurement and installation.

<sup>9</sup> Preliminary Proposal at 3-6.

<sup>10</sup> Preliminary Proposal at 5.

<sup>11</sup> See Implementation Order at 25.

<sup>12</sup> Preliminary Proposal at 5.

*Timeline for Development of Smart Meter Data Exchange Standards*

The Preliminary Proposal included a timeline for the development of smart meter data exchange standards that comports with the smart meter 30-month grace period established for covered EDCs in the Implementation Order. The Implementation Order required the development of a timeline to address how and when the Commission may expect implementation of EDI transactions.<sup>16</sup>

The Implementation Order also directed that the timeline should identify how and when proposed new EDI and non-EDI standards and formats would be developed and implemented.<sup>17</sup> With this Tentative Order, we clarify our expectations of the EDEWG team that is working on smart meter interaction with customers and their representatives, as follows:

- Required Functionality

EDEWG is to review each EDC's current smart meter plan for provision of the following required functionality:

- a) To provide customers with direct access to hourly usage and price information;
- b) To provide support for automatic control of a customer's electricity consumption by the customer, the utility or a customer's agent (at the discretion of the customer); and
- c) To provide direct meter access and electronic access to customer meter data by third parties with customer consent.

- Standardization Efforts

EDEWG is to perform the following:

- a) Provide detailed descriptions of any proposed statewide standardized transactions or protocols, if any, for each of the EDCs for providing the required functionality;
- b) Provide estimated system and operational costs, both total and annual, for each utility to provide the required functionality;
- c) Review the ability for a statewide solution to provide the required functionality; and
- d) Review costs for a statewide solution to provide the required functionality for all utilities.

We propose that EDEWG submit to the Commission a report outlining its findings and conclusions within 90 days of the entry of a Final Order in this proceeding.

Finally, we propose that EDEWG incorporate this functionality into its current operational documents, i.e. Implementation Guidelines, Testing and Certification Plans, Revised Plan, Annual Plans, Change Control Request forms and other documentation as deemed necessary by EDEWG, to address the evolving technology related to smart meters and their capabilities on an ongoing basis. Specifically, we propose that such functionality shall include the provision for direct customer access to hourly usage and price information; support for automatic control of the customer's electricity consumption by the customer, the EDC or a customer's designated agent; and direct meter access and electronic access to customer meter data to third parties with customer consent.

*Conclusion*

With this Tentative Order, the Commission seeks comments on the proposed electronic data interchange capa-

bilities to be developed and reported by the Electronic Data Exchange Working Group. This Tentative Order and filed comments will be made available to the public on the Commission's Act 129 Information<sup>18</sup> web page. *Therefore,*

*It Is Ordered That:*

1. This Tentative Order shall be published in the *Pennsylvania Bulletin* and served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, all jurisdictional electric distribution companies, all licensed electric generation suppliers, the Electronic Data Exchange Working Group leadership, and all parties who participated in proceedings at Docket Nos. M-2009-2123944, M-2009-2123945, M-2009-2123948, M-2009-2123950 and M-2009-2123951.

2. Interested parties shall have thirty (30) days from the date this Tentative Order is published in the *Pennsylvania Bulletin* to file an original and three (3) copies of written comments to the Pennsylvania Public Utility Commission, Attention: Secretary Rosemary Chiavetta, P. O. Box 3265, Harrisburg, PA 17105-3265.

3. Interested parties shall have fifty (50) days from the date this Tentative Order is published in the *Pennsylvania Bulletin* to file an original and three (3) copies of written reply comments to the Pennsylvania Public Utility Commission, Attention: Secretary Rosemary Chiavetta, P. O. Box 3265, Harrisburg, PA 17105-3265.

4. The comments shall be electronically mailed to Annunciata E. Marino, Analyst, at [annmarino@state.pa.us](mailto:annmarino@state.pa.us), and Kriss Brown, Assistant Counsel, at [kribrown@state.pa.us](mailto:kribrown@state.pa.us).

5. The contact person for technical issues is Annunciata E. Marino, Analyst, Bureau of Fixed Utility Services, (717) 772-2151 or [annmarino@state.pa.us](mailto:annmarino@state.pa.us). The contact person for legal issues is Kriss Brown, Assistant Counsel, Law Bureau, (717) 787-4518 or [kribrown@state.pa.us](mailto:kribrown@state.pa.us).

*By the Commission*

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 11-1257. Filed for public inspection July 22, 2011, 9:00 a.m.]

## Telecommunications

**A-2011-2250700. Verizon North, LLC and Halo Wireless Services, Inc.** Joint petition of Verizon North, LLC and Halo Wireless Services, Inc. for approval of a wireless interconnection agreement and amendment No. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and Halo Wireless Services, Inc., by its counsel, filed on July 1, 2011, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a wireless interconnection agreement and amendment No. 1 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

<sup>16</sup> Implementation Order at 25.  
<sup>17</sup> *Id.*

<sup>18</sup> [http://www.puc.state.pa.us/electric/Act129/Smart\\_Meter\\_Technology.aspx](http://www.puc.state.pa.us/electric/Act129/Smart_Meter_Technology.aspx)

after the date of publication of this notice. Copies of the Verizon North, LLC and Halo Wireless Services, 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. 11-1258. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Telecommunications

**A-2011-2251147. Verizon Pennsylvania Inc. and Halo Wireless Services Inc.** Joint petition of Verizon Pennsylvania, Inc. and Halo Wireless Services, Inc. for approval of an interconnection agreement and amendment No. 1 to the interconnection under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Halo Wireless Services, Inc., by its counsel, filed on July 1, 2011, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement and amendment No. 1 to the interconnection under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Halo Wireless Services, 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. 11-1259. Filed for public inspection July 22, 2011, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

November 16, 2011	Ronald Dipietro (D) (Death Benefit)	1 p.m.
January 18, 2012	Gary Jenkins (Purchase of Service)	1 p.m.
February 1, 2012	Thomas J. Kasper (Purchase of Service)	1 p.m.
February 29, 2012	Esmeralda Matos (Change of Retirement Option)	1 p.m.
March 28, 2012	Carol A. Schmauk (Multiple Service Membership)	1 p.m.
April 11, 2012	Linda C. Brewer (Return to Service)	1 p.m.

Persons with a disability, who wish to attend the previously-listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barb Flurie, Assistant to the Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 11-1260. Filed for public inspection July 22, 2011, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved the following list of projects, during May 1, 2011, through May 31, 2011.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net; or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net; or regular mail inquiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

#### Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period specified previously:

#### Approvals By Rule Issued Under 18 CFR 806.22(f):

1. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 293 Pad F, ABR-201105001, Cummings

Township, Lycoming County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: May 6, 2011.

2. Cabot Oil & Gas Corporation, Pad ID: Augustine P1, ABR-201105002, Springville Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: May 9, 2011.

3. Chesapeake Appalachia, LLC, Pad ID: Ramblinrose, ABR-201105003, Tuscarora Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: May 10, 2011.

4. Chesapeake Appalachia, LLC, Pad ID: Hess, ABR-201105004, Rome Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: May 10, 2011.

5. Chief Oil & Gas, LLC, Pad ID: Jerauld Drilling Pad No. 1, ABR-201105005, Lenox Township, Susquehanna County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: May 13, 2011.

6. Anadarko E&P Company, LP, Pad ID: COP Tract 728 Pad H, ABR-201105006, Watson Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: May 13, 2011.

7. Anadarko E&P Company, LP, Pad ID: COP Tract 728 Pad G, ABR-201105007, Watson Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: May 13, 2011.

8. EQT Production Company, Pad ID: Stoney Brook, ABR-201105008, Jay Township, Elk County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: May 17, 2011.

9. Seneca Resources Corporation, Pad ID: DCNR 100 PAD E, ABR-201105009, McIntyre Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: May 18, 2011.

10. Williams Production Appalachia, LLC, Pad ID: Nayavich Well Pad, ABR-201105010, Sugarloaf Township, Columbia County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: May 18, 2011.

11. Chesapeake Appalachia, LLC, Pad ID: LRJ, ABR-201105011, Rush Township, Susquehanna County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: May 19, 2011.

12. Talisman Energy USA, Inc., Pad ID: 03 081 Bergeys, ABR-201105012, Wells Township, Bradford County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: May 19, 2011.

13. Anadarko E&P Company, LP, Pad ID: Lycoming H&FC Pad E, ABR-201105013, Cogan House Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: May 20, 2011.

14. Anadarko E&P Company, LP, Pad ID: Larrys Creek F&G Pad C, ABR-201105014, Cummings Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: May 20, 2011.

15. Cabot Oil & Gas Corporation, Pad ID: LopatofskyJ P1, ABR-201105015, Springville Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: May 23, 2011.

16. SWEPI LP, Pad ID: Biegalski 592, ABR-201105016, Richmond Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: May 24, 2011.

17. SWEPI LP, Pad ID: Sanchis 1129, ABR-201105017, Farmington Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: May 24, 2011.

18. SWEPI LP, Pad ID: Showalter 822, ABR-201105018, Chatham Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: May 24, 2011.

19. Great Plains Operating, LLC, d/b/a Great Mountain Operating, Pad ID: Sturgis-B, ABR-201105019, Gallagher Township, Clinton County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: May 25, 2011.

20. Williams Production Appalachia, LLC, Pad ID: Sadecki Well Pad, ABR-201105020, Liberty Township, Susquehanna County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: May 26, 2011.

21. XTO Energy Incorporated, Pad ID: Glidewell Unit A, ABR-201105021, Pine Township, Columbia County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: May 26, 2011.

22. Chesapeake Appalachia, LLC, Pad ID: Packard, ABR-201105022, Sheshequin Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: May 26, 2011.

23. Chesapeake Appalachia, LLC, Pad ID: Lomison Inc., ABR-201105023, Burlington Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: May 26, 2011.

24. EQT Production Co., Pad ID: Phoenix P, ABR-201105024, Duncan Township, Tioga County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: May 31, 2011.

25. SM Energy Company, Pad ID: Young Pad No. 4, ABR-201105025, Portage Township, Potter County, PA; Consumptive Use of up to 6.000 mgd; Approval Date: May 31, 2011.

26. Williams Production Appalachia, LLC, Pad ID: Mitchell Well Pad, ABR-201105026, Franklin Township, Susquehanna County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: May 31, 2011.

27. Chesapeake Appalachia, LLC, Pad ID: Karp, ABR-201105027, Lemon Township, Wyoming County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: May 31, 2011.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: July 7, 2011.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 11-1261. Filed for public inspection July 22, 2011, 9:00 a.m.]

### Public Hearing and Meeting

As part of its regular business meeting held on June 23, 2011, in North East, MD, the Susquehanna River Basin Commission (Commission) convened a public hearing, at which it took the following actions: 1) approved settlement involving one water resources project; 2) approved and tabled the applications of certain water resources projects, including six involving diversions of water into the Susquehanna River Basin; 3) rescinded approval for two water resources projects; 4) denied an

administrative appeal by Allegheny Defense Project on three diversions into the Susquehanna River Basin from the Ohio River Basin approved by the Commission at its March 2011 meeting; 5) amended its Regulatory Program Fee Schedule to take effect on July 1, 2011; and 6) amended its comprehensive plan.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net; Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net; or regular mail inquiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391. See also Commission web site at www.srbc.net.

#### *Supplementary Information*

In addition to the public hearing and its related actions on projects identified in the previous summary and the listings as follows, the following items were also presented or acted on at the business meeting: 1) adoption of the proposed Water Resources Program for Fiscal Year (FY) 2012-2013 and an accompanying presentation on the Commission's Chesapeake Bay related activities; 2) a report on hydrologic conditions in the basin; 3) approval of proposed rulemaking to revise the Commission's project review regulations, including the establishment of an August 23, 2011, comment period and the scheduling of public hearings in Harrisburg, PA and Binghamton, NY; 4) a preliminary introduction to dockets; 5) a presentation on a pooled assets concept by PPL, Inc.; 6) a report on acquisition of a new Commission headquarters facility; 7) adoption of an FY-2013 budget commencing July 1, 2012; 8) support of additional FY-2012 funding of United States Geological Survey's National Streamflow Information Program; 9) election of the member representing the Commonwealth as the new Chair and the member representing the State of Maryland as the new Vice Chair of the Commission to serve in the next FY; and 10) ratification/approval of grants/contracts. The Commission heard counsel's report on legal matters affecting the Commission. The Commission also convened a public hearing and took the following actions:

#### *Public Hearing—Compliance Matter*

The Commission approved a settlement in lieu of civil penalties for the following project:

1. Nature's Way Purewater Systems, Inc.; Pittston Facility; Pittston Township, Luzerne County, PA—\$15,000.

#### *Public Hearing—Rescissions of Project Approvals*

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 Approved*

1. Project Sponsor and Facility: Anadarko E&P Company, LP (Pine Creek—Jersey Mills), McHenry Township, Lycoming County, PA. Surface water withdrawal of up to 1.500 mgd.

2. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Monroe Manor Water System, Monroe Township, Snyder County, PA. Groundwater withdrawal of up to 0.302 mgd from Well 7.

3. Project Sponsor and Facility: Carrizo Marcellus, LLC (Meshoppen Creek), Washington Township, Wyoming County, PA. Surface water withdrawal of up to 2.160 mgd.

4. Project Sponsor and Facility: Carrizo Marcellus, LLC (Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, PA. Surface water withdrawal of up to 0.432 mgd.

5. Project Sponsor and Facility: Carrizo Marcellus, LLC (Unnamed Tributary of Middle Branch Wyalusing Creek), Forest Lake Township, Susquehanna County, PA. Surface water withdrawal of up to 0.720 mgd.

6. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wappasening Creek), Windham Township, Bradford County, PA. Surface water withdrawal of up to 0.900 mgd.

7. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wyalusing Creek), Rush Township, Susquehanna County, PA. Surface water withdrawal of up to 0.715 mgd, subject to rescission of Docket Nos. 20081227 and 20090610.

8. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Wysox Creek), Rome Township, Bradford County, PA. Surface water withdrawal of up to 0.504 mgd.

9. 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).

10. Project Sponsor: Exelon Generation Company, LLC. Project Facility: Three Mile Island Generating Station, Londonderry Township, Dauphin County, PA. Surface water withdrawal of up to 122.800 mgd and consumptive water use of up to 19.200 mgd.

11. Project Sponsor and Facility: Fox Road Waterworks, LLC (South Branch Tunkhannock Creek), Tunkhannock Township, Wyoming County, PA. Surface water withdrawal of up to 0.157 mgd.

12. Project Sponsor and Facility: Hydro Recovery, LP, Blossburg Borough, Tioga County, PA. Groundwater withdrawal of up to 0.216 mgd from Well HR-1 and consumptive water use of up to 0.316 mgd from Well HR-1 and public water supply.

13. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Driftwood Branch Sinnemahoning Creek), Emporium Borough, Cameron County, PA. Surface water withdrawal of up to 0.999 mgd.

14. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Surface water withdrawal of up to 1.292 mgd.

15. 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).

16. Project Sponsor and Facility: Mount Joy Borough Authority, Mount Joy Borough, Lancaster County, PA. Groundwater withdrawals of up to 1.227 mgd from Well 1 and 1.165 mgd from Well 2.

17. Project Sponsor and Facility: Nature's Way Purewater Systems, Inc., Dupont Borough, Luzerne County, PA. Groundwater withdrawal of up to 0.057 mgd from Covington Springs Borehole 1 (BH-1) and consumptive water use of up to 0.257 mgd from BH-1 and public water supply.



18. Project Sponsor: New Morgan Landfill Company, Inc. Project Facility: Conestoga Landfill, New Morgan Borough, Berks County, PA. Groundwater withdrawal of up to 0.008 mgd from Well SW-3.

19. Project Sponsor and Facility: Seneca Resources Corporation (Genesee Forks), Pike Township, Potter County, PA. Surface water withdrawal of up to 0.500 mgd.

20. Project Sponsor and Facility: Talisman Energy USA, Inc. (Wappasening Creek), Windham Township, Bradford County, PA. Surface water withdrawal of up to 1.000 mgd.

21. Project Sponsor and Facility: Tennessee Gas Pipeline Company (Meshoppen Creek—Loop 319), Springville Township, Susquehanna County, PA. Surface water withdrawal of up to 1.090 mgd.

22. Project Sponsor and Facility: Tennessee Gas Pipeline Company (Susquehanna River—Loop 317), Asylum Township, Bradford County, PA. Surface water withdrawal of up to 4.032 mgd.

23. Project Sponsor and Facility: Tennessee Gas Pipeline Company (Tioga River—Loop 315), Richmond Township, Tioga County, PA. Surface water withdrawal of up to 3.140 mgd.

24. Project Sponsor and Facility: Tennessee Gas Pipeline Company (Unnamed Tributary of North Elk Run), Richmond Township, Tioga County, PA. Surface water withdrawal of up to 0.144 mgd.

25. Project Sponsor and Facility: Tennessee Gas Pipeline Company (Towanda Creek—Loop 317), Monroe Township, Bradford County, PA. Surface water withdrawal of up to 4.032 mgd.

26. Project Sponsor and Facility: Tennessee Gas Pipeline Company (White Creek—Loop 319), Springville Township, Susquehanna County, PA. Surface water withdrawal of up to 0.384 mgd.

27. Project Sponsor and Facility: Williamsport Municipal Water Authority, Williamsport City, Lycoming County, PA. Groundwater withdrawals of up to 1.300 mgd from Well 10 and 0.700 mgd from Well 11.

*Public Hearing—Projects Approved Involving A Diversion*

1. Project Sponsor: Chief Oil & Gas, LLC. Project Facility: Borough of Ebensburg, Cambria Township, Cambria County, PA. 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. 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. 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. Into-basin diversion of up to 0.099 mgd from the Delaware River Basin.

5. Project Sponsor: Penn Virginia Oil & Gas Corporation. Project Facility: Port Allegany Borough, McKean County, PA. Into-basin diversion of up to 0.100 mgd from the Ohio River Basin.

6. Project Sponsor: Triana Energy, LLC. Project Facility: Johnson Quarry, Roulette Township, Potter County, PA. Into-basin diversion of up to 0.500 mgd from the Ohio River Basin.

*Public Hearing—Projects Tabled*

1. 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.

2. 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.

3. 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.

*Public Hearing—Projects Withdrawn*

1. 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.

2. 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.

*Public Hearing—Administrative Appeal*

The Commission denied an administrative appeal by the Allegheny Defense Project of the March 10, 2011, Commission action approving the following projects:

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.

*Public Hearing—Amendments to Regulatory Program Fee Schedule*

The Commission approved amendments to its Regulatory Program Fee Schedule intended to help defray the cost of its Regulatory Program for water resource projects as well as to establish a special rate for multiple transfer of approvals in a single transaction and to make clarifications regarding the application of compliance monitoring fees to administratively approved projects, refunds on withdrawn or terminated applications, and the interest rate on installment payments. The amended fee schedule,

which can be accessed at the Commission's web site [www.srbc.net](http://www.srbc.net), became effective on July 1, 2011.

*Public Hearing—Comprehensive Plan Amendments*

The Commission amended its comprehensive plan to include the newly adopted Water Resources Program (FY 2012-2013), the Migratory Fish Management and Restoration Plan for the Susquehanna River Basin, and all projects approved by the Commission since the last revision of the Comprehensive Plan.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: July 6, 2011.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 11-1262. Filed for public inspection July 22, 2011, 9:00 a.m.]

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